

An Act

ENROLLED SENATE
BILL NO. 715

By: McCortney and Yen of the
Senate

and

Derby and West (Josh) of
the House

An Act relating to the Speech-Language Pathology and Audiology Licensing Act; amending 59 O.S. 2011, Section 1603, which relates to definitions; clarifying various definitions; specifying conduct for certain representation; requiring certain designation under certain circumstances; amending 59 O.S. 2011, Section 1604, which relates to licensure; amending 59 O.S. 2011, Section 1605, which relates to qualifications for licensure; requiring certain examinations, certifications, documentation and other stipulations for licensure; permitting issuance of temporary licenses under certain circumstances; specifying expiration of temporary licenses; amending 59 O.S. 2011, Section 1606, which relates to waiver of examination requirements; amending 59 O.S. 2011, Section 1609, which relates to meetings; amending 59 O.S. 2011, Section 1617, which relates to licensees; amending 59 O.S. 2011, Section 1619, as amended by Section 10, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2016, Section 1619), which relates to disciplinary actions; and clarifying language.

SUBJECT: Speech Pathology and Audiology Licensing Act

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1603, is amended to read as follows:

Section 1603. A. As used in the Speech-Language Pathology and Audiology Licensing Act:

1. "Board" means the Board of Examiners for Speech-Language Pathology and Audiology;

2. "Person" means any individual, partnership, organization or corporation, except that only individuals may be licensed under the Speech-Language Pathology and Audiology Licensing Act;

3. "Licensed speech-language pathologist" ~~or~~, "licensed speech-language pathology clinical fellow", "licensed speech-language pathology assistant" or "licensed audiologist" means an individual to whom a license has been issued pursuant to the provisions of the Speech-Language Pathology and Audiology Licensing Act, which license has not expired or has not been suspended or revoked;

4. "Speech-language pathologist" (SLP) ~~means any person who evaluates, examines, counsels or provides rehabilitative services for persons who have or are suspected of having a speech, voice and/or language disorder, and who meets the qualifications set forth in Section 1605 of this title works to prevent, assess, diagnose and treat speech, language, social communication, cognitive communication and swallowing disorders in children and adults and who meets the qualifications set forth in Section 1605 of this title, as well as providing augmentative and alternative communication (AAC) systems for individuals with severe speech, expressive and/or language comprehension disorders. A speech-language pathologist is permitted to perform such basic audiometric tests and hearing therapy procedures as are consistent with such training;~~

5. "Speech-language pathology assistant" (SLPA) means any person who, after acquiring academic coursework, fieldwork, and on-the-job training as set forth by rules promulgated by the Board, performs tasks prescribed, directed, and supervised by licensed speech-language pathologists. The speech-language pathology assistant may implement prescribed therapies in children and adults

in specific treatment areas in which he or she has academic and clinical training as prescribed by the OBESPA and under the license of a speech-language pathologist;

6. "Speech, voice, swallowing or language disorders" include, but are not limited to, any and all conditions that impede the normal process of human vocal communication;

6. 7. "Practice of speech-language pathology" means the rendering or offering to render to any person or the public any speech, voice, swallowing or language evaluation, examination, counseling or rehabilitation of or for persons who have or are suspected of having a speech, voice, swallowing and/or language disorder, and/or representing oneself to be a speech-language pathologist or speech-language pathology assistant. Services may also be provided for persons who want to learn how to communicate more effectively, including, but not limited to, accent modification and other forms of communication enhancement;

