

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

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
JUNE 17, 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, 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.

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 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 monitoring." The process of continual
30 testing and interpreting of results by the use of

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) conducting otoscopic examinations;

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

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

(13) administration of electrophysiologic measures of
neural function, including, but not limited to, sensory and
motor-evoked potentials, preoperative and postoperative
evaluation of neural function, neurophysiologic
intraoperative monitoring of the central nervous system,
spinal cord and cranial nerve function; and

(14) referral of persons with auditory and vestibular
dysfunction abnormalities to an appropriate physician for

medical evaluation when indicated based upon the
interpretation of the audiologic and vestibular test results.

"Speech-language pathologist." Any person who is qualified by training and experience to engage in the practice of the evaluation, counseling, habilitation and rehabilitation of individuals whose communicative disorders involve the function of speech, voice or language. A person is deemed to be or to hold himself out as being a speech-language pathologist if he offers such services under any title incorporating the words speech-language pathologist, speech consultant, speech therapist, speech correctionist, speech clinician, speech specialist, language pathologist, logopedist, communication therapist, voice therapist, aphasia therapist, aphasiologist, communicologist, or any similar title or description of service.

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

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

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

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

27 (c) Qualifications of board.--The board shall consist of the
28 Commissioner of the Bureau of Professional and Occupational
29 Affairs, one member who at the time of appointment is engaged in
30 rendering professional services in speech-language pathology,

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

30 (d) Reappointment.--A member of the board shall be eligible

1 for reappointment. A member shall not be appointed to serve more
2 than two consecutive terms.

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

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

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

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

25 Section 5. Powers and duties of board.

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

27 (1) To approve the qualifications and fitness of
28 applicants for licensure, and to adopt and revise rules and
29 regulations requiring applicants to pass examinations
30 relating to their qualifications as a prerequisite to the

1 issuance of a license.

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

13 (3) To examine for, deny, approve, issue, revoke,
14 suspend or renew the licenses of speech-language
15 pathologist[, audiologist and teacher of the hearing
16 impaired] and audiologist applicants, and provisional
17 licenses for audiologists.

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

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

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

27 (7) To establish standards of eligibility for license
28 renewal. These standards shall include, but not be limited
29 to, the demonstration of satisfactory completion of 20 clock
30 hours of continuing education related to the practice of

1 speech-language pathology[, audiology or teaching the hearing
2 impaired] and audiology in accordance with board regulations.
3 No credit may be given for courses in office management or
4 practice building. The board may waive all or part of the
5 continuing education requirement to a licensee who shows to
6 the satisfaction of the board that the licensee was unable to
7 complete the requirement due to illness, emergency or
8 hardship. The request for a waiver must be made in writing,
9 with appropriate documentation, and must include a
10 description of the circumstances sufficient to show why a
11 licensee is unable to comply with the continuing education
12 requirement. Waiver requests shall be evaluated by the board
13 on a case-by-case basis. The board shall send the licensee
14 written notification of its approval or denial of a waiver
15 request. The requirement to demonstrate the satisfactory
16 completion of continuing education shall begin with the
17 biennial renewal period to be designated by regulation of the
18 board and following written notice to licensees.

19 (8) To promulgate rules and regulations regarding
20 persons functioning under the direction of audiologists[, or
21 speech-language pathologists [and teachers of the hearing
22 impaired].

23 (9) To recognize national professional organizations in
24 audiology that have established definitions of the practice
25 of audiology. These organizations shall be the same as those
26 recognized by the board under the provisions of section 7(b)
27 (2). The board shall have the power to adopt those
28 definitions to be the practical definitions of the practice
29 of audiology for licensees under the board. If one or more of
30 the recognized national professional organizations amends its

definition, the amended definition cannot be added to the
practice of audiology until it has been adopted by the board
through regulation.

(10) To recognize national accrediting agencies which
accredit programs of audiology as specified in section
7(a)(2).

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

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

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

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

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

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

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

(iii) A hearing aid fitter engaged in the business

1 of selling and fitting hearing aids, and a hearing aid
2 dealer engaged in the sale of hearing aids, as provided
3 in the act of November 24, 1976 (P.L.1182, No.262), known
4 as the Hearing Aid Sales Registration Law.

