

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 137 Session of 2013

INTRODUCED BY GORDNER, COSTA, TARTAGLIONE, FARNESE, ERICKSON, MENSCH, VULAKOVICH, WILLIAMS, SCHWANK, FERLO, SOLOBAY, RAFFERTY, BAKER, SMITH AND DINNIMAN, JANUARY 15, 2013

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 20, 2013

AN ACT

1 Amending the act of December 21, 1984 (P.L.1253, No.238),
2 entitled "An act regulating the practice of speech-language
3 pathologists, audiologists and teachers of the hearing
4 impaired; creating the State Board of Examiners in Speech-
5 Language and Hearing with certain powers and duties; and
6 prescribing penalties," further providing for title of act,
7 for short title, for declaration of policy, for definitions,
8 for creation of board, appointment and term of members and
9 officers, for powers and duties of board, for license
10 required and persons and practices not affected and
11 exclusions, AND for requirements for licensure and for
12 application and fees; providing for certification for
13 audiologists using intraoperative monitoring; further
14 providing for examinations, for refusal to issue and
15 revocation, for requirement of a medical examination, for
16 renewal fees and records, for limitation of renewal time and
17 new license and for certification to the board; providing for
18 use of title; and further providing for enforcement of
19 certification to board, for impaired professionals, for
20 penalties, for injunction against lawful practice and for
21 appropriation.

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22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. The title and sections 1, 2, 3 and 4 of the act
25 of December 21, 1984 (P.L.1253, No.238), known as the Speech-
26 Language and Hearing Licensure Act, are amended to read:

1 An Act

2 Regulating the practice of speech-language pathologists[,]
3 and
4 audiologists [and teachers of the hearing impaired]; creating
5 the State Board of Examiners in Speech-Language [and Hearing]
6 Pathology and Audiology with certain powers and duties; and
7 prescribing penalties.

8 Section 1. Short title.

9 This act shall be known and may be cited as the Speech-
10 Language [and Hearing] Pathologists and Audiologists Licensure
11 Act.

12 Section 2. Declaration of policy.

13 It is declared to be the policy of the Commonwealth that the
14 practice of speech-language pathology and the practice of
15 audiology are privileges granted to qualified persons and that,
16 in order to safeguard the public health, safety and welfare; to
17 protect the public from being misled or receiving NONMEDICAL <--
18 treatment by incompetent, unscrupulous and unauthorized persons;
19 to protect the public from unprofessional conduct [on the part
20 of] by qualified speech-language pathologists[,]
21 and
22 audiologists [and teachers of the hearing impaired]; and to
23 assure the availability of the highest possible quality of
24 speech-language [and hearing] pathology and audiology services
25 to the [communicatively handicapped] people of this
26 Commonwealth, it is necessary to [regulate persons offering
27 speech-language and hearing services to the public and persons
28 functioning under the direction of these specialists] provide
29 regulatory authority over persons offering speech-language
30 pathology and audiology services to the public.

31 Section 3. Definitions.

32 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Audiologist." Any person who is qualified by [training and
4 experience] education, training and clinical experience and is
5 licensed under this act to engage in the practice of [the
6 evaluation, counseling, habilitation and rehabilitation of
7 individuals whose communicative disorders center in whole or in
8 part in the hearing function. For the purposes of this paragraph
9 the words "habilitation" and "rehabilitation" include, but are
10 not limited to, hearing aid evaluation, fitting, recommendation,
11 speech reading, auditory training and similar activities. A
12 person is deemed to be or to hold himself out as being an
13 audiologist if he offers such services to the public under any
14 title incorporating the words audiology, audiologist,
15 audiological consultant, aural rehabilitationist, hearing
16 audiologist or any similar title or description of service]
17 audiology. The audiologist is an independent practitioner
18 providing services in hospitals, clinics, schools, private
19 practices and other settings in which audiologic services are
20 relevant. A person is deemed to be, or to hold himself out as
21 being, an audiologist if he offers such services to the public
22 under any title incorporating the terms "audiology,"
23 "audiologist," "audiological consultant," "hearing aid
24 audiologist" or any variation, synonym, coinage or similar title
25 that expresses, employs or implies these terms, names or
26 functions.

27 "Board." The State Board of Examiners in Speech-Language
28 [and Hearing] Pathology and Audiology.

29 "Intraoperative "NEUROPHYSIOLOGIC INTRAOPERATIVE monitoring." <--
30 The process of continual testing and interpreting of results by

1 the use of electrodiagnostic modalities to identify and monitor
2 the functional integrity of neurological structures to reduce
3 the risk of injury and complications related to the nervous
4 system during a surgical procedure.

5 "Person." Any individual, organization, association,
6 partnership, company, trust or corporate body, except that [any]
7 only individuals can be licensed under this act. Any reference
8 in this act to a licensed person shall mean a natural individual
9 person.

