

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2193

03/07/2019 Authored by Hausman, Poppe, Marquart, Pelowski and Schomacker The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health occupations; establishing licensure requirements for
1.3 speech-language pathology assistants; establishing licensure fees; amending
1.4 Minnesota Statutes 2018, sections 148.512, subdivision 17a; 148.513, subdivisions
1.5 1, 2, by adding a subdivision; 148.515, subdivision 1; 148.516; 148.519, subdivision
1.6 1, by adding a subdivision; 148.5192, subdivision 1; 148.5193, subdivision 1, by
1.7 adding a subdivision; 148.5194, subdivision 8, by adding a subdivision; 148.5195,
1.8 subdivision 3; 148.5196, subdivisions 1, 3; proposing coding for new law in
1.9 Minnesota Statutes, chapter 148.

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 Section 1. Minnesota Statutes 2018, section 148.512, subdivision 17a, is amended to read:

1.12 Subd. 17a. **Speech-language pathology assistant.** "Speech-language pathology assistant"
1.13 means a person who ~~provides speech-language pathology services under the supervision of~~
1.14 ~~a licensed speech-language pathologist in accordance with section 148.5192~~ practices
1.15 speech-language pathology assisting, meets the requirements under section 148.5185 or
1.16 148.5186, and is licensed by the commissioner.

1.17 **EFFECTIVE DATE.** This section is effective January 1, 2020.

1.18 Sec. 2. Minnesota Statutes 2018, section 148.513, subdivision 1, is amended to read:

1.19 Subdivision 1. **Unlicensed practice prohibited.** A person must not engage in the practice
1.20 of speech-language pathology ~~or~~ audiology, or speech-language pathology assisting unless
1.21 the person is licensed as a speech-language pathologist ~~or~~ an audiologist, or a
1.22 speech-language pathology assistant under sections 148.511 to 148.5198 ~~or is practicing as~~
1.23 ~~a speech-language pathology assistant in accordance with section 148.5192.~~ For purposes

2.1 ~~of this subdivision, a speech-language pathology assistant's duties are limited to the duties~~
 2.2 ~~described in accordance with section 148.5192, subdivision 2.~~

2.3 **EFFECTIVE DATE.** This section is effective January 1, 2020.

2.4 Sec. 3. Minnesota Statutes 2018, section 148.513, subdivision 2, is amended to read:

2.5 Subd. 2. **Protected titles and restrictions on use; speech-language pathologists and**
 2.6 **audiologists.** ~~(a) Notwithstanding paragraph (b)~~ Except as provided in subdivision 2b, the
 2.7 use of the following terms or initials which represent the following terms, alone or in
 2.8 combination with any word or words, by any person to form an occupational title is prohibited
 2.9 unless that person is licensed as a speech-language pathologist or audiologist under sections
 2.10 148.511 to 148.5198:

2.11 (1) speech-language;

2.12 (2) speech-language pathologist, S, SP, or SLP;

2.13 (3) speech pathologist;

2.14 (4) language pathologist;

2.15 (5) audiologist, A, or AUD;

2.16 (6) speech therapist;

2.17 (7) speech clinician;

2.18 (8) speech correctionist;

2.19 (9) language therapist;

2.20 (10) voice therapist;

2.21 (11) voice pathologist;

2.22 (12) logopedist;

2.23 (13) communicologist;

2.24 (14) aphasiologist;

2.25 (15) phoniatriest;

2.26 (16) audiometrist;

2.27 (17) audioprosthologist;

2.28 (18) hearing therapist;

3.1 (19) hearing clinician; or

3.2 (20) hearing aid audiologist.

3.3 Use of the term "Minnesota licensed" in conjunction with the titles protected under this
 3.4 ~~paragraph~~ subdivision by any person is prohibited unless that person is licensed as a
 3.5 speech-language pathologist or audiologist under sections 148.511 to 148.5198.

3.6 ~~(b) A speech-language pathology assistant practicing under section 148.5192 must not~~
 3.7 ~~represent, indicate, or imply to the public that the assistant is a licensed speech-language~~
 3.8 ~~pathologist and shall only utilize one of the following titles: "speech-language pathology~~
 3.9 ~~assistant," "SLP assistant," or "SLP asst."~~

3.10 **EFFECTIVE DATE.** This section is effective January 1, 2020.

