

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 119 Session of
2005

INTRODUCED BY LEMMOND, PICCOLA, JUBELIRER, STOUT, KITCHEN,
PILEGGI, ORIE, WONDERLING, THOMPSON, WOZNIAK, TARTAGLIONE,
MUSTO, KASUNIC, COSTA, GORDNER, MADIGAN AND ROBBINS,
FEBRUARY 1, 2005

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 1, 2005

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 definitions,
7 for the board, for licensure, for applications, for
8 examinations, for fees, for waivers, for enforcement and for
9 injunction; and making editorial changes.

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

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

AN ACT

15
16 Regulating the practice of speech-language pathologists,
17 audiologists and teachers of the deaf or hard of hearing
18 [impaired]; creating the State Board of Examiners in Speech-
19 Language Pathology, Audiology and Teachers of the Deaf or
20 Hard of Hearing with certain powers and duties; and

1 prescribing penalties.

2 Section 1. Short title.

3 This act shall be known and may be cited as the Speech-
4 Language Pathology, Audiology and Teachers of the Deaf or Hard
5 of Hearing Licensure Act.

6 Section 2. Declaration of policy.

7 It is declared to be the policy of the Commonwealth that, in
8 order to safeguard the public health, safety and welfare; to
9 protect the public from being misled by incompetent,
10 unscrupulous and unauthorized persons; to protect the public
11 from unprofessional conduct on the part of qualified speech-
12 language pathologists, audiologists and teachers of the deaf or
13 hard of hearing [impaired]; and to assure the availability of
14 the highest possible quality of speech-language pathology,
15 audiology and teaching of the deaf or hard of hearing services
16 to the [communicatively handicapped] people of this
17 Commonwealth, it is necessary to regulate persons offering
18 speech-language pathology, audiology and teaching of the deaf or
19 hard of hearing services to the public and persons functioning
20 under the direction of these specialists.

21 Section 3. Definitions.

22 The following words and phrases when used in this act shall
23 have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Audiologist." Any person who is qualified [by training and
26 experience] to engage in the practice of [the evaluation,
27 counseling, habilitation and rehabilitation of individuals whose
28 communicative disorders center in whole or in part in the
29 hearing function. For the purposes of this paragraph the words
30 "habilitation" and "rehabilitation" include, but are not limited

1 to, hearing aid evaluation, fitting, recommendation, speech
2 reading, auditory training and similar activities. A person is
3 deemed to be or to hold himself out as being an audiologist if
4 he offers such services to the public under any title
5 incorporating the words audiology, audiologist, audiological
6 consultant, aural rehabilitationist, hearing audiologist or any
7 similar title or description of service.] audiology.

8 "Board." The State Board of Examiners in Speech-Language
9 Pathology, Audiology and Teachers of the Deaf or Hard of
10 Hearing.

11 "Person." Any individual, organization, association,
12 partnership, company, trust or corporate body, except that any
13 reference in this act to a licensed person shall mean a natural
14 individual person.

15 "Practice of audiology." The prevention, identification,
16 assessment, diagnosis, counseling, management and treatment of
17 persons with known or suspected auditory and/or vestibular
18 impairments. A person is deemed to be or to hold himself out as
19 being an audiologist if he offers such services to the public
20 under any title incorporating the words audiology, audiologist,
21 audiological consultant, hearing aid audiologist or any similar
22 title or description of service.

23 "Practice of speech-language pathology." The prevention,
24 identification, assessment, diagnosis, counseling, management
25 and treatment of persons with known or suspected language,
26 cognitive/linguistic, speech, voice or swallowing disorders,
27 including elective modification of communication behaviors and
28 enhancement of communication. A person is deemed to be or to
29 hold himself out as being a speech-language pathologist if he
30 offers such services under any title incorporating the words

1 speech-language pathologist, speech therapist, voice therapist,
2 aphasiologist, dysphasia therapist or any similar title or
3 description of service.

4 "Practice of teaching the deaf or hard of hearing."
5 Providing evaluation and instruction in curriculum-based
6 material and communication skills appropriate for individuals
7 whose cognitive and educational development have been affected
8 primarily by impaired hearing sensitivity. A person is deemed to
9 be or to hold himself out as being a teacher of the deaf or hard
10 of hearing if he offers such services under any title
11 incorporating the words teacher of the deaf or hard of hearing,
12 teacher of the acoustically handicapped, teacher of the deaf,
13 teacher of the acoustically impaired, hearing teacher, teacher
14 of the aurally handicapped, hearing tutor, tutor of the
15 auditorily impaired, educator of the deaf or any similar title
16 or description of service.