10 "Practice of audiology." The application of principles,
11 methods and procedures related to disorders of the auditory and
12 vestibular systems. Areas of audiology practice include the
13 following:

14 (1) prevention of hearing loss by designing,
15 implementing and coordinating industrial, school and
16 community-based hearing conservation programs;

17 (2) identification of dysfunction of hearing, balance
18 and other auditory-related systems by developing and
19 overseeing hearing and balance-related screening programs for
20 persons of all ages, including newborn and school screening
21 programs;

22 (3) administration of speech or language screening or
23 other measures for the purpose of initial identification and
24 referral of persons with other communicative disorders;

25 (4) assessment and nonmedical diagnosis and treatment of
26 hearing and vestibular disorders through the administration
27 of behavioral, psychoacoustic, electrophysiologic tests of
28 the peripheral and central auditory and vestibular systems
29 using standardized test procedures, including, but not
30 limited to, audiometry, tympanometry, acoustic reflex

1 measures, otoacoustic emissions, auditory evoked potentials,
2 video and electronystagmography and tests of central auditory
3 function using calibrated instrumentation leading to the
4 diagnosis of auditory and vestibular dysfunction abnormality;

5 (5) assessment of candidacy of persons with hearing loss
6 for cochlear implants;

7 (6) nonmedical treatment for persons with impairment of
8 auditory function utilizing amplification and other assistive
9 devices;

10 (7) selection, fitting, evaluation and dispensing of
11 hearing aids and other amplification systems;

12 (8) fitting and mapping of cochlear implant devices and
13 audiologic rehabilitation to optimize device use;

14 (9) fitting of middle ear implantable hearing aids,
15 fully implantable hearing aids and bone-anchored hearing
16 aids;

17 (10) conducting otoscopic examinations;

18 (11) nonmedical treatment of persons with tinnitus using
19 techniques including biofeedback, masking, hearing aids,
20 education and counseling;

21 (12) counseling on the psychosocial aspects of hearing
22 loss and the use of amplification systems;

23 (13) administration of electrophysiologic measures of
24 neural function, including, but not limited to, sensory and
25 motor-evoked potentials, preoperative and postoperative
26 evaluation of neural function, neurophysiologic
27 intraoperative monitoring of the central nervous system,
28 spinal cord and cranial nerve function, PROVIDED THAT AN <--

29 AUDIOLOGIST SHALL NOT PERFORM NEUROPHYSIOLOGIC INTRAOPERATIVE
30 MONITORING EXCEPT UPON DELEGATION FROM AND UNDER THE OVERALL

1 DIRECTION OF A PHYSICIAN, AND THE AUDIOLOGIST SHALL BE
2 CERTIFIED BY THE BOARD UNDER SECTION 8.1; and

3 (14) referral of persons with auditory and vestibular
4 dysfunction abnormalities to an appropriate physician for
5 medical evaluation when indicated based upon the
6 interpretation of the audiologic and vestibular test results.

7 "PRACTICE OF SPEECH-LANGUAGE PATHOLOGY." THE APPLICATION OF <--
8 PRINCIPLES, METHODS AND PROCEDURES OF PREVENTION, SCREENING,
9 CONSULTATION, IDENTIFICATION, ASSESSMENT AND EVALUATION,
10 DETERMINATION OF DISORDERS AND SERVICE DELIVERY MODEL,
11 NONMEDICAL TREATMENT AND INTERVENTION, COUNSELING, COLLABORATION
12 AND REFERRAL SERVICES FOR PERSONS WITH KNOWN OR SUSPECTED
13 LANGUAGE, COGNITIVE AND LINGUISTIC, SOCIAL, SPEECH (RESONANCE
14 AND VOICE, FLUENCY AND SOUND PRODUCTION), FEEDING AND
15 SWALLOWING, OROFACIAL MYOFUNCTIONAL DISORDERS OR COMMUNICATION
16 DISORDERS, INCLUDING, BUT NOT LIMITED TO:

17 (1) ELECTIVE MODIFICATION OF COMMUNICATION BEHAVIORS AND
18 ENHANCEMENT OF COMMUNICATION.

19 (2) IDENTIFICATION OF NONMEDICAL SPEECH, LANGUAGE,
20 SWALLOWING, COGNITIVE AND SOCIAL ASPECTS OF COMMUNICATION BY
21 DEVELOPING AND PROVIDING SPEECH, LANGUAGE, VOICE, SWALLOWING,
22 COGNITIVE AND SOCIAL ASPECTS OF COMMUNICATION-RELATED
23 SCREENING PROGRAMS FOR PERSONS OF ALL AGES.

24 (3) PROVIDING NONMEDICAL DIAGNOSIS, EVALUATION AND
25 REMEDICATION SERVICES FOR DISORDERS OF SPEECH, LANGUAGE,
26 VOICE, SWALLOWING, COGNITIVE AND SOCIAL ASPECTS OF
27 COMMUNICATION.

28 (4) ESTABLISHING AUGMENTATIVE AND ALTERNATIVE
29 COMMUNICATION TECHNIQUES AND STRATEGIES, INCLUDING SELECTING,
30 RECOMMENDING AND DISPENSING OF AUGMENTATIVE AIDS AND DEVICES.

1 (5) PROVIDING NONMEDICAL SERVICES TO INDIVIDUALS WITH
2 HEARING LOSS AND THEIR FAMILIES, THAT IS, AUDITORY TRAINING,
3 SPEECH READING AND SPEECH AND LANGUAGE INTERVENTION SECONDARY
4 TO HEARING LOSS.

5 (6) PROVIDING HEARING SCREENING LIMITED TO PASS OR FAIL
6 FOR THE PURPOSES OF IDENTIFICATION OF INDIVIDUALS WITH
7 POTENTIAL DISORDERS OF HEARING.

8 (7) THE TRAINING OF INDIVIDUALS, THEIR FAMILIES AND
9 OTHER COMMUNICATION PARTNERS IN THE USE, SELECTING, FITTING
10 AND ESTABLISHMENT OF EFFECTIVE USE OF APPROPRIATE PROSTHETIC
11 AND ADAPTIVE DEVICES FOR SPEAKING AND SWALLOWING.