3.11 Sec. 4. Minnesota Statutes 2018, section 148.513, is amended by adding a subdivision to
 3.12 read:

3.13 Subd. 2b. **Protected titles and restrictions on use; speech-language pathology**
 3.14 **assistants.** (a) Use of the following titles is prohibited, unless that person is licensed under
 3.15 section 148.5185 or 148.5186: "speech-language pathology assistant," "SLP assistant," or
 3.16 "SLP asst."

3.17 (b) A speech-language pathology assistant licensed under section 148.5185 or 148.5186
 3.18 must not represent, indicate, or imply to the public that the assistant is a licensed
 3.19 speech-language pathologist and shall only utilize one of the following titles:
 3.20 "speech-language pathology assistant," "SLP assistant," or "SLP asst." A speech-language
 3.21 pathology assistant licensed under section 148.5185 or 148.5186 may use the term "licensed"
 3.22 or "Minnesota licensed" in connection with a title listed in this paragraph. Use of the term
 3.23 "Minnesota licensed" in conjunction with any of the titles protected under paragraph (a) by
 3.24 any person is prohibited unless that person is licensed under section 148.5185 or 148.5186.

3.25 **EFFECTIVE DATE.** This section is effective January 1, 2020.

3.26 Sec. 5. Minnesota Statutes 2018, section 148.515, subdivision 1, is amended to read:

3.27 Subdivision 1. **Applicability.** Except as provided in section 148.516 or 148.517, an
 3.28 applicant for licensure as a speech-language pathologist or audiologist must meet the
 3.29 requirements in this section.

3.30 **EFFECTIVE DATE.** This section is effective January 1, 2020.

4.1 Sec. 6. Minnesota Statutes 2018, section 148.516, is amended to read:

4.2 **148.516 LICENSURE BY EQUIVALENCY.**

4.3 An applicant who applies for licensure by equivalency as a speech-language pathologist
 4.4 or audiologist must show evidence of possessing a current certificate of clinical competence
 4.5 issued by the American Speech-Language-Hearing Association or board certification by
 4.6 the American Board of Audiology and must meet the requirements of section 148.514.

4.7 **EFFECTIVE DATE.** This section is effective January 1, 2020.

4.8 Sec. 7. **[148.5185] RESTRICTED LICENSURE; SPEECH-LANGUAGE**
 4.9 **PATHOLOGY ASSISTANTS.**

4.10 **Subdivision 1. Qualifications for a restricted license.** To be eligible for restricted
 4.11 licensure as a speech-language pathology assistant, an applicant must satisfy the requirements
 4.12 in subdivision 2, 3, or 4.

4.13 **Subd. 2. Person practicing as a speech-language pathology assistant before January**
 4.14 **1, 2020.** (a) A person who is practicing as a speech-language pathology assistant before
 4.15 January 1, 2020, and who does not meet the qualifications for a license under section
 4.16 148.5186 may apply for a restricted speech-language pathology assistant license from the
 4.17 commissioner. An applicant under this paragraph must submit to the commissioner:

4.18 (1) proof of current employment as a speech-language pathology assistant; and

4.19 (2) a signed affidavit affirming supervision, from the licensed speech-language pathologist
 4.20 currently supervising the applicant.

4.21 (b) In order to be licensed as a speech-language pathology assistant under section
 4.22 148.5186, a licensee with a restricted license under this subdivision must obtain an associate
 4.23 degree from a speech-language pathology assistant program that is accredited by the Higher
 4.24 Learning Commission of the North Central Association of Colleges or its equivalent, as
 4.25 approved by the commissioner, and that includes:

4.26 (1) coursework on an introduction to communication disorders, phonetics, language
 4.27 development, articulation disorders, language disorders, anatomy of speech/language hearing,
 4.28 stuttering, adult communication disorders, and clinical documentations and materials
 4.29 management; and

4.30 (2) at least 100 hours of supervised field work experience in speech-language pathology
 4.31 assisting.

5.1 A licensee under this subdivision must obtain an associate degree that meets the requirements
5.2 of this paragraph no later than December 31, 2024. A licensee who fails to obtain an associate
5.3 degree prior to January 1, 2025, is not eligible to apply for licensure under section 148.5186.
5.4 Upon completion of the requirements in this paragraph prior to January 1, 2025, a licensee
5.5 with a restricted license under this subdivision is eligible to apply for licensure under section
5.6 148.5186.

5.7 (c) A restricted license issued under this subdivision may be renewed until January 1,
5.8 2025.