7. 8. "Audiologist" means any person who evaluates, examines, counsels or provides rehabilitative services for persons who have or are suspected of having a hearing disorder, and who meets the qualifications set forth in Section 1605 of this title. An audiologist also may provide consultation regarding noise control and hearing conservation, may conduct tests of vestibular function, may prepare ear impressions, and may provide evaluations of environment or equipment, including calibration, used in testing auditory functioning participates in the prevention, identification, assessment, and rehabilitation of hearing, auditory function, balance, and other related systems for those individuals of any age suspected of having a hearing and/or balance disorder, and who meets the qualifications set forth in Section 1605 of this title. An audiologist may also select, fit and dispense hearing aids, hearing assistive technology, special fitting technology which may include, but not be limited to, cochlear implants, and provide assessment and follow-up services. An audiologist may provide consultation regarding noise control and participate in noise conservation programs which may include, but not be limited to, the fitting of hearing protection devices. Audiologists may participate in research related to all of these domains;

~~8.~~ 9. "Hearing disorders" include, but are not limited to, any or all conditions of decreased or impaired auditory function;

~~9.~~ 10. "Balance disorders" include, but are not limited to, any or all conditions of the decreased or impaired vestibular function;

11. "Practice of audiology" means the rendering, or offering to render, to any person or the public, ~~the evaluation, examination, counseling or rehabilitation of or for persons who have or are suspected of having a hearing disorder, and/or representing oneself to be an audiologist~~ the prevention, identification, assessment, and/or rehabilitation of or for persons who have or are suspected of having a hearing and/or balance disorder, or representing oneself to be an audiologist; and

~~10.~~ 12. "Hearing screening" means one or more procedures used to identify individuals who may have a hearing loss. Measurements of auditory thresholds are not included in hearing screening programs.

B. A person represents himself or herself to be a speech-language pathologist when such person holds himself or herself out to the public by any title or description of services incorporating the words "speech-language pathology", "speech-language pathologist", "speech pathology", "speech pathologist", "speech therapy", "speech therapist", "speech correction", "speech correctionist", "language therapy", "language therapist", "voice pathology", "voice pathologist", "voice therapy", "voice therapist", "logopedics", "logopedist", "communicology", "communicologist", "aphasiologist", "phoniatriest", "speech clinician", "speech clinic", "speech center" or any similar or related term or terms.

C. A person represents himself or herself to be a speech-language pathology assistant when such person holds himself or herself out to the public by any title or description of services as listed for speech-language pathologist and is working under the license of a speech-language pathologist. Anyone not holding credentials for independent practice shall hold the designation of assistant and be required to work under supervision.

D. A person represents himself or herself to be an audiologist when such person holds himself or herself out to the public by any

title or description of services incorporating the terms "audiology", "audiologist", "audiometry", "audiometrist", "hearing therapy", "hearing therapist", "hearing conservation", "hearing conservationist", "hearing clinician", "hearing clinic", "hearing center", "audiological", "audiometrics", or any similar or related term or terms.

~~D.~~ E. The provision of speech-language pathology or audiology services in this state through ~~telephonic~~ telepractice, electronic or other means, regardless of the location of the speech-language pathologist shall constitute the practice of speech-language pathology and/or audiology and shall require licensure in this state.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 1604, is amended to read as follows:

Section 1604. A. Except as otherwise provided by this section, no person shall practice speech-language pathology or audiology unless such person is licensed pursuant to the Speech-Language Pathology and Audiology Licensing Act.

B. The Speech-Language Pathology and Audiology Licensing Act shall not be construed to prevent:

1. A person licensed under any other law of this state from engaging in the profession or occupation for which such person is licensed, provided such person does not represent himself or herself to be a speech-language pathologist or audiologist;

2. An employee of the federal government, state, county or municipal government, or an agency or political subdivision thereof, from engaging in such employee's duties of employment;

3. The hearing testing or any other act conducted by licensed physicians within the scope of their licensed profession or by persons conducting hearing tests or other acts under the direct supervision of the physician;

4. The activities and services of a hearing-aid dealer or fitter so long as the activities and services of such dealer or fitter are limited to the selection, adaptation, distribution or

sale of hearing aids, and the testing, instruction, and counseling pertaining thereto, as long as such hearing-aid dealer or fitter does not represent himself or herself to be an audiologist;