17 "Speech-language pathologist." Any person who is qualified
18 [by training and experience] to engage in the practice of [the
19 evaluation, counseling, habilitation and rehabilitation of
20 individuals whose communicative disorders involve the function
21 of speech, voice or language. A person is deemed to be or to
22 hold himself out as being a speech-language pathologist if he
23 offers such services under any title incorporating the words
24 speech-language pathologist, speech consultant, speech
25 therapist, speech correctionist, speech clinician, speech
26 specialist, language pathologist, logopedist, communication
27 therapist, voice therapist, aphasia therapist, aphasologist,
28 communicologist, or any similar title or description of
29 service.] speech-language pathology.

30 "Teacher of the [hearing impaired] deaf or hard of hearing."

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

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

17 (a) Board created.--There is hereby created a departmental
18 administrative board to be known as the State Board of Examiners
19 in Speech-Language Pathology, Audiology and Teachers of the Deaf
20 or Hard of Hearing which shall be in the Bureau of Professional
21 and Occupational Affairs of the Department of State. It shall
22 consist of [ten] eight members, [nine] seven of whom shall be
23 appointed by the Governor, by and with the advice and consent of
24 a majority of the members elected to the Senate, who shall be
25 residents of Pennsylvania for a three-year period immediately
26 prior to appointment. The Commissioner of Professional and
27 Occupational Affairs shall serve in his official capacity as the
28 [tenth] eighth member of the board. At the first meeting, the
29 appointed members shall determine, by lot, three members to
30 serve three-year terms, three members to serve two-year terms

1 and [three members to serve one-year terms] one member to serve
2 a one-year term, with the exception of the commissioner.

3 (b) Vacancies.--When the term of each appointed member of
4 the board ends, the Governor shall appoint his successor for a
5 term of three years, by and with the advice and consent of a
6 majority of the members elected to the Senate. Any appointive
7 vacancy occurring on the board shall be filled by the Governor
8 by appointment for the unexpired term, by and with the advice
9 and consent of a majority of the members elected to the Senate.
10 Board members shall continue to serve until their successors are
11 appointed and qualified but not longer than six months beyond
12 the three-year period.

13 (c) Qualifications of board.--The board shall consist of the
14 Commissioner of the Bureau of Professional and Occupational
15 Affairs, one member who at the time of appointment is engaged in
16 rendering professional services in speech-language pathology,
17 one member who at the time of appointment is engaged in
18 rendering professional services in audiology, one member who at
19 the time of appointment is engaged in rendering professional
20 services as a teacher of the deaf or hard of hearing [impaired],
21 two members at large who are either speech-language
22 pathologists, audiologists or teachers of the deaf or hard of
23 hearing [impaired], however, each profession shall not be
24 represented by more than two board members, [two members who are
25 physicians licensed to practice medicine in this Commonwealth,
26 at least one of whom specializes in otolaryngology,] and two
27 members of the public appointed by the Governor from nominations
28 submitted by the governing boards of groups advocating for the
29 welfare of the [speech-language and hearing handicapped.]
30 residents of this Commonwealth. Of the initial members, the

1 speech-language pathologists, audiologists and teachers of the
2 deaf or hard of hearing [impaired] shall possess the necessary
3 qualifications for licensure under this act. Thereafter, the
4 members of the board who are speech-language pathologists,
5 audiologists and teachers of the deaf or hard of hearing
6 [impaired] shall be licensed under this act. No public member
7 appointed under the provisions of this section shall be
8 affiliated in any manner with professions or occupations
9 providing health or corrective communications services or
10 products to communicatively impaired persons. The public members
11 shall be qualified pursuant to law, including section 813 of the
12 act of April 9, 1929 (P.L.177, No.175), known as The
13 Administrative Code of 1929. In addition, no member of the board
14 shall at the same time be an officer or agent of any Statewide
15 association or organization representing the professions or
16 occupations under the jurisdiction of this board.

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

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

25 (f) Meetings of board.--The board shall hold a meeting
26 within 150 days after the effective date of this act and
27 annually thereafter in the month prescribed by the board and
28 elect a chairman, vice chairman and secretary who shall be
29 members of the board. The board shall meet at such other times
30 as deemed necessary and advisable by the chairman or by a

majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the board. A majority of the board shall constitute a quorum at any meeting or hearing.

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

Section 5. Powers and duties of board.