5.9 **Subd. 3. Person with a bachelor's degree in communication sciences or disorders**
5.10 **and practicing as a speech-language pathology assistant before January 1, 2020. (a) A**
5.11 **person with a bachelor's degree in the discipline of communication sciences or disorders**
5.12 **and who is practicing as a speech-language pathology assistant before January 1, 2020, but**
5.13 **who does not meet the qualifications for a license under section 148.5186, may apply for a**
5.14 **restricted speech-language pathology assistant license from the commissioner. An applicant**
5.15 **under this paragraph must submit to the commissioner:**

5.16 (1) a transcript from an educational institution documenting satisfactory completion of
5.17 a bachelor's degree in the discipline of communication sciences or disorders;

5.18 (2) proof of current employment as a speech-language pathology assistant; and

5.19 (3) a signed affidavit affirming supervision from the licensed speech-language pathologist
5.20 currently supervising the applicant.

5.21 (b) In order to be licensed as a speech-language pathology assistant under section
5.22 148.5186, a licensee with a restricted license under this subdivision must complete the
5.23 following coursework and supervised field work experience within two years after the date
5.24 on which the licensee obtains a restricted license under paragraph (a):

5.25 (1) coursework from a speech-language pathology assistant program in articulation
5.26 disorders, language disorders, adult communication disorders, and stuttering; and

5.27 (2) at least 100 hours of supervised field work experience in speech-language pathology
5.28 assisting.

5.29 A licensee under this subdivision who fails to complete the required coursework and
5.30 supervised field work experience within two years after obtaining a restricted license under
5.31 this subdivision is not eligible to apply for licensure under section 148.5186. Upon
5.32 completion of the requirements in this paragraph within two years after obtaining a restricted

6.1 license under this subdivision, a licensee is eligible to apply for licensure under section
6.2 148.5186.

6.3 (c) A restricted license issued under this subdivision may be renewed until January 1,
6.4 2023.

6.5 **Subd. 4. Person with an associate degree from a program that does not meet**
6.6 **requirements in section 148.5186.** (a) A person with an associate degree from a
6.7 speech-language pathology assistant program that does not meet the requirements in section
6.8 148.5186, subdivision 1, clause (1), may apply for a restricted speech-language pathology
6.9 assistant license from the commissioner. An applicant under this paragraph must submit to
6.10 the commissioner a transcript from an educational institution documenting satisfactory
6.11 completion of an associate degree from a speech-language pathology assistant program. If
6.12 the commissioner determines that the applicant's speech-language pathology assistant
6.13 program does not include coursework or supervised field work experience that is equivalent
6.14 to a program under section 148.5186, subdivision 1, clause (1), the commissioner may issue
6.15 a restricted license to the applicant.

6.16 (b) In order to be licensed as a speech-language pathology assistant under section
6.17 148.5186, a licensee with a restricted license under this subdivision must complete any
6.18 missing coursework or supervised field work experience, as determined by the commissioner,
6.19 in a speech-language pathology assisting program by December 31, 2024. A licensee who
6.20 fails to complete the required course work or supervised field work experience prior to
6.21 January 1, 2025, is not eligible for licensure under section 148.5186. Upon completion of
6.22 the requirements in this paragraph prior to January 1, 2025, a licensee with a restricted
6.23 license under this subdivision is eligible to apply for licensure under section 148.5186.

6.24 (c) A restricted license issued under this subdivision may be renewed until January 1,
6.25 2025.

6.26 **Subd. 5. Change of employer.** If a licensee with a restricted license under subdivision
6.27 2 or 3 changes employers, the licensee must submit to the commissioner updated proof of
6.28 current employment as a speech-language pathology assistant in order to maintain the
6.29 restricted license.

6.30 **Subd. 6. Continuing education.** In order to renew a restricted license, a licensee must
6.31 comply with the continuing education requirements in section 148.5193, subdivision 1a.

6.32 **Subd. 7. Scope of practice.** Scope of practice for a speech-language pathology assistant
6.33 licensed under this section is governed by section 148.5192, subdivision 2.

7.1 **EFFECTIVE DATE.** This section is effective January 1, 2020.