12 (8) USING INSTRUMENTAL TECHNOLOGY TO PROVIDE NONMEDICAL
13 DIAGNOSIS, NONMEDICAL TREATMENT AND NONMEDICAL SERVICES FOR
14 DISORDERS OF COMMUNICATION, VOICE AND SWALLOWING. THE USE OF
15 INSTRUMENTAL TECHNOLOGY BY LICENSED SPEECH-LANGUAGE
16 PATHOLOGISTS IS LIMITED TO THOSE INSTRUMENTS WHICH RELATE
17 DIRECTLY TO COMMUNICATION, VOICE OR SWALLOWING DISORDERS.

18 (9) REFERRAL OF PERSONS, WITHIN 30 DAYS, WITH SPEECH,
19 LANGUAGE, VOICE, SWALLOWING, COGNITIVE AND SOCIAL ASPECTS OF
20 COMMUNICATION TO AN APPROPRIATE PHYSICIAN FOR MEDICAL
21 EVALUATION WHEN INDICATED BASED UPON THE INTERPRETATION OF
22 EVALUATION RESULTS.

23 "Speech-language pathologist." Any person who is qualified
24 by [training and experience to engage in the practice of the <--
25 evaluation, counseling, habilitation and rehabilitation of
26 individuals whose communicative disorders involve the function
27 of speech, voice or language.] EDUCATION, TRAINING AND CLINICAL <--
28 EXPERIENCE AND IS LICENSED UNDER THIS ACT TO ENGAGE IN THE
29 PRACTICE OF SPEECH-LANGUAGE PATHOLOGY AND IS AN INDEPENDENT
30 PRACTITIONER PROVIDING SERVICES IN HOSPITALS, CLINICS, PUBLIC

1 SCHOOL ENTITIES, NONPUBLIC SCHOOLS, PRIVATE PRACTICES AND OTHER
2 SETTINGS IN WHICH SPEECH LANGUAGE PATHOLOGY SERVICES ARE
3 RELEVANT. A person is deemed to be or to hold himself out as
4 being a speech-language pathologist if he offers [such services <--
5 under any title incorporating the words speech-language
6 pathologist, speech consultant, speech therapist, speech
7 correctionist, speech clinician, speech specialist, language
8 pathologist, logopedist, communication therapist, voice
9 therapist, aphasia therapist, aphasiologist, communicologist, or
10 any similar title or description of service.] SERVICES AND <--
11 FUNCTIONS DEFINED UNDER THIS ACT AS THE PRACTICE OF SPEECH-
12 LANGUAGE PATHOLOGY OR OFFERS TO TREAT ANY DISORDERS THAT MAY BE
13 TREATED BY A LICENSED SPEECH-LANGUAGE PATHOLOGIST UNDER ANY
14 TITLE INCORPORATING THE TERMS SPEECH-LANGUAGE PATHOLOGY, SPEECH-
15 LANGUAGE PATHOLOGIST, SPEECH THERAPIST, VOICE THERAPIST,
16 APHASIOLOGIST, OROFACIAL MYOLOGIST, DYSPHAGIA THERAPIST OR ANY
17 VARIATION, SYNONYM, COINAGE OR SIMILAR TITLE THAT EXPRESSES,
18 EMPLOYS OR IMPLIES THESE TERMS, NAMES OR FUNCTIONS.

19 ["Teacher of the hearing impaired." Any person who is
20 qualified by training and experience to engage in the practice
21 of providing evaluation and instruction in curriculum-based
22 material and communication skills appropriate for individuals
23 whose cognitive and educational development have been affected
24 primarily by impaired hearing sensitivity. A person is deemed to
25 be or to hold himself out as being a teacher of the hearing
26 impaired if he offers such services under any title
27 incorporating the words teacher of the hearing impaired, teacher
28 of the acoustically handicapped, teacher of the deaf, teacher of
29 the acoustically impaired, hearing teacher, teacher of the
30 aurally handicapped, hearing tutor, tutor of the auditorily

1 impaired, educator of the deaf or any similar title or
2 description of service.]

3 Section 4. Creation of board; appointment and term of members;
4 officers.

5 (a) Board created.--There is hereby created a departmental
6 administrative board to be known as the State Board of Examiners
7 in Speech-Language [and Hearing] Pathology and Audiology which
8 shall be in the Bureau of Professional and Occupational Affairs
9 of the Department of State. It shall consist of [ten] eight
10 members, [nine] seven of whom shall be appointed by the
11 Governor, by and with the advice and consent of a majority of
12 the members elected to the Senate, who shall be residents of
13 Pennsylvania for a three-year period immediately prior to
14 appointment. The Commissioner of Professional and Occupational
15 Affairs shall serve in his official capacity as the [tenth]
16 eighth member of the board. [At the first meeting, the appointed
17 members shall determine, by lot, three members to serve three-
18 year terms, three members to serve two-year terms and three
19 members to serve one-year terms, with the exception of the
20 commissioner.]

21 (b) Vacancies.--When the term of each appointed member of
22 the board ends, the Governor shall appoint his successor for a
23 term of three years, by and with the advice and consent of a
24 majority of the members elected to the Senate. Any appointive
25 vacancy occurring on the board shall be filled by the Governor
26 by appointment for the unexpired term, by and with the advice
27 and consent of a majority of the members elected to the Senate.
28 Board members shall continue to serve until their successors are
29 appointed and qualified but not longer than six months beyond
30 the three-year period.