5 (2) A person who holds a valid credential issued by the
6 Department of Education in the area of speech or hearing and
7 who is employed in public or private elementary and secondary
8 schools or institutions chartered by the Commonwealth, or a
9 person who is employed by the Commonwealth or the Federal
10 Government as a speech-language pathologist[, or audiologist
11 [or teacher of the hearing impaired] from engaging in his
12 profession or occupation, if the person performs his services
13 solely within the scope of his employment, or a person
14 performing hearing testing under section 1402 of the act of
15 March 10, 1949 (P.L.30, No.14), known as the Public School
16 Code of 1949.

17 (3) The activities of a student or trainee who is
18 pursuing a program of study supervised by a person licensed
19 under this act or otherwise exempt by this section which lead
20 to a degree in audiology[, teaching the hearing impaired] or
21 speech-language pathology [at] from an accredited college or
22 university, if such individual is designated by a title
23 clearly indicating his student or training status.

24 (4) The practice of speech-language pathology[, AND <--
25 audiology [or teaching the hearing impaired] in this <--
26 Commonwealth by any person not a resident of this
27 Commonwealth who is not licensed under this act if the person
28 meets the qualifications and requirements for licensure
29 described in section 7, or who is licensed under the law of
30 another state having licensure requirements determined by the

board to be at least equivalent to those established by section 7, and if the services are performed for no more than five days in any calendar year in cooperation with a speech-language pathologist[, or audiologist [or teacher of the hearing impaired] licensed under this act.

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

Section 7. Requirements for licensure.

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

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

(2) For the license in audiology, possess a master's degree or doctoral degree in audiology [or its equivalent] from an [accredited academic institution. In addition, the applicant] academic program accredited by an accrediting

1 agency approved by the board and the United States Department
2 of Education or the Council for Higher Education
3 Accreditation under standards pursuant to this act. Master's
4 degree applicants must have at least [one year] nine months
5 of supervised professional experience in the field of
6 audiology. Beginning January 1, 2014, all new applicants must
7 possess a doctoral degree in audiology as determined by the
8 board.

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

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

17 (1) Applicants who present proof of [current
18 certification or licensure] a currently valid license to
19 practice audiology in a state which has standards determined
20 by the board to be at least equal to those for licensure in
21 this Commonwealth.

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

30 [(3) Applicants who hold a currently valid professional

1 certificate issued by the Council on Education of the Deaf in
2 compliance with its standards for the certification of
3 teachers of the hearing impaired and who have completed an
4 additional ten graduate academic credits established by the
5 board to be appropriate for licensure as a teacher of the
6 hearing impaired.]

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

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

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

21 (d) Provisional licenses.--

22 (1) The board may, in accordance with the provisions of
23 this section, issue a provisional license in audiology to
24 applicants who have met all of the requirements for licensure
25 under this act except for the completion of the clinical
26 fellowship necessary to receive either the Certificate of
27 Clinical Competence from the Council For Clinical
28 Certification of the American Speech-Language-Hearing
29 Association or certification from another national
30 credentialing organization as recognized by the board

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

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

22 (3) A person holding a valid license in another state to
23 practice audiology and who has applied for a license in this
24 Commonwealth under the provisions of this act may practice
25 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. ~~Requirements of licensure~~ CERTIFICATION for

<--

4 audiologists utilizing intraoperative monitoring.

5 The board shall certify an audiologist who has demonstrated
6 his competence in the field of intraoperative monitoring as
7 prescribed in this section if he complies with the following:

8 (1) is board certified through a national accrediting
9 organization, as determined by the board; or

10 (2) has completed doctorate level coursework consisting
11 of credits in neuroanatomy, neurophysiology and other
12 intraoperative monitoring-related subjects, offered by an
13 accredited Doctor of Audiology program along with having
14 completed clinical instruction in intraoperative monitoring
15 as determined by the board.

16 Section 5. Section 9 of the act is repealed:

17 [Section 9. Examinations.

18 (a) Preparation of examinations.--All written examinations
19 shall be prepared and administered by a qualified professional
20 testing organization under contract with the Bureau of
21 Professional and Occupational Affairs and approved by the board,
22 except that national uniform examinations or grading services or
23 both shall be used if available. No board member shall have a
24 financial interest in a professional testing organization. This
25 section shall not apply to any oral, practical or other
26 nonwritten examination which may be required by the board.

