

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 710 Session of 2009

INTRODUCED BY GORDNER, COSTA, ALLOWAY, FONTANA, RAFFERTY, STACK,
TARTAGLIONE, KITCHEN, STOUT, O'PAKE, BAKER AND LOGAN,
APRIL 1, 2009

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
APRIL 1, 2009

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 and for fees; providing for the use of a title;
9 and further providing for waivers, for enforcement and for
10 injunction.

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

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

AN ACT

17 Regulating the practice of speech-language pathologists,
18 audiologists and teachers of the hearing impaired; creating
19 the State Board of Examiners in Speech-Language Pathology and
20 Audiology and Teaching the Hearing Impaired with certain
21 powers and duties; and prescribing penalties.

1 Section 1. Short title.

2 This act shall be known and may be cited as the [Speech-
3 Language and Hearing Licensure Act] Speech-Language
4 Pathologists, Audiologists and Teachers of the Hearing Impaired
5 Licensure Act.

6 Section 2. Declaration of policy.

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

24 Section 3. Definitions.

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

28 "Audiologist." Any person who is qualified by [training and
29 experience] education, training and clinical experience and is
30 licensed under this act to engage in the practice of [the

1 evaluation, counseling, habilitation and rehabilitation of
2 individuals whose communicative disorders center in whole or in
3 part in the hearing function. For the purposes of this paragraph
4 the words "habilitation" and "rehabilitation" include, but are
5 not limited to, hearing aid evaluation, fitting, recommendation,
6 speech reading, auditory training and similar activities. A
7 person is deemed to be or to hold himself out as being an
8 audiologist if he offers such services to the public under any
9 title incorporating the words audiology, audiologist,
10 audiological consultant, aural rehabilitationist, hearing
11 audiologist or any similar title or description of service.]
12 audiology. 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 terms "audiology,"
15 "audiologist," "audiological consultant," "hearing aid
16 audiologist," or any variation, synonym, coinage or similar
17 title that expresses, employs or implies these terms, names or
18 functions.

19 "Board." The State Board of Examiners in Speech-Language
20 [and Hearing] Pathology and Audiology and Teaching of the
21 Hearing Impaired.

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

27 "Practice of audiology." The application of principles,
28 methods and procedures related to disorders of the auditory and
29 vestibular systems, including the following: facilitating the
30 conservation of auditory hearing function; developing and

1 implementing hearing conservation programs; preventing,
2 identifying and diagnosis and treatment of auditory and
3 vestibular disorders; selecting, fitting and dispensing of
4 amplification systems, including hearing aids and related
5 devices and providing training and counseling in their use;
6 aural rehabilitation; providing speech and language screening
7 limited to pass-fail; and determination for the purpose of
8 identification, individuals with disorders of communication. The
9 board shall further define the term "practice of audiology"
10 according to the provisions of section 5.

11 "Practice of speech-language pathology." The application of
12 principles, methods and procedures of prevention,
13 identification, assessment, counseling, consultation and follow-
14 up services for persons with known or suspected language,
15 cognitive/linguistic, social, speech, voice, swallowing or
16 communication disorders, including, but not limited to, elective
17 modification of communication behaviors and enhancement of
18 communication; providing evaluation, diagnosis and treatment
19 services for disorders of speech, language, swallowing,
20 cognitive and social aspects of communication; establishing
21 augmentative and alternative communication techniques and
22 strategies, including selecting, prescribing and dispensing of
23 augmentative aids and devices; the training of individuals,
24 their families and other communication partners in their use;
25 selecting, fitting and establishing effective use of appropriate
26 prosthetic/adaptive devices for speaking and swallowing; using
27 instrumental technology to observe, to assess and treat
28 disorders of communication and swallowing; and providing aural
29 rehabilitative and related counseling services to individuals
30 with hearing loss and to their families. The board shall further

1 define the term "practice of speech-language pathology"

2 according to the provisions of section 5.

3 "Practice of teaching of the hearing impaired." Providing

4 evaluation and instruction in communication skills, speech

5 reading, speech and language development and auditory training

6 appropriate for individuals whose cognitive and educational

7 development have been affected primarily by impaired hearing

8 sensitivity. Providing out-of-school tutoring for hearing

9 impaired students in academic subject matter shall not be

10 considered to be the practice of teaching of the hearing

11 impaired. A person is deemed to be or to hold himself out as

12 being a teacher of the hearing impaired if he offers such

13 services under any title incorporating the words teacher of the

14 hearing impaired, teacher of the deaf or hard of hearing,

15 teacher of the acoustically handicapped, teacher of the deaf,

16 teacher of the acoustically impaired, hearing teacher, teacher

17 of the aurally handicapped, hearing tutor, tutor of the

18 auditorily impaired, educator of the deaf or any similar title

19 or description of service.