1 (c) Qualifications of board.--The board shall consist of the
2 Commissioner of the Bureau of Professional and Occupational
3 Affairs, one member who at the time of appointment is engaged in
4 rendering professional services in speech-language pathology,
5 one member who at the time of appointment is engaged in
6 rendering professional services in audiology, [one member who at
7 the time of appointment is engaged in rendering professional
8 services as a teacher of the hearing impaired,] two members at
9 large who are either speech-language pathologists, or
10 audiologists [or teachers of the hearing impaired], however,
11 each profession shall not be represented by more than two board
12 members, [two members who are physicians] one member who is a
13 physician licensed to practice medicine in this Commonwealth[,
14 at least one of whom] who specializes in otolaryngology, and two
15 members of the public appointed by the Governor from nominations
16 submitted by the governing boards of groups advocating for the
17 welfare of the speech-language and hearing handicapped. Of the
18 initial members, the speech-language pathologists[,] and
19 audiologists [and teachers of the hearing impaired] shall
20 possess the necessary qualifications for licensure under this
21 act. Thereafter, the members of the board who are speech-
22 language pathologists[,] and audiologists [and teachers of the
23 hearing impaired] shall be licensed under this act. No public
24 member appointed under the provisions of this section shall be
25 affiliated in any manner with professions or occupations
26 providing health or corrective communications services or
27 products to communicatively impaired persons. The public members
28 shall be qualified pursuant to law, including section 813 of the
29 act of April 9, 1929 (P.L.177, No.175), known as The
30 Administrative Code of 1929. In addition, no member of the board

1 shall at the same time be an officer or agent of any Statewide
2 association or organization representing the professions or
3 occupations under the jurisdiction of this board.

4 (d) Reappointment.--A member of the board shall be eligible
5 for reappointment. A member shall not be appointed to serve more
6 than two consecutive terms.

7 (e) Compensation; expenses.--The members of the board, other
8 than the Commissioner of Professional and Occupational Affairs,
9 shall receive reimbursement for reasonable travel, hotel and
10 other necessary expenses and \$60 per diem when actually engaged
11 in the performance of their official duties.

12 (f) Meetings of board.--The board shall hold a meeting
13 within 150 days after the effective date of this act and
14 annually thereafter in the month prescribed by the board and
15 elect a chairman, vice chairman and secretary who shall be
16 members of the board. The board shall meet at such other times
17 as deemed necessary and advisable by the chairman or by a
18 majority of its members. Reasonable notice of all meetings shall
19 be given in the manner prescribed by the board. A majority of
20 the board shall constitute a quorum at any meeting or hearing.

21 (g) Forfeiture.--A member of the board who fails to attend
22 three consecutive meetings shall forfeit his seat unless the
23 Commissioner of Professional and Occupational Affairs, upon
24 written request from the member, finds that the member should be
25 excused from a meeting because of illness or the death of an
26 immediate family member.

27 Section 2. Section 5 of the act, amended October 18, 2000
28 (P.L.536, No.71), is amended to read:

29 Section 5. Powers and duties of board.

30 The board shall have the power and its duties shall be:

1 (1) To approve the qualifications and fitness of
2 applicants for licensure, and to adopt and revise rules and
3 regulations requiring applicants to pass examinations
4 relating to their qualifications as a prerequisite to the
5 issuance of a license.

6 (2) To adopt and revise rules and regulations consistent
7 with the law as may be necessary to implement the provisions
8 of this act. [These rules and regulations shall include, but
9 not be limited to, codes of ethics for speech-language
10 pathologists, audiologists and teachers of the hearing
11 impaired. The codes of ethics shall provide further that,
12 whereas speech-language pathologists, audiologists and
13 teachers of the hearing impaired provide nonmedical and
14 nonsurgical services, medical diagnosis and medical treatment
15 by these persons are specifically to be considered unethical
16 and illegal.]

17 (3) To examine for, deny, approve, issue, revoke,
18 suspend or renew the licenses of speech-language
19 pathologist[, audiologist and teacher of the hearing
20 impaired] and audiologist applicants, and provisional
21 licenses for SPEECH-LANGUAGE PATHOLOGISTS AND audiologists. <--

22 (4) To conduct hearings upon complaints of violations of
23 this act and the rules and regulations adopted pursuant to
24 this act, and to prosecute and enjoin all such violations.

25 (5) To spend funds necessary for the proper performance
26 of its assigned duties in accordance with the fiscal and
27 other laws of this Commonwealth and upon approval by the
28 Commissioner of Professional and Occupational Affairs.

29 (6) To waive examination and educational requirements
30 and grant a license as provided in sections 6 and 7.

1 (7) To establish standards of eligibility for license
2 renewal. These standards shall include, but not be limited
3 to, the demonstration of satisfactory completion of 20 clock
4 hours of continuing education related to the practice of
5 speech-language pathology[, audiology or teaching the hearing
6 impaired] and audiology in accordance with board regulations.
7 No credit may be given for courses in office management or
8 practice building. The board may waive all or part of the
9 continuing education requirement to a licensee who shows to
10 the satisfaction of the board that the licensee was unable to
11 complete the requirement due to illness, emergency or
12 hardship. The request for a waiver must be made in writing,
13 with appropriate documentation, and must include a
14 description of the circumstances sufficient to show why a
15 licensee is unable to comply with the continuing education
16 requirement. Waiver requests shall be evaluated by the board
17 on a case-by-case basis. The board shall send the licensee
18 written notification of its approval or denial of a waiver
19 request. The requirement to demonstrate the satisfactory
20 completion of continuing education shall begin with the
21 biennial renewal period to be designated by regulation of the
22 board and following written notice to licensees.

23 (8) To promulgate rules and regulations regarding
24 persons functioning under the direction of audiologists[,] or
25 speech-language pathologists [and teachers of the hearing
26 impaired].