5. A teacher of the deaf and hard of hearing, certified by the Oklahoma State Department of Education, or certified nationally by the Council on Education of the Deaf, from engaging in the profession for which such teacher is trained. The services of a teacher of the deaf and hard-of-hearing shall be directed solely to those persons having or suspected of having a hearing disorder;

6. Any person not a resident of this state and who has not established offices in this state, from engaging in the practice of speech-language pathology or audiology in this state for a period that, in the aggregate, does not exceed seven (7) days in any calendar year, if such a person's education and experience is the substantial equivalent to that of a licensed speech-language pathologist or audiologist as described in Section 1605 of this title; and

7. The activities of hearing screening programs which are conducted by employees or trained volunteers who are providing these services under the auspices of public or private charitable agencies.

C. Notwithstanding any other provision of this section, a person licensed in this state to perform speech-language pathology or audiology services is hereby designated to be a practitioner of the healing art for purposes of making a referral for speech-language pathology or audiology services pursuant to the provisions of the Individuals with Disabilities Education Act, Public Law 105-17, as amended, and Section 504 of the Rehabilitation Act of 1973.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 1605, is amended to read as follows:

Section 1605. A. To be eligible for licensure by the Board of Examiners for Speech-Language Pathology and Audiology as a speech-language pathologist, the applicant must:

1. Hold not less than a master's degree, or the equivalent, with a major emphasis in speech-language pathology or audiology from

a regionally accredited academic institution offering a graduate program in speech-language pathology or audiology that meets or exceeds prevailing national standards;

2. Submit evidence of completion of supervised clinical practicum experience that meets or exceeds prevailing national standards from a regionally accredited educational institution or its cooperating programs, the content of which shall be approved by the Board and delineated in the rules;

3. Submit evidence of completion of supervised postgraduate professional experience as approved by the Board and described in the rules;

4. ~~Pass examinations approved by the Board, whether or not administered by the Board; application for examination for a license or for a license without examination shall be upon forms prescribed by the Board; the Board may require that the application be verified; the license fee, which shall include an examination fee of not to exceed Twenty-five Dollars (\$25.00), shall accompany the application; the cost of examinations administered by the Board shall be included in the examination fee; the Board shall determine the subject and scope of the examinations, and shall provide for examinations to qualified applicants at least twice a year; an applicant who fails the examination may be reexamined at a subsequent examination upon payment of another examination fee. Only the Board has the power to determine whether an applicant's examination has been passed or failed.~~ The Board shall approve the subject and scope of the examination. An applicant who fails the examination may be reexamined at a subsequent examination. Only the Board may determine whether an applicant has passed or failed an examination. The application for licensure shall be upon forms prescribed by the Board. The Board may require the application to be verified. A license fee shall accompany the application;

5. Attest to their status as either a United States citizen, a United States noncitizen national or a qualified alien;

6. Have not committed any acts described in Section 1619 of this title for which disciplinary action may be justified; and

7. Be of good moral character.

B. To be eligible for initial licensure by the Board as an audiologist, the applicant must:

1. ~~Through December 31, 2006, hold not less than a master's degree, or the equivalent, with major emphasis in audiology from a regionally accredited academic institution offering a graduate or postbaccalaureate professional degree program in audiology that meets or exceeds prevailing national standards. After December 31, 2006, each audiology applicant shall hold not less than a postbaccalaureate residential or a post-master's distance education professional Doctor of Audiology degree (Au.D.), a Doctor of Philosophy degree (Ph.D.) with emphasis in audiology, or its equivalent as determined by the Board, from a regionally accredited academic institution;~~

2. ~~Through December 31, 2006, submit evidence of completion of supervised clinical practicum experience that meets or exceeds prevailing national standards from a regionally accredited educational institution or its cooperating programs, the content of which shall be approved by the Board and delineated in the rules. After December 31, 2006, applicants applying with a residential Doctor of Audiology professional degree (Au.D) must demonstrate preparation that includes three years of didactic coursework and clinical education equivalent to a twelve month, full-time clinical rotation or externship;~~