27 (b) Cost of examinations.--The purpose of the examination
28 fee which is to be established in accordance with section 8(a)
29 is to insure that the applicant's fees cover the entire cost of
30 the examination and administration. Cost is all contractual

charges relating to the preparing, administering, grading and recording of the examination.]

Section 6. Section 10 of the act is amended by adding a paragraph to read:

Section 10. Refusal to issue; revocation; etc.

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

* * *

(7) The audiologist is unable to practice his profession with reasonable skill and safety because of illness, drunkenness, excessive use of controlled substances, chemicals or other types of materials or as the result of a mental or physical condition. In enforcing this paragraph, the board shall, upon probable cause, have the authority to compel a licensee to submit to a mental or physical examination as designated by the board. After notice, hearing, adjudication and appeal as provided for in section 11, failure of a licensee to submit to such examination when directed shall constitute an admission of the allegations against him unless failure is due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume a competent practice of audiology with reasonable skill and safety to patients.

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

1 Section 12. Requirement of a medical examination.

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

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

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

17 _____
18 Signature Date]

19 An audiologist shall refer patients who present with
20 suspected medical conditions beyond the scope of practice under
21 this act for medical evaluation to an appropriate physician
22 within 30 days.

23 Section 14. [Limitation of renewal time; new license] Continued
24 competency.

25 [Any person who fails to renew his license within five years
26 after the date of its expiration may not renew it, and it may
27 not be restored, reissued or reinstated thereafter, but the
28 person may apply for and obtain a new license if he meets the
29 requirements of this act] A renewal of a license shall not be
30 granted more than five years after its expiration. A license

shall be renewed after the five-year period only after a
licensee has assured continued competency to practice audiology
in accordance with regulations established by the board.

Section 8. The act is amended by adding a section to read:

Section 16.1. Title.

A licensed audiologist who holds a doctoral degree in
audiology or a related field may use the title "Doctor" or "Dr."
on written materials only if the earned doctoral designation
abbreviation accompanies the licensee's name. A licensee who is
not also licensed to practice medicine or osteopathy in this
Commonwealth may not attach to his name or use as a title the
words or abbreviations "Doctor" or "Dr." in contravention of
this section, "M.D.," "physician," "surgeon," "D.O." or any word
or abbreviation that suggests that the licensee practices
medicine or osteopathy.

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

Section 18. Penalties.

(a) Whoever violates any provision of this act is guilty of
a misdemeanor, shall be prosecuted by the board or its agents
and, upon conviction, shall be sentenced to imprisonment for not
more than six months or to pay a fine of not less than \$100 nor
more than \$1,000, or both. Each violation shall be deemed a
separate offense. Fines collected under the provisions of this
act shall be paid into the State Treasury for the use of the
Commonwealth.

(b) In addition to any other civil remedy or criminal
penalty provided for in this act, the board, by a vote of the
majority of the maximum number of the authorized membership of
the board as provided by law, may levy a civil penalty of up to

1 \$10,000 on any current licensee who violates any provision of
2 this act, or on any person who practices as a speech-language
3 pathologist or audiologist or holds himself forth as a speech-
4 language pathologist or audiologist without being properly
5 licensed to do so under this act. The board shall levy this
6 penalty only after affording the accused party the opportunity
7 for a hearing as provided in 2 Pa.C.S. (relating to
8 administrative law and procedure).

9 Section 19. Injunction against unlawful practice.

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

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

26 [Section 20. Appropriation.

27 The sum of \$75,000, or as much thereof as may be necessary,
28 is hereby appropriated from the Professional Licensure
29 Augmentation Account within the General Fund to the Bureau of
30 Professional and Occupational Affairs in the Department of State

1 for the establishment and operation of the State Board of
2 Examiners in Speech-Language and Hearing. The appropriation
3 granted shall be repaid by the board within three years of the
4 beginning of issuance of licenses by the board.]

5 Section 11. Within 30 days of the effective date of this
6 section, the State Board of Examiners in Speech-Language
7 Pathology and Audiology shall meet and reorganize in such a
8 manner that the board position of teacher of the hearing
9 impaired and the board position of physician who is not an
10 otolaryngologist are abolished.

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