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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE BILL

## No. 1112

Session of  
1983

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INTRODUCED BY WILT, REIBMAN, CORMAN, SNYDER, EARLY, SHUMAKER,  
BRIGHTBILL, RHOADES, LINCOLN, HELFRICK, KELLEY, ANDREZESKI,  
MELLOW, BODACK, STAPLETON, HAGER AND HOPPER, OCTOBER 25, 1983

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 2, 1984

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AN ACT

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

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12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Short title.

15 This act shall be known and may be cited as the Speech-  
16 Language and Hearing Licensure Act.

17 Section 2. Declaration of policy.

18 It is declared to be the policy of the Commonwealth that, in  
19 order to safeguard the public health, safety and welfare; to  
20 protect the public from being misled by incompetent,  
21 unscrupulous and unauthorized persons; to protect the public  
22 from unprofessional conduct on the part of qualified speech-  
23 language pathologists, audiologists and teachers of the hearing  
24 impaired; and to assure the availability of the highest possible  
25 quality of speech-language and hearing services to the  
26 communicatively handicapped people of this Commonwealth, it is  
27 necessary to regulate persons offering speech-language and  
28 hearing services to the public and persons functioning under the  
29 direction of these specialists.

30 Section 3. Definitions.

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

4       "Audiologist." Any person who is qualified by training and  
5 experience to engage in the practice of the evaluation,  
6 counseling, habilitation and rehabilitation of individuals whose  
7 communicative disorders center in whole or in part in the  
8 hearing function. For the purposes of this paragraph the words  
9 "habilitation" and "rehabilitation" include, but are not limited  
10 to, hearing aid evaluation, fitting, recommendation ~~and~~ <—  
11 ~~prescription~~, speech reading, auditory training and similar  
12 activities. A person is deemed to be or to hold himself out as  
13 being an audiologist if he offers such services to the public  
14 under any title incorporating the words audiology, audiologist,  
15 audiological consultant, ~~hearing consultant~~, aural <—  
16 rehabilitationist, hearing audiologist or any similar title or  
17 description of service.

18       "Board." The State Board of Examiners in Speech-Language and  
19 Hearing.

20       "Person." Any individual, organization, association,  
21 partnership, company, trust or corporate body, except that any  
22 reference in this act to a licensed person shall mean a natural  
23 individual person.

24       "Speech-language pathologist." Any person who is qualified  
25 by training and experience to engage in the practice of the  
26 evaluation, counseling, habilitation and rehabilitation of  
27 individuals whose communicative disorders involve the function  
28 of speech, voice or language. 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 consultant, speech  
2 therapist, speech correctionist, speech clinician, speech  
3 specialist, language pathologist, logopedist, communication  
4 therapist, voice therapist, aphasia therapist, aphasiologist,  
5 communicologist, or any similar title or description of service.

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

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

22 (a) Board created.--There is hereby created a departmental  
23 administrative board to be known as the State Board of Examiners  
24 in Speech-Language and Hearing which shall be in the Bureau of  
25 Professional and Occupational Affairs of the Department of  
26 State. It shall consist of ten members, nine of whom shall be  
27 appointed by the Governor, by and with the advice and consent of  
28 a majority of the members elected to the Senate, who shall be  
29 residents of Pennsylvania for a three-year period immediately  
30 prior to appointment. The Commissioner of Professional and

1 Occupational Affairs shall serve in his official capacity as the  
2 tenth member of the board. At the first meeting the appointed  
3 members shall determine by lot, three members to serve three-  
4 year terms, three members to serve two-year terms and three  
5 members to serve one-year terms with the exception of the  
6 commissioner.