27 (9) To recognize national professional organizations in
28 SPEECH-LANGUAGE PATHOLOGY AND audiology that have established <--
29 definitions of THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY AND <--
30 the practice of audiology. These organizations shall be the

1 same as those recognized by the board under the provisions of
2 section 7(b)(2). The board shall have the power to adopt
3 those definitions to be the practical definitions of THE <--
4 PRACTICE OF SPEECH-LANGUAGE PATHOLOGY AND the practice of
5 audiology for licensees under the board. If one or more of
6 the recognized national professional organizations amends its
7 definition, the amended definition cannot be added to THE <--
8 PRACTICE OF SPEECH-LANGUAGE PATHOLOGY OR the practice of
9 audiology until it has been adopted by the board through
10 regulation.

11 (10) To recognize national accrediting agencies which
12 accredit programs of SPEECH-LANGUAGE PATHOLOGY AS SPECIFIED <--
13 IN SECTION 7(A)(1) AND PROGRAMS OF audiology as specified in
14 section 7(a)(2).

15 (11) WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF THIS <--
16 SECTION, THE BOARD SHALL PROMULGATE REGULATIONS GOVERNING THE
17 USE OF INSTRUMENTAL TECHNOLOGY BY LICENSED SPEECH-LANGUAGE
18 PATHOLOGISTS.

19 Section 3. Sections 6, 7 and 8 of the act are amended to
20 read:

21 Section 6. License required; persons and practices not
22 affected; exclusions.

23 (a) Licenses.--Except as provided in subsection (b), no
24 person may practice or hold himself out as being able to
25 practice as an audiologist[,] or speech-language pathologist [or
26 teacher of the hearing impaired] in this Commonwealth unless he
27 holds a current, unsuspended, unrevoked license issued by the
28 board. Licensure shall be granted separately in speech-language
29 pathology[,] or audiology [and teaching of the hearing
30 impaired].

1 (b) Exclusions.--Nothing in this act shall be construed as
2 preventing or restricting:

3 (1) Any person licensed or registered in this
4 Commonwealth from engaging in the profession or occupation
5 for which he is licensed or registered, including:

6 (i) A physician or surgeon engaged in the practice
7 of medicine.

8 (ii) A licensed physician or surgeon or a trained
9 individual under the direction of a licensed physician
10 doing hearing testing in the office or clinic of the
11 physician.

12 (iii) A hearing aid fitter engaged in the business
13 of selling and fitting hearing aids, and a hearing aid
14 dealer engaged in the sale of hearing aids, as provided
15 in the act of November 24, 1976 (P.L.1182, No.262), known
16 as the Hearing Aid Sales Registration Law.

17 (2) A person who holds a valid credential issued by the
18 Department of Education in the area of speech or hearing and
19 who is employed in public or private elementary and secondary
20 schools or institutions chartered by the Commonwealth, or a
21 person who is employed by the Commonwealth or the Federal
22 Government as a speech-language pathologist[,] or audiologist
23 [or teacher of the hearing impaired] from engaging in his
24 profession or occupation, OR USING HIS PROFESSIONAL TITLE if <--
25 the person performs his services solely within the scope of
26 his employment, or a person performing hearing testing under
27 section 1402 of the act of March 10, 1949 (P.L.30, No.14),
28 known as the Public School Code of 1949.

29 (3) The activities of a student or trainee who is
30 pursuing a program of study supervised by a person licensed

1 under this act or otherwise exempt by this section which lead
2 to a degree in audiology[, teaching the hearing impaired] or
3 speech-language pathology [at] from an accredited college or
4 university, if such individual is designated by a title
5 clearly indicating his student or training status.

6 (4) The practice of speech-language pathology[,] and
7 audiology [or teaching the hearing impaired] in this
8 Commonwealth by any person not a resident of this
9 Commonwealth who is not licensed under this act if the person
10 meets the qualifications and requirements for licensure
11 described in section 7, or who is licensed under the law of
12 another state having licensure requirements determined by the
13 board to be at least equivalent to those established by
14 section 7, and if the services are performed for no more than
15 five days in any calendar year in cooperation with a speech-
16 language pathologist[,] or audiologist [or teacher of the
17 hearing impaired] licensed under this act.

18 (5) A corporation, partnership, trust, association,
19 company or other similar form of organization from engaging
20 in the practice of speech-language pathology[,] or audiology
21 [or teaching the hearing impaired] without a license if it
22 employs licensed individuals in the direct practice of
23 speech-language pathology[,] or audiology [or teaching the
24 hearing impaired].

25 (6) THE PRACTICE, SERVICES OR ACTIVITIES OF <--
26 NEURODIAGNOSTIC TECHNOLOGISTS PERFORMING NEURODIAGNOSTIC
27 STUDIES WITHIN THE AMERICAN SOCIETY OF ELECTRONEURODIAGNOSTIC
28 TECHNOLOGISTS' SCOPE OF PRACTICE AND IN ACCORDANCE WITH THE
29 GUIDELINES OF THE AMERICAN ASSOCIATION OF NEUROMUSCULAR AND
30 ELECTRODIAGNOSTIC MEDICINE OR THE AMERICAN CLINICAL

1 NEUROPHYSIOLOGY SOCIETY.

2 Section 7. Requirements for licensure.

3 (a) In general.--Except as provided in subsections (b) and
4 (c), to be eligible for licensure by the board as a speech-
5 language pathologist[,] or audiologist [or teacher of the
6 hearing impaired], an applicant shall pay a fee as established
7 by the board in accordance with section 8(a), be of good moral
8 character to the satisfaction of the board, pass an examination
9 and:

10 ~~(1) For the license in speech language pathology, <--~~
11 ~~possess a master's degree in speech language pathology or its~~
12 ~~equivalent from an accredited academic institution. In~~
13 ~~addition, the applicant must have at least one year of~~
14 ~~supervised professional experience in the field of speech~~
15 ~~language pathology.~~

16 (1) FOR THE LICENSE IN SPEECH-LANGUAGE PATHOLOGY, <--
17 POSSESS A MASTER'S DEGREE IN SPEECH-LANGUAGE PATHOLOGY [OR
18 ITS EQUIVALENT] FROM AN [ACCREDITED ACADEMIC INSTITUTION]
19 ACADEMIC PROGRAM ACCREDITED BY AN ACCREDITING AGENCY APPROVED
20 BY THE BOARD UNDER STANDARDS PURSUANT TO THIS ACT. IN
21 ADDITION, THE APPLICANT MUST HAVE AT LEAST [ONE YEAR] NINE
22 MONTHS OF SUPERVISED PROFESSIONAL EXPERIENCE IN THE FIELD OF
23 SPEECH-LANGUAGE PATHOLOGY.

24 (2) For the license in audiology, possess a master's
25 degree or doctoral degree in audiology [or its equivalent]
26 from an [accredited academic institution. In addition, the
27 applicant] academic program accredited by an accrediting
28 agency approved by the board and the United States Department
29 of Education or the Council for Higher Education
30 Accreditation under standards pursuant to this act. Master's

1 degree applicants must have at least [one year] nine months
2 of supervised professional experience in the field of
3 audiology. Beginning January 1, 2014 2015, all new applicants <--
4 must possess a doctoral degree in audiology as determined by
5 the board.

6 [(3) For licensure as a teacher of the hearing impaired,
7 possess a master's degree in education of the hearing
8 impaired or its equivalent from an accredited academic
9 institution. In addition, the applicant must have at least
10 one year of supervised professional experience in the field
11 of teaching the hearing impaired.]

12 (b) Waivers.--The board may waive the examination and
13 educational requirements for any of the following:

14 (1) Applicants who present proof of [current
15 certification or licensure] a currently valid license to
16 practice SPEECH-LANGUAGE PATHOLOGY OR audiology in a state <--
17 which has standards determined by the board to be at least
18 equal to those for licensure in this Commonwealth.

19 (2) Applicants who hold a currently valid and
20 appropriate Certificate of Clinical Competence from the
21 Council [of Professional Standards] for Clinical
22 Certification of the American [Speech-Language and Hearing]
23 Speech-Language-Hearing Association or certification from a
24 national credentialing organization that is recognized by the
25 board from standards pursuant to this act. Notice of
26 standards shall be published in the Pennsylvania Bulletin.

27 [(3) Applicants who hold a currently valid professional
28 certificate issued by the Council on Education of the Deaf in
29 compliance with its standards for the certification of
30 teachers of the hearing impaired and who have completed an

1 additional ten graduate academic credits established by the
2 board to be appropriate for licensure as a teacher of the
3 hearing impaired.]

4 (c) Requirements for current practitioners.--The board shall
5 waive the examination and educational requirements for any
6 applicant who, on the effective date of this act:

7 (1) has at least a bachelor's degree with a major in
8 speech-language pathology[,] or a master's degree in
9 audiology [or teaching the hearing impaired] from an
10 accredited college or university, and who has been employed
11 as a speech-language pathologist[,] or audiologist [or
12 teacher of the hearing impaired] for at least nine
13 consecutive months within three years prior to the effective
14 date of this act; and

15 (2) files an application with the board providing bona
16 fide proof of the degree and employment together with the
17 application fee prescribed in section 8.

18 (d) Provisional licenses.--

19 (1) The board may, in accordance with the provisions of
20 this section, issue a provisional license in SPEECH-LANGUAGE <--
21 PATHOLOGY OR audiology to applicants who have met all of the
22 requirements for licensure under this act except for the
23 completion of the clinical fellowship necessary to receive
24 either the Certificate of Clinical Competence from the
25 Council For Clinical Certification of the American Speech-
26 Language-Hearing Association or certification from another
27 national credentialing organization as recognized by the
28 board pursuant to section 7(b)(2). In order to receive the
29 license, the applicant must submit an application for the
30 provisional license to the board on a form prescribed by the

1 board. The form must indicate the applicant's plans for
2 completing the clinical fellowship and must be accompanied by
3 an application fee determined by the board. A provisional
4 license issued under this section shall be valid for a
5 maximum of 18 months and may be renewed one time. The purpose
6 of the provisional license is solely to allow individuals to
7 practice SPEECH-LANGUAGE PATHOLOGY OR audiology under <--
8 appropriate supervision while completing the postgraduate
9 professional experience required for certification under
10 ~~section 7(b)(2)~~ SUBSECTION (B)(2). A person holding a <--
11 provisional license is authorized to practice SPEECH-LANGUAGE <--
12 PATHOLOGY OR audiology only while working under the
13 supervision of a person fully licensed in this Commonwealth
14 in accordance with this act.

15 (2) Any person who is qualified by education, training
16 and clinical experience by completing all educational
17 requirements, including the externship of an Au.D. Program
18 may hold a provisional license, provided that the provisional
19 license shall only be valid for six months from the time of
20 application for the permanent license.

21 (3) A person holding a valid license in another state to
22 practice SPEECH-LANGUAGE PATHOLOGY OR audiology and who has <--
23 applied for a license in this Commonwealth under the
24 provisions of this act may practice SPEECH-LANGUAGE PATHOLOGY <--
25 OR audiology while working under the supervision of a person
26 fully licensed in this Commonwealth for not more than 90 days
27 while awaiting approval of the license application.