20 "Speech-language pathologist." Any person who is qualified

21 by [training and experience] education, training and clinical

22 experience and is licensed under this act to engage in the

23 practice of [the evaluation, counseling, habilitation and

24 rehabilitation of individuals whose communicative disorders

25 involve the function of speech, voice or language.] speech-

26 language pathology. A person is deemed to be or to hold himself

27 out as being a speech-language pathologist if he offers such

28 services under any title incorporating the [words speech-

29 language pathologist, speech consultant,] terms speech-language

30 pathology, speech-language pathologist, speech therapist,

1 [speech correctionist, speech clinician, speech specialist,
2 language pathologist, logopedist, communication therapist, voice
3 therapist, aphasia therapist, aphasiologist, communicologist, or
4 any similar title or description of service.] voice therapist,
5 aphasiologist, dysphagia therapist or any variation, synonym,
6 coinage or similar title that expresses, employs or implies
7 these terms, names or functions.

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

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

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

1 residents of Pennsylvania for a three-year period immediately
2 prior to appointment. The Commissioner of Professional and
3 Occupational Affairs shall serve in his official capacity as the
4 tenth member of the board. At the first meeting, the appointed
5 members shall determine, by lot, three members to serve three-
6 year terms, three members to serve two-year terms and three
7 members to serve one-year terms, with the exception of the
8 commissioner.

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

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

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

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

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

29 (f) Meetings of board.--The board shall hold a meeting
30 within 150 days after the effective date of this act and

1 annually thereafter in the month prescribed by the board and
2 elect a chairman, vice chairman and secretary who shall be
3 members of the board. The board shall meet at such other times
4 as deemed necessary and advisable by the chairman or by a
5 majority of its members. Reasonable notice of all meetings shall
6 be given in the manner prescribed by the board. A majority of
7 the board shall constitute a quorum at any meeting or hearing.]

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

10 (a) Board created.--There is hereby created a departmental
11 administrative board to be known as the State Board of Examiners
12 in Speech-Language Pathology and Audiology which shall be in the
13 Bureau of Professional and Occupational Affairs of the
14 Department of State. The board shall consist of eleven members,
15 ten of whom shall be appointed by the Governor, by and with the
16 advice and consent of a majority of the members elected to the
17 Senate, who shall be residents of Pennsylvania for a three-year
18 period immediately prior to their appointment. The Commissioner
19 of Professional and Occupational Affairs shall serve in his
20 official capacity as the eleventh member of the board.

21 (b) Composition.--The board shall consist of three
22 audiologists who are currently practicing audiology, have had
23 five years' experience practicing audiology and who hold active
24 and valid licensure for the practice of audiology in this
25 Commonwealth, three speech-language pathologists who are
26 currently practicing speech-language pathology, have had five
27 years' experience practicing speech-language pathology and who
28 hold active and valid licensure for the practice of speech-
29 language pathology in this Commonwealth, one teacher of the
30 hearing impaired who holds an active and valid licensure for the

1 practice of teaching the hearing impaired in this Commonwealth,
2 one physician licensed to practice medicine in this
3 Commonwealth, two representatives of the public who are not
4 associated with or financially interested in the practice or
5 business of audiology, of speech-language pathology or of
6 medicine and who are not members of allied or related
7 professions or occupations, and the Commissioner of the Bureau
8 of Professional and Occupational Affairs. The public members
9 shall be qualified pursuant to law, including section 813 of the
10 act of April 9, 1929 (P.L.177, No.175), known as The
11 Administrative Code of 1929. In addition, no member of the board
12 shall at the same time be an officer or agent of any Statewide
13 association or organization representing the professions or
14 occupations under the jurisdiction of the board.