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

17 (c) Qualifications of board.--The board shall consist of the  
18 Commissioner of the Bureau of Professional and Occupational  
19 Affairs, one member who at the time of appointment is engaged in  
20 rendering professional services in speech-language pathology,  
21 one member who at the time of appointment is engaged in  
22 rendering professional services in audiology, one member who at  
23 the time of appointment is engaged in rendering professional  
24 services as a teacher of the hearing impaired, two members at  
25 large who are either speech-language pathologists, audiologists  
26 or teachers of the hearing impaired, however, each profession  
27 shall not be represented by more than two board members, two  
28 members who are physicians licensed to practice medicine in this  
29 Commonwealth, at least one of whom specializes in  
30 otolaryngology, and two members of the public appointed by the

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

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

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

27 (f) Meetings of board.--The board shall hold a meeting  
28 within 150 days after the effective date of this act and  
29 annually thereafter in the month prescribed by the board and  
30 elect a chairman, vice chairman and secretary who shall be

1 members of the board. The board shall meet at such other times  
2 as deemed necessary and advisable by the chairman or by a  
3 majority of its members. Reasonable notice of all meetings shall  
4 be given in the manner prescribed by the board. A majority of  
5 the board shall constitute a quorum at any meeting or hearing.

6 Section 5. Powers and duties of board.

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

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

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

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

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

30 (5) To spend funds necessary for the proper performance

1 of its assigned duties in accordance with the fiscal and  
2 other laws of this Commonwealth and upon approval by the  
3 Commissioner of Professional and Occupational Affairs.

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

6 (7) To establish standards of eligibility for license  
7 renewal.

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

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

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

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

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

26 (i) A physician or surgeon ~~from engaging~~ ENGAGED in <—  
27 the practice of medicine.

28 (ii) A licensed physician or surgeon or a trained  
29 individual under the direction of a licensed physician

30 ~~from~~ doing hearing testing in the office or clinic of the <—



1 physician.

2 (iii) A hearing aid ~~dealer from engaging~~ FITTER <—  
3 ENGAGED in the business of selling and fitting hearing  
4 aids, AND A HEARING AID DEALER ENGAGED IN THE SALE OF <—  
5 HEARING AIDS, as provided in the act of November 24, 1976  
6 (P.L.1182, No.262), known as the Hearing Aid Sales  
7 Registration Law.

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

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

27 (4) The practice of speech-language pathology, audiology  
28 or teaching the hearing impaired in this Commonwealth by any  
29 person not a resident of this Commonwealth who is not  
30 licensed under this act if the person meets the

1 qualifications and requirements for licensure described in  
2 section 7, or who is licensed under the law of another state  
3 having licensure requirements determined by the board to be  
4 at least equivalent to those established by section 7, and if  
5 the services are performed for no more than five days in any  
6 calendar year in cooperation with a speech-language  
7 pathologist, audiologist or teacher of the hearing impaired  
8 licensed under this act.

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

16 Section 7. Requirements for licensure.

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

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

30 (2) For the license in audiology, possess a master's

1 degree in audiology or its equivalent from an accredited  
2 academic institution. In addition, the applicant must have at  
3 least one year of supervised professional experience in the  
4 field of audiology.

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

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

13 (1) Applicants who present proof of current  
14 certification or licensure in a state which has standards  
15 determined by the board to be at least equal to those for  
16 licensure in this Commonwealth.

17 (2) Applicants who hold a currently valid and  
18 appropriate Certificate of Clinical Competence from the  
19 Council of Professional Standards of the American Speech-  
20 Language and Hearing Association.

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

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

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

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

#### Section 8. Application and fees.

(a) Fee.--An application for examination and license shall be accompanied by a nonrefundable application and examination fee in an amount established by the board by regulation and shall be subject to review in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act. If the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of this act are not sufficient to match expenditures over a two-year period, the board shall increase those fees by regulation, subject to review in accordance with the Regulatory Review Act, such that the projected revenues will meet or exceed projected expenditures. If the Bureau of Professional and Occupational Affairs determines that fees established by the board are inadequate to meet the minimum enforcement efforts required, then the bureau, after consultation with the board, shall increase the fees by regulation, subject to review in accordance with the Regulatory Review Act, such that adequate revenues are raised to meet the required enforcement effort.

(b) Affidavit.--Each application shall be accompanied by an

1 affidavit or affirmation of the applicant as to its verity. Any  
2 applicant who knowingly or willfully makes a false statement in  
3 his application shall be subject to prosecution for perjury.