7.2 Sec. 8. **[148.5186] LICENSURE; SPEECH-LANGUAGE PATHOLOGY**
7.3 **ASSISTANTS.**

7.4 Subdivision 1. **Requirements for licensure.** To be eligible for licensure as a
7.5 speech-language pathology assistant, an applicant must submit to the commissioner a
7.6 transcript from an educational institution documenting satisfactory completion of either:

7.7 (1) an associate degree from a speech-language pathology assistant program that is
7.8 accredited by the Higher Learning Commission of the North Central Association of Colleges
7.9 or its equivalent as approved by the commissioner, which includes at least 100 hours of
7.10 supervised field work experience in speech-language pathology assisting; or

7.11 (2) a bachelor's degree in the discipline of communication sciences or disorders and a
7.12 speech-language pathology assistant certificate program that includes:

7.13 (i) coursework in an introduction to speech-language pathology assisting, stuttering,
7.14 articulation disorders, and language disorders; and

7.15 (ii) at least 100 hours of supervised field work experience in speech-language pathology
7.16 assisting.

7.17 Subd. 2. **Licensure by equivalency.** An applicant who applies for licensure by
7.18 equivalency as a speech-language pathology assistant must provide evidence to the
7.19 commissioner of satisfying the requirements in subdivision 1.

7.20 Subd. 3. **Scope of practice.** Scope of practice for a speech-language pathology assistant
7.21 licensed under this section is governed by section 148.5192, subdivision 2.

7.22 **EFFECTIVE DATE.** This section is effective January 1, 2020.

7.23 Sec. 9. Minnesota Statutes 2018, section 148.519, subdivision 1, is amended to read:

7.24 Subdivision 1. **Applications for licensure; speech-language pathologists and**
7.25 **audiologists.** (a) An applicant for licensure as a speech-language pathologist or audiologist
7.26 must:

7.27 (1) submit a completed application for licensure on forms provided by the commissioner.
7.28 The application must include the applicant's name, certification number under chapter 153A,
7.29 if applicable, business address and telephone number, or home address and telephone number
7.30 if the applicant practices speech-language pathology or audiology out of the home, and a
7.31 description of the applicant's education, training, and experience, including previous work

8.1 history for the five years immediately preceding the date of application. The commissioner
 8.2 may ask the applicant to provide additional information necessary to clarify information
 8.3 submitted in the application; and

8.4 (2) submit documentation of the certificate of clinical competence issued by the American
 8.5 Speech-Language-Hearing Association, board certification by the American Board of
 8.6 Audiology, or satisfy the following requirements:

8.7 (i) submit a transcript showing the completion of a master's or doctoral degree or its
 8.8 equivalent meeting the requirements of section 148.515, subdivision 2;

8.9 (ii) submit documentation of the required hours of supervised clinical training;

8.10 (iii) submit documentation of the postgraduate clinical or doctoral clinical experience
 8.11 meeting the requirements of section 148.515, subdivision 4; and

8.12 (iv) submit documentation of receiving a qualifying score on an examination meeting
 8.13 the requirements of section 148.515, subdivision 6.

8.14 (b) In addition, an applicant must:

8.15 (1) sign a statement that the information in the application is true and correct to the best
 8.16 of the applicant's knowledge and belief;

8.17 (2) submit with the application all fees required by section 148.5194;

8.18 (3) sign a waiver authorizing the commissioner to obtain access to the applicant's records
 8.19 in this or any other state in which the applicant has engaged in the practice of speech-language
 8.20 pathology or audiology; and

8.21 (4) consent to a fingerprint-based criminal history background check as required under
 8.22 section 144.0572, pay all required fees, and cooperate with all requests for information. An
 8.23 applicant must complete a new criminal history background check if more than one year
 8.24 has elapsed since the applicant last applied for a license.

8.25 **EFFECTIVE DATE.** This section is effective January 1, 2020.

8.26 Sec. 10. Minnesota Statutes 2018, section 148.519, is amended by adding a subdivision
 8.27 to read:

8.28 **Subd. 1a. Applications for licensure; speech-language pathology assistants. An**
 8.29 **applicant for licensure as a speech-language pathology assistant must submit to the**
 8.30 **commissioner:**

9.1 (1) a completed application on forms provided by the commissioner. The application
 9.2 must include the applicant's name, business address and telephone number, home address
 9.3 and telephone number, and a description of the applicant's education, training, and experience,
 9.4 including previous work history for the five years immediately preceding the application
 9.5 date. The commissioner may ask the applicant to provide additional information needed to
 9.6 clarify information submitted in the application;

9.7 (2) documentation that the applicant satisfied one of the qualifications listed in section
 9.8 148.5185 or 148.5186;

9.9 (3) a signed statement that the information in the application is true and correct to the
 9.10 best of the applicant's knowledge and belief;

9.11 (4) all fees required under section 148.5194; and

9.12 (5) a signed waiver authorizing the commissioner to obtain access to the applicant's
 9.13 records in this or any other state in which the applicant has worked as a speech-language
 9.14 pathology assistant.