3. ~~Through December 31, 2006, submit evidence of completion of supervised postgraduate professional experience, as approved by the Board and described in the rules. After December 31, 2006, applicants will be required to present to the Board only a copy of the Doctor of Audiology diploma along with a transcript demonstrating clinical experience equivalent to a twelve month, full-time clinical rotation or externship, a copy of the Doctor of Philosophy diploma with an emphasis in audiology and a transcript reflecting a twelve month, full-time clinical rotation or externship, or the equivalent as determined by the Board, from an accredited academic institution in order to demonstrate completion of the clinical rotation or externship requirement;~~

4. ~~Pass examinations approved by the Board, whether or not administered by the Board; application for examination for a license~~

~~or for a license without examination shall be upon forms prescribed by the Board; the Board may require that the application be verified; the license fee, which shall include an examination fee not to exceed Twenty-five Dollars (\$25.00), shall accompany the application; the cost of examinations administered by the Board shall be included in the examination fee; the Board shall determine the subject and scope of the examinations and shall provide for examinations to qualified applicants at least twice a year; an applicant who fails the examination may be reexamined at a subsequent examination upon payment of another examination fee. Only the Board has the power to determine whether an applicant's examination has been passed or failed Hold not less than a postbaccalaureate residential or a postmaster's distance education professional Doctor of Audiology (AuD) degree, a Doctor of Philosophy (PhD) degree with an emphasis in audiology or its equivalent as determined by the Board;~~

2. If applying with a Doctor of Audiology (AuD) professional degree, demonstrate preparation that includes three (3) years of didactic coursework and clinical education equivalent to a twelve-month full-time rotation or externship;

3. Submit to the Board a copy of the Doctor of Audiology (AuD) diploma and a transcript demonstrating clinical experience equivalent to a twelve-month full-time clinical rotation or externship, a copy of the Doctor of Philosophy (PhD) diploma with an emphasis in audiology and a transcript reflecting a twelve-month full-time clinical rotation or externship, or their equivalents as determined by the Board; provided, such equivalents shall be from an accredited academic institution in order to demonstrate completion of the clinical rotation or externship requirement;

4. Pass an examination approved by the Board. The Board shall approve the subject and scope of the examination. Any applicant who fails the examination may be reexamined at a subsequent examination. Only the Board may determine whether an applicant's examination has been passed or failed. The application for a license shall be upon forms prescribed by the Board. The Board may require an application to be verified. A license fee shall accompany the application;

5. Attest to their status as either a United States citizen, a United States noncitizen national or a qualified alien;

6. Have not committed any acts described in Section 1619 of this title for which disciplinary action may be justified; and

7. Be of good moral character.

C. ~~To be eligible for licensure by the Board as an intern, the applicant must be in the process of fulfilling the supervised clinical experience required in paragraph 2 of subsection A of this section, or be a student, intern or resident in speech-language pathology or audiology, pursuing a course of study at an accredited university or college, or working in a training center recognized by the applicant's accredited university or college, if these activities and services constitute a part of the applicant's supervised course of study, and if such person is designated by such title as "speech-language pathology intern", "speech-language pathology trainee", "audiology intern", "audiology trainee" or other such title clearly indicating the training status appropriate to the applicant's level of training a speech-language pathology clinical fellow, the applicant must currently be in the process of fulfilling the supervised clinical fellowship required by this section and possess a designation of the title "Clinical Fellow" indicating the status appropriate to the applicant's level of training. To be eligible for licensure as a clinical fellow, the applicant shall meet all requirements specified by paragraphs 1, 2, 5, 6 and 7 of subsection A of this section. Speech-language pathologist applicants completing the supervised postgraduate professional experience in this state shall possess a license issued by the Board.~~

D. To be eligible for licensure by the Board as a speech-language pathology or audiology assistant, the applicant must be assisting in the practice of speech-language pathology or audiology while ~~in the employ of and~~ under the supervision of a licensed speech-language pathologist or audiologist, subject to the rules of the Board. The licensed speech-language pathologist or audiologist is legally and ethically responsible for the professional activities of such employees.