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

7 (d) Record of examination scores.--The board shall maintain  
8 a permanent record of all examination scores.

9 (e) Disposition and use of fees.--Fees shall be collected by  
10 the board through the Bureau of Professional and Occupational  
11 Affairs and shall be paid into the Professional Licensure  
12 Augmentation Account established pursuant to and for use in  
13 accordance with the act of July 1, 1978 (P.L.700, No.124), known  
14 as the Bureau of Professional and Occupational Affairs Fee Act.  
15 Section 9. Examinations.

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

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

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

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

6 (1) The practice of any fraud, misrepresentation or  
7 concealment in obtaining or attempting to obtain a license or  
8 renewal thereof.

9 (2) A violation of this act or noncompliance with the  
10 rules and regulations promulgated by the board under this  
11 act.

12 (3) Aiding or abetting any person in the violation of  
13 this act or noncompliance with the rules and regulations  
14 promulgated by the board.

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

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

21 (6) The practice of fraud or deceit in connection with  
22 services rendered as an audiologist, speech-language  
23 pathologist or teacher of the hearing impaired.

24 Section 11. Hearing; restoration to practice.

25 (a) Hearings.--Any person licensed by the board or an  
26 applicant for licensure by the board who is affected by action  
27 of the board for any of the reasons referred to in section 10,  
28 shall be cited by the board with a copy of the reasons and  
29 shall, upon request, have a hearing before the board or before a  
30 hearing officer appointed by the board.

1 (b) Procedure.--At any hearing the licensed person or  
2 applicant shall have the right to appear personally with or by  
3 legal counsel, to cross-examine witnesses appearing against him  
4 and to produce witnesses and evidence in his own behalf. The  
5 board may subpoena witnesses and documentary evidence on its own  
6 behalf, and, if requested by the licensed person or applicant,  
7 shall subpoena witnesses and documents on his behalf. The board  
8 may administer oaths, examine witnesses and compel testimony. A  
9 record of the hearing shall be made by the board and a copy  
10 furnished to the licensed person or applicant upon payment of a  
11 reasonable charge.

12 (c) Decision.--The revocation or suspension for any cause of  
13 a license issued by the board may be removed when it shall  
14 appear to the board to be just and proper. Upon any removal of  
15 the revocation or suspension of license by the board, the name  
16 of the licensed person shall be restored and replaced upon the  
17 record in the office of the board.

18 Section 12. Requirement of a medical examination.

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

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

28 I have been advised by (audiologist's name) that the  
29 Commonwealth of Pennsylvania has determined that my best  
30 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

Section 13. Renewal fees; records.

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

Section 14. Limitation of renewal time; new license.

Any person who fails to renew his license within five years  
after the date of its expiration may not renew it, and it may  
not be restored, reissued or reinstated thereafter, but the  
person may apply for and obtain a new license if he meets the  
requirements of this act.

Section 15. Display of license.

A license issued under this act shall be posted conspicuously  
at all times in the office or place of business of the licensee.

Section 16. Certification to the board.

Every organization or corporation which engages in the  
practice of speech-language pathology, audiology or teaching of  
the hearing impaired by the employment of individuals licensed  
under the provisions of this act shall file with the board, on a  
form approved by the board, a certification that it submits  
itself to the rules and regulations of the board and the



1 provisions of this act which the board shall consider applicable  
2 to it.

3 Section 17. Enforcement of certification to board.

4 No license or renewal of license shall be issued by the board  
5 to any individual engaging in the practice of speech-language  
6 pathology, audiology or teaching of the hearing impaired with a  
7 corporation, partnership, trust, association, company or other  
8 similar forms of organization which have failed to comply with  
9 section 16.

10 Section 18. Penalties.

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

18 Section 19. Injunction against unlawful practice.

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

1 same as in any other injunction suit. The remedy by injunction  
2 is in addition to criminal prosecution and punishment.

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 21. Effective date.

13 This act shall take effect in 60 days.