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

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

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

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

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

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

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

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

29 (8) To promulgate rules and regulations regarding
30 persons functioning under the direction of [audiologists,]

1 speech-language pathologists, audiologists and teachers of
2 the deaf or hard of hearing [impaired].

3 Section 3. Sections 6, 7, 8, 10, 12, 13, 16 and 17 of the
4 act are amended to read:

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

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

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

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

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

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

27 (iii) A hearing aid fitter engaged in the business
28 of selling and fitting hearing aids, and a hearing aid
29 dealer engaged in the sale of hearing aids, as provided
30 in the act of November 24, 1976 (P.L.1182, No.262), known

1 as the Hearing Aid Sales Registration Law.]

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

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

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

1 section 7, and if the services are performed for no more than
2 five days in any calendar year in cooperation with a speech-
3 language pathologist, audiologist or teacher of the deaf or
4 hard of hearing [impaired] licensed under this act.

5 (5) A corporation, partnership, trust, association,
6 company or other similar form of organization from engaging
7 in the practice of speech-language pathology, audiology or
8 teaching the deaf or hard of hearing [impaired without a
9 license if it employs licensed individuals in the direct
10 practice of speech-language pathology, audiology or teaching
11 the hearing impaired.] licensed under this act.

12 Section 7. Requirements for licensure.

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

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

26 (2) For the license in audiology, possess a master's or
27 Au.D degree in audiology or its equivalent from an accredited
28 academic institution. [In addition, the applicant] Master's
29 degree applicants must have at least one year of supervised
30 professional experience in the field of audiology. Beginning

1 January 1, 2012, all new applicants must possess a doctorate
2 in audiology.

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

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

12 (1) Applicants who present proof of [current
13 certification or licensure] a currently valid license to
14 practice speech-language pathology, audiology or to teach the
15 deaf or hard of hearing in a state which has standards
16 determined by the board to be at least equal to those for
17 licensure in this Commonwealth.

18 (2) Applicants who hold a currently valid and
19 appropriate Certificate of Clinical Competence from the
20 Council of Professional Standards of the American Speech-
21 Language [and] Hearing Association or board certification
22 from the American Board of Audiology.

23 (3) Applicants who hold a currently valid professional
24 certificate issued by the Council on Education of the Deaf in
25 [compliance] accordance with its standards for the
26 certification of teachers of the deaf or hard of hearing
27 [impaired] and who have completed an additional ten graduate
28 academic credits established by the board to be appropriate
29 for licensure as a teacher of the deaf or hard of hearing
30 [impaired].

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

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

11 (2) files an application with the board providing bona
12 fide proof of the degree and employment together with the
13 application fee prescribed in section 8.]

14 Section 8. Application and fees.

15 (a) Fee.--An application for [examination and] license shall
16 be accompanied by a nonrefundable application [and examination]
17 fee in an amount established by the board by regulation and
18 shall be subject to review in accordance with the act of June
19 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

20 If the revenues generated by fees, fines and civil penalties
21 imposed in accordance with the provisions of this act are not
22 sufficient to match expenditures over a two-year period, the
23 board shall increase those fees by regulation, subject to review
24 in accordance with the Regulatory Review Act, such that the
25 projected revenues will meet or exceed projected expenditures.

26 If the Bureau of Professional and Occupational Affairs
27 determines that fees established by the board are inadequate to
28 meet the minimum enforcement efforts required, then the bureau,
29 after consultation with the board, shall increase the fees by
30 regulation, subject to review in accordance with the Regulatory

1 Review Act, such that adequate revenues are raised to meet the
2 required enforcement effort.

3 (b) Affidavit.--Each application shall be accompanied by an
4 affidavit or affirmation of the applicant as to its verity. Any
5 applicant who knowingly or willfully makes a false statement in
6 his application shall be subject to prosecution for perjury.

7 [(c) Examinations.--The board shall offer at least two
8 examinations for licensure each year. Notice of examinations
9 shall be given at least 60 days prior to their administration.

10 (d) Record of examination scores.--The board shall maintain
11 a permanent record of all examination scores.]

12 (e) Disposition and use of fees.--Fees shall be collected by
13 the board through the Bureau of Professional and Occupational
14 Affairs and shall be paid into the Professional Licensure
15 Augmentation Account established pursuant to and for use in
16 accordance with the act of July 1, 1978 (P.L.700, No.124), known
17 as the Bureau of Professional and Occupational Affairs Fee Act.
18 Section 10. Refusal to issue; revocation; etc.

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

23 (1) The practice of any fraud, misrepresentation or
24 concealment in obtaining or attempting to obtain a license or
25 renewal thereof.

