

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2567 Session of
1998

INTRODUCED BY WILT, CORRIGAN, ORIE, FAIRCHILD, FORCIER, STERN,
WOGAN, BUNT, YOUNGBLOOD, WOJNAROSKI, MELIO, RAMOS, STEELMAN,
SEYFERT AND HENNESSEY, MAY 4, 1998

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 4, 1998

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 powers and
7 duties of the board; and providing for impaired
8 professionals.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 5 of the act of December 21, 1984
12 (P.L.1253, No.238), known as the Speech-Language and Hearing
13 Licensure Act, is amended to read:

14 Section 5. Powers and duties of board.

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

16 (1) To approve the qualifications and fitness of
17 applicants for licensure, and to adopt and revise rules and
18 regulations requiring applicants to pass examinations
19 relating to their qualifications as a prerequisite to the
20 issuance of a license.

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

12 (3) To examine for, deny, approve, issue, revoke,
13 suspend or renew the licenses of speech-language pathologist,
14 audiologist and teacher of the hearing impaired applicants.

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

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

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

24 (7) To establish standards of eligibility for license
25 renewal. These standards shall include, but not be limited
26 to, the demonstration of satisfactory completion of 20 clock
27 hours of continuing education related to the practice of
28 speech-language pathology, audiology or teaching the hearing
29 impaired in accordance with board regulations. No credit may
30 be given for courses in office management or practice

1 building. The board may waive all or part of the continuing
2 education requirement to a licensee who shows to the
3 satisfaction of the board that the licensee was unable to
4 complete the requirement due to illness, emergency or
5 hardship. The requirement to demonstrate the satisfactory
6 completion of continuing education shall begin with the
7 biennial renewal period to be designated by regulation of the
8 board and following written notice to licensees.

9 (8) To promulgate rules and regulations regarding
10 persons functioning under the direction of audiologists,
11 speech-language pathologists and teachers of the hearing
12 impaired.

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

14 Section 17.1. Impaired professionals.

15 (a) Appointment of professional consultant.--The board, with
16 the approval of the Commissioner of Professional and
17 Occupational Affairs, shall appoint and fix the compensation of
18 a professional consultant who is a licensee of the board or such
19 other professional as the board may determine, with education
20 and experience in the identification, treatment and
21 rehabilitation of persons with physical or mental impairments.
22 This consultant shall be accountable to the board and shall act
23 as a liaison between the board and treatment programs, such as
24 alcohol and drug treatment programs licensed by the Department
25 of Health, psychological counseling and impaired professional
26 support groups that are approved by the board and provide
27 services to licensees under this act.

28 (b) Board action against impaired professionals.--

29 (1) The board may deter and ultimately dismiss any of
30 the types of corrective action set forth in this act for an

impaired professional so long as the professional is progressing satisfactorily in an approved treatment program.

(2) An approved program provider shall, upon request, disclose to the consultant any information in its possession regarding an impaired professional in treatment which the program provider is not prohibited from disclosing by an act of this Commonwealth, another state or the United States.

(3) The disclosure of information by an approved program provider under this section shall apply in the case of an impaired professional who:

(i) Enters an agreement in accordance with this section.

(ii) Is the subject of a board investigation or disciplinary proceeding.

(iii) Voluntarily enters a treatment program other than under the provisions of this section, but who fails to complete the program successfully or to adhere to an aftercare plan developed by the program provider.

(4) The provisions of this subsection shall not apply to a professional convicted of a felonious act prohibited by the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country.

(c) Board agreement with impaired professional.--An impaired professional who enrolls in an approved treatment program shall enter into an agreement with the board under which the professional's license shall be suspended or revoked.

Enforcement of that suspension or revocation may be stayed for

1 the length of time the professional remains in the program and
2 makes satisfactory progress, complies with the terms of the
3 agreement and adheres to any limitations on this practice
4 imposed by the board to protect the public. Failure to enter
5 into an agreement shall disqualify the professional from the
6 impaired professional program and shall activate an immediate
7 investigation and disciplinary proceeding by the board.

8 (d) Consultant disclosure to board.--If, in the opinion of
9 the consultant after consultation with the provider, an impaired
10 professional who is enrolled in an approved treatment program
11 has not progressed satisfactorily, the consultant shall disclose
12 to the board all information in the consultant's possession
13 regarding this professional, and the board shall institute
14 proceedings to determine if the stay of the enforcement of the
15 suspension or revocation of the impaired professional's license
16 should be vacated.

17 (e) Immunity to approved program provider.--An approved
18 program provider who makes a disclosure pursuant to this section
19 shall not be subject to civil liability for the disclosure or
20 its consequences.

21 (f) Mandatory reporting to board.--

22 (1) Any hospital or health care facility, peer or
23 colleague who has substantial evidence that a professional
24 has an active addictive disease for which the professional is
25 not receiving treatment, is diverting a controlled substance
26 or is mentally or physically incompetent to carry out the
27 duties of that professional's license shall make or cause to
28 be made a report to the board.

29 (2) Any person or facility who acts in a treatment
30 capacity to an impaired speech-language pathologist,

1 audiologist or as a teacher of the hearing impaired in an
2 approved treatment program shall be exempt from the mandatory
3 reporting requirements of this subsection. Any person or
4 facility who reports under this subsection in good faith and
5 without malice shall be immune from any civil or criminal
6 liability arising from the report.

7 (3) Failure to provide the report within a reasonable
8 time from receipt of knowledge of impairment shall subject
9 the person or facility to a fine not to exceed \$1,000. The
10 board shall impose the penalty only after affording the
11 accused party the opportunity for a hearing as provided in 2
12 Pa.C.S. (relating to administrative law and procedure).

13 Section 3. This act shall take effect in 60 days.