28 ~~Section 8. Application and fees.~~ <--

29 ~~(a) Fee. An application for [examination and] license shall~~
30 ~~be accompanied by a nonrefundable application [and examination]~~

1 ~~fee in an amount established by the board by regulation and~~
2 ~~shall be subject to review in accordance with the act of June~~
3 ~~25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.~~
4 ~~If the revenues generated by fees, fines and civil penalties~~
5 ~~imposed in accordance with the provisions of this act are not~~
6 ~~sufficient to match expenditures over a two year period, the~~
7 ~~board shall increase those fees by regulation, subject to review~~
8 ~~in accordance with the Regulatory Review Act, such that the~~
9 ~~projected revenues will meet or exceed projected expenditures.~~
10 ~~If the Bureau of Professional and Occupational Affairs~~
11 ~~determines that fees established by the board are inadequate to~~
12 ~~meet the minimum enforcement efforts required, then the bureau,~~
13 ~~after consultation with the board, shall increase the fees by~~
14 ~~regulation, subject to review in accordance with the Regulatory~~
15 ~~Review Act, such that adequate revenues are raised to meet the~~
16 ~~required enforcement effort.~~

17 ~~(b) Affidavit. Each application shall be accompanied by an~~
18 ~~affidavit or affirmation of the applicant as to its verity. Any~~
19 ~~applicant who knowingly or willfully makes a false statement in~~
20 ~~his application shall be subject to prosecution for perjury.~~

21 ~~(c) Examinations. The board shall offer at least two~~
22 ~~examinations for licensure each year. Notice of examinations~~
23 ~~shall be given at least 60 days prior to their administration.~~

24 ~~(d) Record of examination scores. The board shall maintain~~
25 ~~a permanent record of all examination scores.~~

26 ~~(e) Disposition and use of fees. Fees shall be collected by~~
27 ~~the board through the Bureau of Professional and Occupational~~
28 ~~Affairs and shall be paid into the Professional Licensure~~
29 ~~Augmentation Account established pursuant to and for use in~~
30 ~~accordance with the act of July 1, 1978 (P.L.700, No.124), known~~

1 ~~as the Bureau of Professional and Occupational Affairs Fee Act.~~

2 Section 4. The act is amended by adding a section to read:

3 Section 8.1. Certification for audiologists utilizing

4 NEUROPHYSIOLOGIC intraoperative monitoring. <--

5 The board shall certify an audiologist who has demonstrated

6 his competence in the field of NEUROPHYSIOLOGIC intraoperative <--

7 monitoring as prescribed in this section if he complies with the

8 following:

9 (1) is board certified through a national accrediting

10 organization, as determined by the board; or

11 (2) has completed doctorate level coursework consisting

12 of credits in neuroanatomy, neurophysiology and other

13 intraoperative monitoring-related subjects, offered by an

14 accredited Doctor of Audiology program along with having

15 completed clinical instruction in NEUROPHYSIOLOGIC <--

16 intraoperative monitoring as determined by the board.

17 ~~Section 5. Section 9 of the act is repealed:~~ <--

18 ~~{Section 9. Examinations.~~

19 ~~(a) Preparation of examinations. All written examinations~~

20 ~~shall be prepared and administered by a qualified professional~~

21 ~~testing organization under contract with the Bureau of~~

22 ~~Professional and Occupational Affairs and approved by the board,~~

23 ~~except that national uniform examinations or grading services or~~

24 ~~both shall be used if available. No board member shall have a~~

25 ~~financial interest in a professional testing organization. This~~

26 ~~section shall not apply to any oral, practical or other~~

27 ~~nonwritten examination which may be required by the board.~~

28 ~~(b) Cost of examinations. The purpose of the examination~~

29 ~~fee which is to be established in accordance with section 8(a)~~

30 ~~is to insure that the applicant's fees cover the entire cost of~~

1 ~~the examination and administration. Cost is all contractual~~
2 ~~charges relating to the preparing, administering, grading and~~
3 ~~recording of the examination.]~~

4 Section 6. Section ~~10~~ 10(6) of the act is amended AND THE <--
5 SECTION IS AMENDED by adding a paragraph to read:

6 Section 10. Refusal to issue; revocation; etc.

7 The board may refuse to issue and may suspend or revoke a
8 license of any person or applicant by a vote of at least a
9 majority of the members of the board for any of the following
10 reasons:

11 * * *

12 (6) THE PRACTICE OF FRAUD OR DECEIT IN CONNECTION WITH <--
13 SERVICES RENDERED AS AN AUDIOLOGIST[,] OR SPEECH-LANGUAGE
14 PATHOLOGIST [OR TEACHER OF THE HEARING IMPAIRED].

15 (7) The SPEECH-LANGUAGE PATHOLOGIST OR audiologist is <--
16 unable to practice his profession with reasonable skill and
17 safety because of illness, drunkenness, excessive use of
18 controlled substances, chemicals or other types of materials
19 or as the result of a mental or physical condition. In
20 enforcing this paragraph, the board shall, upon probable
21 cause, have the authority to compel a licensee to submit to a
22 mental or physical examination as designated by the board.
23 After notice, hearing, adjudication and appeal as provided
24 for in section 11, failure of a licensee to submit to such
25 examination when directed shall constitute an admission of
26 the allegations against him unless failure is due to
27 circumstances beyond his control, consequent upon which a
28 default and final order may be entered without the taking of
29 testimony or presentation of evidence. A licensee affected
30 under this paragraph shall at reasonable intervals be

1 afforded an opportunity to demonstrate that he or she can
2 resume a competent practice of SPEECH-LANGUAGE PATHOLOGY OR <--
3 audiology with reasonable skill and safety to patients.