15 (c) Appointments.--Appointments of audiologists to the board
16 shall be made by the Governor from a list of qualified
17 audiologists submitted jointly by the Pennsylvania Academy of
18 Audiology (PAA) and the Pennsylvania Speech-Language Hearing
19 Association (PSHA) and names submitted by other interested
20 organizations or persons in this Commonwealth. Appointments of
21 speech-language pathologists shall be made by the Governor from
22 a list of qualified speech-language pathologists submitted by
23 the Pennsylvania Speech-Language Hearing Association (PSHA) and
24 names submitted by other interested organizations or persons in
25 this Commonwealth. No member of the board shall at the same time
26 serve in an elected, appointed or employed position in any
27 national, State or local-level organization representing
28 audiologists, speech-language pathologists or physicians, which
29 present or may present a conflict of interest.

30 (d) Terms.--Appointments to the board shall be for a period

1 of three years. Members shall serve until the expiration of the
2 term for which they have been appointed or until their
3 successors have been appointed and are deemed to be qualified to
4 serve on the board. The Governor may remove any member of the
5 board for unprofessional conduct, incompetence or neglect of
6 duty.

7 (e) 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. In the event of a
11 vacancy in the office of an appointed member of the board other
12 than by expiration of a term, the Governor shall appoint a
13 qualified person to fill the vacancy for the unexpired term, by
14 and with the advice and consent of a majority of the members
15 elected to the Senate. Board members shall continue to serve
16 until their successors are appointed and qualified but not
17 longer than six months beyond the three-year period.

18 (f) Reappointment.--A member of the board shall be eligible
19 for reappointment. No member may serve more than two consecutive
20 three-year terms.

21 (g) Compensation; expenses.--The members of the board, other
22 than the Commissioner of Professional and Occupational Affairs,
23 shall receive reimbursement for reasonable travel, hotel and
24 other necessary expenses and \$100 per diem when actually engaged
25 in the performance of their official duties.

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

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. Six members of the board shall constitute a quorum to do business, provided that the majority of members present are audiologists and speech-language pathologists, and that at least one audiologist, one speech-language pathologist and one public representative are present at any meeting or hearing. The board shall conduct its meetings and keep records of its proceedings in accordance with the provisions of 1 Pa. Code Pt. II (relating to general rules of administrative practice and procedure).

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

1 and illegal.

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

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

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

12 (6) To waive [examination and] educational requirements
13 and grant a license as provided in sections 6 and 7.

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

1 written notification of its approval or denial of a waiver
2 request. The requirement to demonstrate the satisfactory
3 completion of continuing education shall begin with the
4 biennial renewal period to be designated by regulation of the
5 board and following written notice to licensees.

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

10 (9) To recognize national professional organizations in
11 audiology that have established definitions of the practice
12 of audiology, and to recognize a national professional
13 organization in speech-language pathology that has
14 established a definition of the practice of speech-language
15 pathology. These organizations shall be the same as those
16 recognized by the board under the provisions of section 7(b)
17 (2). The board shall then adopt those definitions to be the
18 practical definitions of the practice of audiology and the
19 practice of speech-language pathology for licensees under the
20 board. If either of the recognized national professional
21 organizations amends its definition, the amended definition
22 cannot be added to the practice of audiology or to the
23 practice of speech-language pathology until it has been
24 adopted by the board.

25 (10) To recognize national accrediting agencies which
26 accredit programs of audiology as specified in section 7(a)
27 (2).

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

30 Section 6. License required; persons and practices not

1 affected; exclusions; case load limitations.

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

9 (a) Licenses.--Except as provided in subsection (b), no
10 person may practice or hold himself out as being able to
11 practice as an audiologist, speech-language pathologist, or
12 teacher of the hearing impaired, or may engage in the practice
13 of speech-language pathology, the practice of audiology or the
14 practice of teaching the hearing impaired in this Commonwealth
15 unless he holds a current, unsuspended, unrevoked license issued
16 by the board. Licensure shall be granted separately in speech-
17 language pathology, audiology and teaching of the hearing
18 impaired. Terminology that approximates speech-language
19 pathology or audiology without a current, unsuspended, unrevoked
20 license issued by the board that may confuse the public or
21 falsify the credentials of the individual or company shall
22 constitute a violation of this act.

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

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

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

30 (ii) A licensed physician or surgeon or a trained

1 individual under the direction of a licensed physician
2 doing hearing testing in the office or clinic of the
3 physician.

4 (iii) A hearing aid fitter engaged in the business
5 of selling and fitting hearing aids, and a hearing aid
6 dealer engaged in the sale of hearing aids, as provided
7 in the act of November 24, 1976 (P.L.1182, No.262), known
8 as the Hearing Aid Sales Registration Law.

