SENATE BILL
No. 137  Session of 2013

INTRODUCED BY GORINER, COSTA, TARTAGLIONE, FARINESE, ERICKSON, MENCH, VULAKOVICH, WILLIAMS, SCHWANK, FERLO, SOLOBAY AND RAFFERTY, JANUARY 15, 2013

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, JANUARY 15, 2013

AN ACT

Amending the act of December 21, 1984 (P.L.1253, No.238), entitled "An act regulating the practice of speech-language pathologists, audiologists and teachers of the hearing impaired; creating the State Board of Examiners in Speech-Language and Hearing with certain powers and duties; and prescribing penalties," further providing for title of act, for short title, for declaration of policy, for definitions, for creation of board, appointment and term of members and officers, for powers and duties of board, for license required and persons and practices not affected and exclusions, for requirements for licensure, for application and fees, for examinations, for refusal to issue and revocation, for requirement of a medical examination, for renewal fees and records, for limitation of renewal time and new license and for certification to the board; providing for use of title; and further providing for enforcement of certification to board, for impaired professionals, for penalties, for injunction against lawful practice and for appropriation.

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

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

An Act
Regulating the practice of speech-language pathologists[,] and
audiologists [and teachers of the hearing impaired]; creating
the State Board of Examiners in Speech-Language [and Hearing]
Pathology and Audiology with certain powers and duties; and
prescribing penalties.

Section 1. Short title.

This act shall be known and may be cited as the Speech-
Language [and Hearing] Pathologists and Audiologists Licensure
Act.

Section 2. Declaration of policy.

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

Section 3. Definitions.

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

"Audiologist." Any person who is qualified by [training and
experience] education, training and clinical experience and is
licensed under this act to engage in the practice of [the
evaluation, counseling, habilitation and rehabilitation of
individuals whose communicative disorders center in whole or in
part in the hearing function. For the purposes of this paragraph
the words "habilitation" and "rehabilitation" include, but are
not limited to, hearing aid evaluation, fitting, recommendation,
speech reading, auditory training and similar activities. A
person is deemed to be or to hold himself out as being an
audiologist if he offers such services to the public under any
title incorporating the words audiology, audiologist,
audiological consultant, aural rehabilitationist, hearing
audiologist or any similar title or description of service]
audiology. The audiologist is an independent practitioner
providing services in hospitals, clinics, schools, private
practices and other settings in which audiologic services are
relevant. A person is deemed to be, or to hold himself out as
being, an audiologist if he offers such services to the public
under any title incorporating the terms "audiology,"
"audiologist," "audiological consultant," "hearing aid
audiologist" or any variation, synonym, coinage or similar title
that expresses, employs or implies these terms, names or
functions.

"Board." The State Board of Examiners in Speech-Language
[and Hearing] Pathology and Audiology.

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

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

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

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

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

(4) assessment and nonmedical diagnosis and treatment of 
hearing and vestibular disorders through the administration 
of behavioral, psychoacoustic, electrophysiologic tests of 
the peripheral and central auditory and vestibular systems 
using standardized test procedures, including, but not 
limited to, audiometry, tympanometry, acoustic reflex 
measures, otoacoustic emissions, auditory evoked potentials, 
video and electronystagmography and tests of central auditory 
function using calibrated instrumentation leading to the 
diagnosis of auditory and vestibular dysfunction abnormality;

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

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

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

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

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

(10) conducting otoscopic examinations;

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

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

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

(14) referral of persons with auditory and vestibular
dysfunction abnormalities to an appropriate physician for
medical evaluation when indicated based upon the
interpretation of the audiologic and vestibular test results.

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

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

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

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

(c) Qualifications of board.--The board shall consist of the Commissioner of the Bureau of Professional and Occupational Affairs, one member who at the time of appointment is engaged in rendering professional services in speech-language pathology, one member who at the time of appointment is engaged in rendering professional services in audiology, [one member who at the time of appointment is engaged in rendering professional services as a teacher of the hearing impaired,] two members at large who are either speech-language pathologists, or audiologists [or teachers of the hearing impaired], however, each profession shall not be represented by more than two board members. 
members, [two members who are physicians] one member who is a physician licensed to practice medicine in this Commonwealth[, at least one of whom] who specializes in otolaryngology, and two members of the public appointed by the Governor from nominations submitted by the governing boards of groups advocating for the welfare of the speech-language and hearing handicapped. Of the initial members, the speech-language pathologists[,] and audiologists [and teachers of the hearing impaired] shall possess the necessary qualifications for licensure under this act. Thereafter, the members of the board who are speech-language pathologists[,] and audiologists [and teachers of the hearing impaired] shall be licensed under this act. No public member appointed under the provisions of this section shall be affiliated in any manner with professions or occupations providing health or corrective communications services or products to communicatively impaired persons. The public members shall be qualified pursuant to law, including section 813 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. In addition, no member of the board shall at the same time be an officer or agent of any Statewide association or organization representing the professions or occupations under the jurisdiction of this board.