E. To be eligible for licensure by the Board as a speech-language pathology or audiology temporary license holder pathologist, audiologist, speech-language clinical fellow or speech-

language pathology assistant, the applicant must meet all the requirements specified in subsection A of this section. A temporary license will be issued following a credentials review, such temporary license being valid until the next regularly held Board meeting. The Board may authorize the executive secretary to issue a temporary license upon verification that the applicant meets all applicable requirements of licensure. A temporary license shall authorize the applicant to practice speech-language pathology or audiology for the time period between the submission of the application and the applicant's approval for licensure by the Board. A temporary license shall expire upon the Board's approval of a permanent license, or ten (10) calendar days following the Board's denial of an application for a permanent license.

SECTION 4. AMENDATORY 59 O.S. 2011, Section 1606, is amended to read as follows:

Section 1606. A. The Board of Examiners for Speech-Language Pathology and Audiology shall waive the examination and grant a license to applicants who present proof of current licensure in a state or country whose requirements for licensure are substantially equivalent to those of the Speech-Language Pathology and Audiology Licensing Act.

B. The Board shall waive the examination and grant a license to those who hold the Certificate of Clinical Competence of the American Speech and -Language-Hearing Association or its current equivalent in the area for which they are applying for licensure, provided the requirements for such certification are equivalent to or greater than those for licensure.

SECTION 5. AMENDATORY 59 O.S. 2011, Section 1609, is amended to read as follows:

Section 1609. A. The Board of Examiners for Speech-Language Pathology and Audiology shall hold a regular annual meeting at its last meeting of the fiscal year at which it shall elect from its membership a chairman, a vice-chairman, and a secretary. Other regular meetings shall be held at such times as the rules of the Board may provide. Special meetings may be held at such times as may be deemed necessary or advisable by a majority of the Board

members. At least one (1) week's notice of all meetings shall be given in a manner prescribed by the rules of the Board.

B. All meetings of the Board shall be ~~open and public except that the Board may hold a closed executive session:~~

~~1. To prepare, approve, grade or administer examinations; and~~

~~2. Upon request of an applicant who fails an examination to prepare a response indicating the cause of the applicant's failure in accordance with the Oklahoma Open Meeting Act.~~

C. Three members of the Board shall constitute a quorum.

D. An executive secretary shall be appointed by the Board, and shall hold office at the pleasure of the Board. The Board may employ such other persons and may rent or purchase such space and equipment as it deems necessary or desirable to carry out the provisions of ~~this act~~ Section 1601 et seq. of this title.

SECTION 6. AMENDATORY 59 O.S. 2011, Section 1617, is amended to read as follows:

Section 1617. The Board of Examiners for Speech-Language Pathology and Audiology shall publish a list of all ~~licensed speech-language pathologists and licensed audiologists~~ licensees, including the name and business address of each ~~licensed person~~ licensee, the area in which the person is licensed, and such other information as the Board deems appropriate. This list will be published on the website for the Board of Examiners for Speech-Language Pathology and Audiology in printable format and updated quarterly. A copy of the list will be placed on file with the Secretary of State annually. Copies will be furnished to licensees and the public upon request.