9.15 **EFFECTIVE DATE.** This section is effective January 1, 2020.

9.16 Sec. 11. Minnesota Statutes 2018, section 148.5192, subdivision 1, is amended to read:

9.17 Subdivision 1. **Delegation requirements.** A licensed speech-language pathologist may
 9.18 delegate duties to a speech-language pathology assistant in accordance with this section.
 9.19 Duties may only be delegated to an individual who ~~has documented with a transcript from~~
 9.20 ~~an educational institution satisfactory completion of either:~~

9.21 ~~(1) an associate degree from a speech-language pathology assistant program that is~~
 9.22 ~~accredited by the Higher Learning Commission of the North Central Association of Colleges~~
 9.23 ~~or its equivalent as approved by the commissioner; or~~

9.24 ~~(2) a bachelor's degree in the discipline of communication sciences or disorders with~~
 9.25 ~~additional transcript credit in the area of instruction in assistant-level service delivery~~
 9.26 ~~practices and completion of at least 100 hours of supervised field work experience as a~~
 9.27 ~~speech-language pathology assistant student~~ is licensed under section 148.5185 or 148.5186.

9.28 **EFFECTIVE DATE.** This section is effective January 1, 2020.

9.29 Sec. 12. Minnesota Statutes 2018, section 148.5193, subdivision 1, is amended to read:

9.30 Subdivision 1. **Number of contact hours required.** (a) An applicant for licensure
 9.31 renewal as a speech-language pathologist or audiologist must meet the requirements for

10.1 continuing education stipulated by the American Speech-Language-Hearing Association
10.2 or the American Board of Audiology, or satisfy the requirements described in paragraphs
10.3 (b) to (e).

10.4 (b) Within one month following expiration of a license, an applicant for licensure renewal
10.5 as either a speech-language pathologist or an audiologist must provide evidence to the
10.6 commissioner of a minimum of 30 contact hours of continuing education obtained within
10.7 the two years immediately preceding licensure expiration. A minimum of 20 contact hours
10.8 of continuing education must be directly related to the licensee's area of licensure. Ten
10.9 contact hours of continuing education may be in areas generally related to the licensee's
10.10 area of licensure. Licensees who are issued licenses for a period of less than two years shall
10.11 prorate the number of contact hours required for licensure renewal based on the number of
10.12 months licensed during the biennial licensure period. Licensees shall receive contact hours
10.13 for continuing education activities only for the biennial licensure period in which the
10.14 continuing education activity was performed.

10.15 (c) An applicant for licensure renewal as both a speech-language pathologist and an
10.16 audiologist must attest to and document completion of a minimum of 36 contact hours of
10.17 continuing education offered by a continuing education sponsor within the two years
10.18 immediately preceding licensure renewal. A minimum of 15 contact hours must be received
10.19 in the area of speech-language pathology and a minimum of 15 contact hours must be
10.20 received in the area of audiology. Six contact hours of continuing education may be in areas
10.21 generally related to the licensee's areas of licensure. Licensees who are issued licenses for
10.22 a period of less than two years shall prorate the number of contact hours required for licensure
10.23 renewal based on the number of months licensed during the biennial licensure period.
10.24 Licensees shall receive contact hours for continuing education activities only for the biennial
10.25 licensure period in which the continuing education activity was performed.

10.26 (d) If the licensee is licensed by the Professional Educator Licensing and Standards
10.27 Board:

10.28 (1) activities that are approved in the categories of Minnesota Rules, part 8710.7200,
10.29 subpart 3, items A and B, and that relate to speech-language pathology, shall be considered:

10.30 (i) offered by a sponsor of continuing education; and

10.31 (ii) directly related to speech-language pathology;

10.32 (2) activities that are approved in the categories of Minnesota Rules, part 8710.7200,
10.33 subpart 3, shall be considered:

- 11.1 (i) offered by a sponsor of continuing education; and
- 11.2 (ii) generally related to speech-language pathology; and
- 11.3 (3) one clock hour as defined in Minnesota Rules, part 8710.7200, subpart 1, is equivalent
- 11.4 to 1.0 contact hours of continuing education.