9 (2) A person who holds a valid credential issued by the
10 Department of Education in the area of speech or hearing and
11 who is employed in public or private elementary and secondary
12 schools or institutions chartered by the Commonwealth[, or
13 a]. Beginning two years after the effective date of this act,
14 all persons newly employed by a public school district, a
15 private elementary or secondary school, or an institution
16 chartered by the Commonwealth must hold a valid license
17 issued by the board. Beginning with the start of the next
18 school year two years after the effective date of this act,
19 caseload size for all persons employed as speech-language
20 pathologists in a public school district, in a private
21 elementary or secondary school or in an institution chartered
22 shall be in accordance with the workload formula established
23 by the school district or the governing board of the private
24 school or institution.

25 (3) A person who is employed by the Commonwealth or the
26 Federal Government as a speech-language pathologist,
27 audiologist or teacher of the hearing impaired from engaging
28 in his profession or occupation, if the person performs his
29 services solely within the scope of his employment, or a
30 person performing hearing testing under section 1402 of the

act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

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

[(4)] (5) The practice of speech-language pathology, audiology or teaching the hearing impaired in this Commonwealth by any person not a resident of this Commonwealth who is not licensed under this act if the person meets the qualifications and requirements for licensure described in section 7, or who is licensed under the law of 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, audiologist or teacher of the hearing impaired licensed under this act.

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

Section 7. Requirements for licensure.

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

8 (1) For the license in speech-language pathology,
9 possess a master's degree in speech-language pathology or its
10 equivalent from an [accredited academic institution] academic
11 program accredited by the Council of Academic Accreditation
12 in Audiology and Speech-Language Pathology. In addition, the
13 applicant must have at least one year of supervised
14 professional experience in the field of speech-language
15 pathology.

16 (2) For the license in audiology, possess a master's
17 degree or doctoral degree in audiology or its equivalent from
18 an [accredited academic institution] academic program
19 accredited by an accrediting agency approved by the board
20 under standards pursuant to this act. [In addition, the
21 applicant] Master's degree applicants must have at least one
22 year of supervised professional experience in the field of
23 audiology. Beginning January 1, 2012, all new applicants must
24 possess a doctoral degree in audiology or its equivalent as
25 determined by the board.

26 (3) For licensure as a teacher of the hearing impaired,
27 possess a master's degree in education of the hearing
28 impaired or its equivalent from an accredited academic
29 institution. In addition, the applicant must have at least
30 one year of supervised professional experience in the field

1 of teaching the hearing impaired.

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

4 (1) Applicants who present proof of [current
5 certification or licensure] a currently valid license to
6 practice speech-language pathology or audiology in a state
7 which has standards determined by the board to be at least
8 equal to those for licensure in this Commonwealth.

9 (2) Applicants who hold a currently valid and
10 appropriate Certificate of Clinical Competence from the
11 Council [of Professional Standards] for Clinical
12 Certification of the American Speech-Language [and] Hearing
13 Association[.] or certification from a national credentialing
14 organization that is recognized by the board from standards
15 pursuant to this act. Notice of standards shall be published
16 in the Pennsylvania Bulletin.

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

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

27 (1) has at least a bachelor's degree with a major in
28 speech-language pathology, audiology or teaching the hearing
29 impaired from an accredited college or university, and who
30 has been employed as a speech-language pathologist,

1 audiologist or teacher of the hearing impaired for at least
2 nine consecutive months within three years prior to the
3 effective date of this act; and

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

7 (c) Provisional licenses.--

8 (1) The board may, in accordance with the provisions of
9 this section, issue a provisional license in speech-language
10 pathology or audiology to applicants who have met all of the
11 requirements for licensure under this act except for the
12 completion of the clinical fellowship necessary to receive
13 either the Certificate of Clinical Competence from the
14 Council for Clinical Certification of the American Speech-
15 Language Hearing Association, or certification from another
16 national credentialing organization as recognized by the
17 board pursuant to section 7(b)(2). In order to receive the
18 license, the applicant must submit an application for the
19 provisional license to the board on a form prescribed by the
20 board. The form must indicate the applicant's plans for
21 completing the clinical fellowship, and must be accompanied
22 by an application fee determined by the board. A provisional
23 license issued under this section shall be valid for a
24 maximum of 18 months and cannot be renewed. The purpose of
25 the provisional license is solely to allow individuals to
26 practice speech-language pathology or audiology under
27 appropriate supervision while completing the postgraduate
28 professional experience required for certification under
29 section 7(b)(2). A person holding a provisional license is
30 authorized to practice speech-language pathology, audiology

1 or teaching of the hearing impaired only while working under
2 the supervision of a person fully licensed in this
3 Commonwealth in accordance with this act.