SECTION 7. AMENDATORY 59 O.S. 2011, Section 1619, as amended by Section 10, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2016, Section 1619), is amended to read as follows:

Section 1619. A. The Board of Examiners for Speech-Language Pathology and Audiology may impose separately, or in combination, any of the following disciplinary actions on a licensee after formal disciplinary action as provided in the Speech-Language Pathology and

Audiology Licensing Act: suspend or revoke a license, issue a letter of reprimand, impose probationary conditions, impose an administrative fine not to exceed Ten Thousand Dollars (\$10,000.00), and assess reasonable costs. Disciplinary actions may be taken by the Board upon proof that the licensee:

1. Has been guilty of fraud or deceit in connection with the ~~person's services rendered as a speech-language pathologist and/or audiologist~~ licensee's speech-language pathology or audiology services;

2. Has aided or abetted a person who is not a licensed speech-language pathologist and/or audiologist and who is ~~not an employee of and~~ under the supervision of a licensed speech-language pathologist or audiologist and subject to the rules of the Board, in illegally engaging in the practice of speech-language pathology or audiology within this state;

3. Has been guilty of unprofessional conduct as defined by the rules established by the Board or has violated the code of ethics made and published by the Board;

4. Has used fraud or deception in applying for a license or in passing an examination provided for in the Speech-Language Pathology and Audiology Licensing Act;

5. Has been grossly negligent in the practice of the person's profession;

6. Has willfully violated any of the provisions of the Speech-Language Pathology and Audiology Licensing Act or any rules promulgated pursuant thereto;

7. Has violated federal, state or local laws relating to the profession. A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence of conviction; or

8. Has been convicted of or has pled guilty or nolo contendere to a felony crime that substantially relates to the business practices of speech-language pathology or audiology or poses a

reasonable threat to public safety or to a crime involving moral turpitude.

B. 1. No disciplinary action shall be imposed until after a hearing before the Board. A notice of at least thirty (30) days shall be served, either personally or by certified mail, to the licensee charged, stating the time and place of the hearing, and setting forth the ground or grounds constituting the charges against the licensee. The licensee shall be entitled to be heard in such person's defense either in person or by counsel, and may produce testimony and may testify in the person's own behalf.

2. A record of such hearing shall be taken and preserved.

3. The hearing may be adjourned from time to time. If, after due receipt of notice of a hearing, the licensee shall be unable to appear for good cause shown, then a continuance shall be granted by the Board. The time allowed shall be at the discretion of the Board, but in no instance shall it be less than two (2) weeks from the originally scheduled date of the hearing.

4. If a licensee pleads guilty, or if upon hearing the charges, a majority of the Board finds them to be true, the Board shall impose its disciplinary action against the licensee. The Board shall record its findings and order in writing.

C. 1. The Board, through its chairman or vice-chairman, may administer oaths and may compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the state, as in civil cases in the district court, by subpoena issued over the signature of the chairman or vice-chairman and the seal of the Board.

2. Upon request by an accused speech-language pathologist and/or audiologist, and statement under oath that the testimony or evidence is reasonably necessary to the person's defense, the Board shall use this subpoena power in behalf of the accused speech-language pathologist and/or audiologist.

3. The subpoenas shall be served, and a return of service thereof made, in the same manner as a subpoena is served out of the district courts in this state, and as a return in such case is made.

4. If a person fails and refuses to attend in obedience to such subpoena, or refuses to be sworn or examined or answer any legally proper question propounded by any member of said Board or any attorney or licensee upon permission from said Board, such person shall be guilty of a misdemeanor, and, upon conviction, may be punished by a fine not to exceed Two Hundred Fifty Dollars (\$250.00) or by confinement in the county jail not to exceed ninety (90) days, or both.

D. 1. Any person who feels aggrieved by reason of the imposition of disciplinary action may appeal to the Board for a review of the case or may seek judicial review pursuant to the Administrative Procedures Act.

2. The suit shall be filed against the Board as defendant, and service of process shall be upon either the chairman or executive secretary of the Board.

3. The judgment of the district court may be appealed to the Supreme Court of Oklahoma in the same manner as other civil cases.

E. Upon a vote of three of its members, the Board may restore a license which has been revoked or reduce the period of suspension.

F. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

2. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

Passed the Senate the 10th day of May, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 5th day of April, 2017.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____