- 11.5 (e) Contact hours may not be accumulated in advance and transferred to a future
- 11.6 continuing education period.

11.7 **EFFECTIVE DATE.** This section is effective January 1, 2020.

- 11.8 Sec. 13. Minnesota Statutes 2018, section 148.5193, is amended by adding a subdivision
- 11.9 to read:

11.10 **Subd. 1a. Continuing education; speech-language pathology assistants.** An applicant

11.11 for licensure renewal as a speech-language pathology assistant must meet the requirements

11.12 for continuing education established by the American Speech-Language-Hearing Association.

11.13 A licensee shall receive contact hours for continuing education activities only for the biennial

11.14 licensure period in which the continuing education activity was completed. Continuing

11.15 education contact hours obtained in one continuing education period shall not be transferred

11.16 to a future continuing education period.

11.17 **EFFECTIVE DATE.** This section is effective January 1, 2020.

- 11.18 Sec. 14. Minnesota Statutes 2018, section 148.5194, is amended by adding a subdivision
- 11.19 to read:

11.20 **Subd. 3b. Speech-language pathology assistant initial licensure and renewal fees.** The

11.21 fee for initial speech-language pathology assistant licensure under section 148.5185 or

11.22 148.5186 is \$130. The fee for licensure renewal is \$120.

11.23 **EFFECTIVE DATE.** This section is effective January 1, 2020.

- 11.24 Sec. 15. Minnesota Statutes 2018, section 148.5194, subdivision 8, is amended to read:

11.25 **Subd. 8. Penalty fees.** (a) The penalty fee for practicing speech-language pathology or

11.26 audiology or using protected titles without a current license after the credential has expired

11.27 and before it is renewed is the amount of the license renewal fee for any part of the first

11.28 month, plus the license renewal fee for any part of any subsequent month up to 36 months.

11.29 The penalty fee for a speech-language pathology assistant who practices speech-language

11.30 pathology assisting or uses protected titles without a current license after a license has

11.31 expired and before it is renewed is the amount of the license renewal fee for any part of the

12.1 first month, plus the license renewal fee for any part of any subsequent month up to 36
12.2 months.

12.3 (b) The penalty fee for applicants who engage in the unauthorized practice of
12.4 speech-language pathology or audiology or using protected titles before being issued a
12.5 license is the amount of the license application fee for any part of the first month, plus the
12.6 license application fee for any part of any subsequent month up to 36 months. The penalty
12.7 fee for a speech-language pathology assistant who engages in the unauthorized practice of
12.8 speech-language pathology assisting or uses protected titles without being issued a license
12.9 is the amount of the license application fee for any part of the first month, plus the license
12.10 application fee for any part of any subsequent month up to 36 months. This paragraph does
12.11 not apply to applicants not qualifying for a license who engage in the unauthorized practice
12.12 of speech language pathology or audiology.

12.13 (c) The penalty fee for practicing speech-language pathology or audiology and failing
12.14 to submit a continuing education report by the due date with the correct number or type of
12.15 hours in the correct time period is \$100 plus \$20 for each missing clock hour. The penalty
12.16 fee for a licensed speech-language pathology assistant who fails to submit a continuing
12.17 education report by the due date with the correct number or type of hours in the correct time
12.18 period is \$100 plus \$20 for each missing clock hour. "Missing" means not obtained between
12.19 the effective and expiration dates of the certificate, the one-month period following the
12.20 certificate expiration date, or the 30 days following notice of a penalty fee for failing to
12.21 report all continuing education hours. The licensee must obtain the missing number of
12.22 continuing education hours by the next reporting due date.

12.23 (d) Civil penalties and discipline incurred by licensees prior to August 1, 2005, for
12.24 conduct described in paragraph (a), (b), or (c) shall be recorded as nondisciplinary penalty
12.25 fees. For conduct described in paragraph (a) or (b) occurring after August 1, 2005, and
12.26 exceeding six months, payment of a penalty fee does not preclude any disciplinary action
12.27 reasonably justified by the individual case.

12.28 **EFFECTIVE DATE.** This section is effective January 1, 2020.