4 (2) Any person who is qualified by education, training
5 and clinical experience by completing all educational
6 requirements, including the externship of an Au.D. program
7 will hold a provisional license provided that such exclusion
8 shall only be valid for six months from the time of
9 application for the permanent license.

10 (3) A person holding a valid license in another state
11 may practice speech-language pathology, audiology or teaching
12 of the hearing impaired and who has applied for a license in
13 Pennsylvania under the provisions of this act may practice
14 speech-language pathology, audiology or teaching of the
15 hearing impaired while working under the supervision of a
16 person fully licensed in this Commonwealth for no more than
17 90 days while awaiting approval of the license application.

18 Section 8. Application and fees.

19 (a) Fee.--An application for [examination and] license shall
20 be accompanied by a nonrefundable application [and examination]
21 fee in an amount established by the board by regulation and
22 shall be subject to review in accordance with the act of June
23 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.
24 If the revenues generated by fees, fines and civil penalties
25 imposed in accordance with the provisions of this act are not
26 sufficient to match expenditures over a two-year period, the
27 board shall increase those fees by regulation, subject to review
28 in accordance with the Regulatory Review Act, such that the
29 projected revenues will meet or exceed projected expenditures.
30 If the Bureau of Professional and Occupational Affairs

1 determines that fees established by the board are inadequate to
2 meet the minimum enforcement efforts required, then the bureau,
3 after consultation with the board, shall increase the fees by
4 regulation, subject to review in accordance with the Regulatory
5 Review Act, such that adequate revenues are raised to meet the
6 required enforcement effort.

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

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

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

16 (e)] Disposition and use of fees.--Fees shall be collected
17 by the board through the Bureau of Professional and Occupational
18 Affairs and shall be paid into the Professional Licensure
19 Augmentation Account established pursuant to and for use in
20 accordance with the act of July 1, 1978 (P.L.700, No.124), known
21 as the Bureau of Professional and Occupational Affairs Fee Act.

22 Section 4. Section 9 of the act is repealed:

23 [Section 9. Examinations.

24 (a) Preparation of examinations.--All written examinations
25 shall be prepared and administered by a qualified professional
26 testing organization under contract with the Bureau of
27 Professional and Occupational Affairs and approved by the board,
28 except that national uniform examinations or grading services or
29 both shall be used if available. No board member shall have a
30 financial interest in a professional testing organization. This

1 section shall not apply to any oral, practical or other
2 nonwritten examination which may be required by the board.

3 (b) Cost of examinations.--The purpose of the examination
4 fee which is to be established in accordance with section 8(a)
5 is to insure that the applicant's fees cover the entire cost of
6 the examination and administration. Cost is all contractual
7 charges relating to the preparing, administering, grading and
8 recording of the examination.]

9 Section 5. Section 12 of the act is amended to read:

10 Section 12. Requirement of a medical examination.

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

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

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

26 _____
27 Signature Date]

28 A speech-language pathologist, audiologist or teacher of the
29 hearing impaired shall refer patients who present with suspected
30 medical or surgical conditions for medical evaluation.

1 Section 6. The act is amended by adding a section to read:

2 Section 16.1. Title.

3 A licensed speech-language pathologist, or a licensed
4 audiologist who holds a doctoral degree in audiology, may use
5 the title "Doctor" or "Dr." on written materials only if the
6 abbreviations "Au.D.," "Ed.D. or "Ph.D." also accompany the
7 licensee's name. A licensee who is not also licensed to practice
8 medicine or osteopathy in this Commonwealth may not attach to
9 his name or use as a title the words or abbreviations "Doctor"
10 or "Dr." in contravention of this section, "M.D.," "physician,"
11 "surgeon," "D.O." or any word or abbreviation that suggests that
12 the licensee practices medicine or osteopathy.

13 Section 7. Section 19 of the act is amended to read:

14 Section 19. Injunction against unlawful practice.

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

29 Section 8. Section 20 of the act is repealed:

30 [Section 20. Appropriation.

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

9 Section 9. This act shall take effect in 60 days.