26 (2) A violation of this act or noncompliance with the
27 rules and regulations promulgated by the board under this
28 act.

29 (3) Aiding or abetting any person in the violation of
30 this act or noncompliance with the rules and regulations

promulgated by the board.

(4) Being convicted of a felony or misdemeanor of the first or second degree in any court of the United States or of any state within ten years prior to the date of application for licensure.

(5) Unprofessional conduct as defined by the rules and regulations adopted by the board.

(6) The practice of fraud or deceit in connection with services rendered as [an audiologist,] a speech-language pathologist, audiologist or teacher of the deaf or hard of hearing [impaired].

Section 12. [Requirement of] Referral for a medical examination.

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

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

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

Signature

Date]

1 A speech-language pathologist, audiologist or teacher of the
2 deaf or hard of hearing shall refer patients who present with
3 suspected medical or surgical conditions for medical evaluation.

4 Section 13. Renewal fees; records.

5 Renewal of licenses shall be on a biennial basis. The fee for
6 renewal of a license shall be as determined by the board in
7 accordance with section 8(a). A record of all speech-language
8 pathologists, audiologists and teachers of the deaf or hard of
9 hearing [impaired] licensed to practice in this Commonwealth
10 shall be maintained in the office of the board and published at
11 the discretion of the board. The board shall suspend any license
12 for nonpayment of fees until the license is renewed properly.

13 Section 16. Certification to the board.

14 Every organization or corporation which engages in the
15 practice of speech-language pathology, audiology or teaching of
16 the deaf or hard of hearing [impaired] by the employment of
17 individuals licensed under the provisions of this act shall file
18 with the board, on a form approved by the board, a certification
19 that it submits itself to the rules and regulations of the board
20 and the provisions of this act which the board shall consider
21 applicable to it.

22 Section 17. Enforcement of certification to board.

23 No license or renewal of license shall be issued by the board
24 to any individual engaging in the practice of speech-language
25 pathology, audiology or teaching of the deaf or hard of hearing
26 [impaired] with a corporation, partnership, trust, association,
27 company or other similar forms of organization which have failed
28 to comply with section 16.

29 Section 4. Section 17.1(f) of the act, added October 18,
30 2000 (P.L.536, No.71), is amended to read:

1 Section 17.1. Impaired professionals.

2 * * *

3 (f) Mandatory reporting to board.--

4 (1) Any hospital or health care facility, peer or
5 colleague who has substantial evidence that a professional
6 has an active addictive disease for which the professional is
7 not receiving treatment, is diverting a controlled substance
8 or is mentally or physically incompetent to carry out the
9 duties of that professional's license shall make or cause to
10 be made a report to the board.

11 (2) Any person or facility who acts in a treatment
12 capacity to an impaired speech-language pathologist,
13 audiologist or as a teacher of the deaf or hard of hearing
14 [impaired] in an approved treatment program shall be exempt
15 from the mandatory reporting requirements of this subsection.
16 Any person or facility who reports under this subsection in
17 good faith and without malice shall be immune from any civil
18 or criminal liability arising from the report.

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

25 Section 5. Sections 19 and 20 of the act are amended to
26 read:

27 Section 19. Injunction against unlawful practice.

28 [After 12 months from the effective date of this act, it] It
29 shall be unlawful for any person to practice or attempt to offer
30 to practice [audiology,] speech-language pathology, audiology or

1 teaching the deaf or hard of hearing [impaired] without holding
2 a valid unrevoked and unsuspended license issued under this act.
3 The unlawful practice of [audiology,] speech-language pathology,
4 audiology or teaching the deaf or hard of hearing [impaired] may
5 be enjoined by the courts on petition of the board or its
6 agents. In any proceeding it shall not be necessary to show that
7 any person is individually injured by the complained of actions.
8 If the respondent is found guilty of the unlawful practice, the
9 court shall enjoin him from practicing until he has been duly
10 licensed. Procedure in these cases shall be the same as in any
11 other injunction suit. The remedy by injunction is in addition
12 to criminal prosecution and punishment.

13 [Section 20. Appropriation.

14 The sum of \$75,000, or as much thereof as may be necessary,
15 is hereby appropriated from the Professional Licensure
16 Augmentation Account within the General Fund to the Bureau of
17 Professional and Occupational Affairs in the Department of State
18 for the establishment and operation of the State Board of
19 Examiners in Speech-Language and Hearing. The appropriation
20 granted shall be repaid by the board within three years of the
21 beginning of issuance of licenses by the board.]

22 Section 6. This act shall take effect in 60 days.