12.29 Sec. 16. Minnesota Statutes 2018, section 148.5195, subdivision 3, is amended to read:

12.30 Subd. 3. **Grounds for disciplinary action by commissioner.** The commissioner may
12.31 take any of the disciplinary actions listed in subdivision 4 on proof that the individual has:

12.32 (1) intentionally submitted false or misleading information to the commissioner or the
12.33 advisory council;

- 13.1 (2) failed, within 30 days, to provide information in response to a written request by the
13.2 commissioner or advisory council;
- 13.3 (3) performed services of a speech-language pathologist ~~or~~ audiologist, or
13.4 speech-language pathology assistant in an incompetent or negligent manner;
- 13.5 (4) violated sections 148.511 to 148.5198;
- 13.6 (5) failed to perform services with reasonable judgment, skill, or safety due to the use
13.7 of alcohol or drugs, or other physical or mental impairment;
- 13.8 (6) violated any state or federal law, rule, or regulation, and the violation is a felony or
13.9 misdemeanor, an essential element of which is dishonesty, or which relates directly or
13.10 indirectly to the practice of speech-language pathology ~~or~~ audiology, or speech-language
13.11 pathology assisting. Conviction for violating any state or federal law which relates to
13.12 speech-language pathology ~~or~~ audiology, or speech-language pathology assisting is
13.13 necessarily considered to constitute a violation, except as provided in chapter 364;
- 13.14 (7) aided or abetted another person in violating any provision of sections 148.511 to
13.15 148.5198;
- 13.16 (8) been or is being disciplined by another jurisdiction, if any of the grounds for the
13.17 discipline is the same or substantially equivalent to those under sections 148.511 to 148.5198;
- 13.18 (9) not cooperated with the commissioner or advisory council in an investigation
13.19 conducted according to subdivision 1;
- 13.20 (10) advertised in a manner that is false or misleading;
- 13.21 (11) engaged in conduct likely to deceive, defraud, or harm the public; or demonstrated
13.22 a willful or careless disregard for the health, welfare, or safety of a client;
- 13.23 (12) failed to disclose to the consumer any fee splitting or any promise to pay a portion
13.24 of a fee to any other professional other than a fee for services rendered by the other
13.25 professional to the client;
- 13.26 (13) engaged in abusive or fraudulent billing practices, including violations of federal
13.27 Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical
13.28 assistance laws;
- 13.29 (14) obtained money, property, or services from a consumer through the use of undue
13.30 influence, high pressure sales tactics, harassment, duress, deception, or fraud;
- 13.31 (15) performed services for a client who had no possibility of benefiting from the services;

14.1 (16) failed to refer a client for medical evaluation or to other health care professionals
14.2 when appropriate or when a client indicated symptoms associated with diseases that could
14.3 be medically or surgically treated;

14.4 (17) had the certification required by chapter 153A denied, suspended, or revoked
14.5 according to chapter 153A;

14.6 (18) used the term doctor of audiology, doctor of speech-language pathology, AuD, or
14.7 SLPD without having obtained the degree from an institution accredited by the North Central
14.8 Association of Colleges and Secondary Schools, the Council on Academic Accreditation
14.9 in Audiology and Speech-Language Pathology, the United States Department of Education,
14.10 or an equivalent;

14.11 (19) failed to comply with the requirements of section 148.5192 regarding supervision
14.12 of speech-language pathology assistants; or

14.13 (20) if the individual is an audiologist or certified hearing instrument dispenser:

14.14 (i) prescribed or otherwise recommended to a consumer or potential consumer the use
14.15 of a hearing instrument, unless the prescription from a physician or recommendation from
14.16 an audiologist or certified dispenser is in writing, is based on an audiogram that is delivered
14.17 to the consumer or potential consumer when the prescription or recommendation is made,
14.18 and bears the following information in all capital letters of 12-point or larger boldface type:
14.19 "THIS PRESCRIPTION OR RECOMMENDATION MAY BE FILLED BY, AND
14.20 HEARING INSTRUMENTS MAY BE PURCHASED FROM, THE LICENSED
14.21 AUDIOLOGIST OR CERTIFIED DISPENSER OF YOUR CHOICE";

14.22 (ii) failed to give a copy of the audiogram, upon which the prescription or
14.23 recommendation is based, to the consumer when the consumer requests a copy;

14.24 (iii) failed to provide the consumer rights brochure required by section 148.5197,
14.25 subdivision 3;

14.26 (iv) failed to comply with restrictions on sales of hearing instruments in sections
14.27 148.5197, subdivision 3, and 148.5198;

14.28 (v) failed to return a consumer's hearing instrument used as a trade-in or for a discount
14.29 in the price of a new hearing instrument when requested by the consumer upon cancellation
14.30 of the purchase agreement;