4 Section 7. Sections 12 and 14 of the act are amended to
5 read:

6 Section 12. Requirement of a medical examination.

7 [(a) Medical examination.--Before an audiologist initiates
8 aural rehabilitation for an individual, there shall be a medical
9 examination verifying that there are no diseases of the ear
10 requiring medical or surgical treatment.

11 (b) Waiver.--This section does not apply if an individual
12 signs a written waiver as set forth in this section. The waiver
13 must be read and explained in such a manner that the individual
14 will be thoroughly aware of the consequences of signing the
15 waiver. The waiver form shall read as follows:

16 I have been advised by (audiologist's name) that the
17 Commonwealth of Pennsylvania has determined that my best health
18 interest would be served if I had a medical examination by a
19 licensed physician before the initiation of aural
20 rehabilitation. I do not wish a medical examination before the
21 initiation of aural rehabilitation.

22 _____
23 Signature Date]

24 ~~An~~ A SPEECH-LANGUAGE PATHOLOGIST OR audiologist shall refer <--
25 patients who present with suspected medical conditions beyond
26 the scope of practice under this act for medical evaluation to
27 an appropriate physician within 30 days.

28 Section 14. [Limitation of renewal time; new license] Continued
29 competency.

30 [Any person who fails to renew his license within five years

1 after the date of its expiration may not renew it, and it may
2 not be restored, reissued or reinstated thereafter, but the
3 person may apply for and obtain a new license if he meets the
4 requirements of this act] A renewal of a license shall not be
5 granted more than five years after its expiration. A license
6 shall be renewed after the five-year period only after a
7 licensee has assured continued competency to practice SPEECH- <--
8 LANGUAGE PATHOLOGY OR audiology in accordance with regulations
9 established by the board.

10 Section 8. The act is amended by adding a section to read:
11 Section 16.1. Title.

12 A licensed SPEECH-LANGUAGE PATHOLOGIST OR audiologist who <--
13 holds a doctoral degree in SPEECH-LANGUAGE PATHOLOGY OR <--
14 audiology or a related field may use the title "Doctor" or "Dr."
15 on written materials only if the earned doctoral designation
16 abbreviation accompanies the licensee's name. A licensee who is
17 not also licensed to practice medicine or osteopathy in this
18 Commonwealth may not attach to his name or use as a title the
19 words or abbreviations "Doctor" or "Dr." in contravention of
20 this section, "M.D.," "physician," "surgeon," "D.O." or any word
21 or abbreviation that suggests that the licensee practices
22 medicine or osteopathy.

23 Section 9. Sections 18 and 19 of the act are amended to
24 read:

25 Section 18. Penalties.

26 (a) Whoever violates any provision of this act is guilty of
27 a misdemeanor, shall be prosecuted by the board or its agents
28 and, upon conviction, shall be sentenced to imprisonment for not
29 more than six months or to pay a fine of not less than \$100 nor
30 more than \$1,000, or both. Each violation shall be deemed a

1 separate offense. Fines collected under the provisions of this
2 act shall be paid into the State Treasury for the use of the
3 Commonwealth.

4 (b) In addition to any other civil remedy or criminal
5 penalty provided for in this act, the board, by a vote of the
6 majority of the maximum number of the authorized membership of
7 the board as provided by law, may levy a civil penalty of up to
8 \$10,000 on any current licensee who violates any provision of
9 this act, or on any person who practices as a speech-language
10 pathologist or audiologist or holds himself forth as a speech-
11 language pathologist or audiologist without being properly
12 licensed to do so under this act. The board shall levy this
13 penalty only after affording the accused party the opportunity
14 for a hearing as provided in 2 Pa.C.S. (relating to
15 administrative law and procedure).

16 Section 19. Injunction against unlawful practice.

17 [After 12 months from the effective date of this act, it] It
18 shall be unlawful for any person to practice or attempt to offer
19 to practice audiology[,] or speech-language pathology [or
20 teaching the hearing impaired] without holding a valid unrevoked
21 and unsuspended license issued under this act. The unlawful
22 practice of audiology[,] or speech-language pathology [or
23 teaching the hearing impaired] may be enjoined by the courts on
24 petition of the board or its agents. In any proceeding it shall
25 not be necessary to show that any person is individually injured
26 by the complained of actions. If the respondent is found guilty
27 of the unlawful practice, the court shall enjoin him from
28 practicing until he has been duly licensed. Procedure in these
29 cases shall be the same as in any other injunction suit. The
30 remedy by injunction is in addition to criminal prosecution and

1 punishment.

2 Section 10. Section 20 of the act is repealed:

3 [Section 20. Appropriation.

4 The sum of \$75,000, or as much thereof as may be necessary,
5 is hereby appropriated from the Professional Licensure
6 Augmentation Account within the General Fund to the Bureau of
7 Professional and Occupational Affairs in the Department of State
8 for the establishment and operation of the State Board of
9 Examiners in Speech-Language and Hearing. The appropriation
10 granted shall be repaid by the board within three years of the
11 beginning of issuance of licenses by the board.]

12 Section 11. Within 30 days of the effective date of this
13 section, the State Board of Examiners in Speech-Language
14 Pathology and Audiology shall meet and reorganize in such a
15 manner that the board position of teacher of the hearing
16 impaired and the board position of physician who is not an
17 otolaryngologist are abolished.

18 Section 12. This act shall take effect in 60 days.