14.31 (vi) failed to follow Food and Drug Administration or Federal Trade Commission
14.32 regulations relating to dispensing hearing instruments;

15.1 (vii) failed to dispense a hearing instrument in a competent manner or without appropriate
15.2 training;

15.3 (viii) delegated hearing instrument dispensing authority to a person not authorized to
15.4 dispense a hearing instrument under this chapter or chapter 153A;

15.5 (ix) failed to comply with the requirements of an employer or supervisor of a hearing
15.6 instrument dispenser trainee;

15.7 (x) violated a state or federal court order or judgment, including a conciliation court
15.8 judgment, relating to the activities of the individual's hearing instrument dispensing; or

15.9 (xi) failed to include on the audiogram the practitioner's printed name, credential type,
15.10 credential number, signature, and date.

15.11 **EFFECTIVE DATE.** This section is effective January 1, 2020.

15.12 Sec. 17. Minnesota Statutes 2018, section 148.5196, subdivision 1, is amended to read:

15.13 Subdivision 1. **Membership.** The commissioner shall appoint ~~42~~ 13 persons to a
15.14 Speech-Language Pathologist and Audiologist Advisory Council. The ~~42~~ 13 persons must
15.15 include:

15.16 (1) three public members, as defined in section 214.02. Two of the public members shall
15.17 be either persons receiving services of a speech-language pathologist or audiologist, or
15.18 family members of or caregivers to such persons, and at least one of the public members
15.19 shall be either a hearing instrument user or an advocate of one;

15.20 (2) three speech-language pathologists licensed under sections 148.511 to 148.5198,
15.21 one of whom is currently and has been, for the five years immediately preceding the
15.22 appointment, engaged in the practice of speech-language pathology in Minnesota and each
15.23 of whom is employed in a different employment setting including, but not limited to, private
15.24 practice, hospitals, rehabilitation settings, educational settings, and government agencies;

15.25 (3) one speech-language pathologist licensed under sections 148.511 to 148.5198, who
15.26 is currently and has been, for the five years immediately preceding the appointment,
15.27 employed by a Minnesota public school district or a Minnesota public school district
15.28 consortium that is authorized by Minnesota Statutes and who is licensed in speech-language
15.29 pathology by the Professional Educator Licensing and Standards Board;

15.30 (4) three audiologists licensed under sections 148.511 to 148.5198, two of whom are
15.31 currently and have been, for the five years immediately preceding the appointment, engaged
15.32 in the practice of audiology and the dispensing of hearing instruments in Minnesota and

16.1 each of whom is employed in a different employment setting including, but not limited to,
 16.2 private practice, hospitals, rehabilitation settings, educational settings, industry, and
 16.3 government agencies;

16.4 (5) one nonaudiologist hearing instrument dispenser recommended by a professional
 16.5 association representing hearing instrument dispensers; ~~and~~

16.6 (6) one physician licensed under chapter 147 and certified by the American Board of
 16.7 Otolaryngology, Head and Neck Surgery; and

16.8 (7) one speech-language pathology assistant licensed under section 148.5186.

16.9 **EFFECTIVE DATE.** This section is effective January 1, 2020.

16.10 Sec. 18. Minnesota Statutes 2018, section 148.5196, subdivision 3, is amended to read:

16.11 Subd. 3. **Duties.** The advisory council shall:

16.12 (1) advise the commissioner regarding speech-language pathologist ~~and~~₂ audiologist₂
 16.13 and speech-language pathology assistant licensure standards;

16.14 (2) advise the commissioner regarding the delegation of duties to and the training required
 16.15 for speech-language pathology assistants;

16.16 (3) advise the commissioner on enforcement of sections 148.511 to 148.5198;

16.17 (4) provide for distribution of information regarding speech-language pathologist ~~and~~₂
 16.18 audiologist, and speech-language pathology assistant licensure standards;

16.19 (5) review applications and make recommendations to the commissioner on granting or
 16.20 denying licensure or licensure renewal;

16.21 (6) review reports of investigations relating to individuals and make recommendations
 16.22 to the commissioner as to whether licensure should be denied or disciplinary action taken
 16.23 against the individual;

16.24 (7) advise the commissioner regarding approval of continuing education activities
 16.25 provided by sponsors using the criteria in section 148.5193, subdivision 2; and

16.26 (8) perform other duties authorized for advisory councils under chapter 214, or as directed
 16.27 by the commissioner.

16.28 **EFFECTIVE DATE.** This section is effective January 1, 2020.