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

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

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Meetings of board.--The board shall hold a meeting within 150 days after the effective date of this act and annually thereafter in the month prescribed by the board and elect a chairman, vice chairman and secretary who shall be 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. A majority of the board shall constitute a quorum at any meeting or hearing.

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

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 hearing
impaired] and audiologist applicants, and provisional
licenses for audiologists.

(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.

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

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

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

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

(9) To recognize national professional organizations in audiology that have established definitions of the practice of audiology. These organizations shall be the same as those recognized by the board under the provisions of section 7(b)(2). The board shall have the power to adopt those definitions to be the practical definitions of the practice of audiology for licensees under the board. If one or more of the recognized national professional organizations amends its definition, the amended definition cannot be added to the practice of audiology until it has been adopted by the board through regulation.

(10) To recognize national accrediting agencies which accredit programs of audiology as specified in section 7(a)(2).
Section 6. License required; persons and practices not affected; exclusions.

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

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

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

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

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

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

(2) A person who holds a valid credential issued by the Department of Education in the area of speech or hearing and who is employed in public or private elementary and secondary schools in this Commonwealth.
schools or institutions chartered by the Commonwealth, or a person who is employed by the Commonwealth or the Federal Government as a speech-language pathologist[,] or audiologist [or teacher of the hearing impaired] from engaging in his profession or occupation, if the person performs his services solely within the scope of his employment, or a 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) 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 audiology[, 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) 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[,] or audiologist [or teacher of the hearing impaired] licensed under this act.

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

Section 7. Requirements for licensure.

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

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

(2) For the license in audiology, possess a master's degree or doctoral degree in audiology [or its equivalent] from an [accredited academic institution. In addition, the applicant] academic program accredited by an accrediting agency approved by the board and the United States Department of Education or the Council for Higher Education Accreditation under standards pursuant to this act. Master's degree applicants must have at least [one year] nine months of supervised professional experience in the field of audiology. Beginning January 1, 2014, all new applicants must possess a doctoral degree in audiology as determined by the
board.

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

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

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

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

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

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

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

(d) Provisional licenses.--

(1) The board may, in accordance with the provisions of this section, issue a provisional license in audiology to applicants who have met all of the requirements for licensure under this act except for the completion of the clinical fellowship necessary to receive either the Certificate of Clinical Competence from the Council For Clinical Certification of the American Speech-Language-Hearing Association or certification from another national credentialing organization as recognized by the board pursuant to section 7(b)(2). In order to receive the license, the applicant must submit an application for the provisional license to the board on a form prescribed by the board. The form must indicate the applicant's plans for completing the clinical fellowship and must be accompanied by an application fee determined by the board. A provisional license issued under this section shall be valid for a maximum of 18 months.
and may be renewed one time. The purpose of the provisional license is solely to allow individuals to practice audiology under appropriate supervision while completing the postgraduate professional experience required for certification under section 7(b)(2). A person holding a provisional license is authorized to practice audiology only while working under the supervision of a person fully licensed in this Commonwealth in accordance with this act.

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

(3) A person holding a valid license in another state to practice audiology and who has applied for a license in this Commonwealth under the provisions of this act may practice audiology while working under the supervision of a person fully licensed in this Commonwealth for not more than 90 days while awaiting approval of the license application.

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

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

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

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

Section 4. Section 9 of the act is repealed:

[Section 9. Examinations.

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

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

Section 5. Section 10 of the act is amended by adding a
paragraph to read:

Section 10. Refusal to issue; revocation; etc.
The board may refuse to issue and may suspend or revoke a
license of any person or applicant by a vote of at least a
majority of the members of the board for any of the following
reasons:

* * *

(7) The audiologist is unable to practice his profession
with reasonable skill and safety because of illness,
drunkenness, excessive use of controlled substances,
chemicals or other types of materials or as the result of a
mental or physical condition. In enforcing this paragraph,
the board shall, upon probable cause, have the authority to
compel a licensee to submit to a mental or physical
examination as designated by the board. After notice,
hearing, adjudication and appeal as provided for in section
11, failure of a licensee to submit to such examination when
directed shall constitute an admission of the allegations.
against him unless failure is due to circumstances beyond his
control, consequent upon which a default and final order may
be entered without the taking of testimony or presentation of
evidence. A licensee affected under this paragraph shall at
reasonable intervals be afforded an opportunity to
demonstrate that he or she can resume a competent practice of
audiology with reasonable skill and safety to patients.
Section 6. Sections 12 and 14 of the act are amended to
read:
Section 12. Requirement of 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

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

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

[Limitation of renewal time; new license] Continued

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] A renewal of a license shall not be granted more than five years after its expiration. A license shall be renewed after the five-year period only after a licensee has assured continued competency to practice audiology in accordance with regulations established by the board.

Section 7. The act is amended by adding a section to read:

Section 16.1. Title.

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

Section 8. Sections 18 and 19 of the act are amended to read:

Section 18. Penalties.

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

(b) In addition to any other civil remedy or criminal
penalty provided for in this act, the board, by a vote of the
majority of the maximum number of the authorized membership of
the board as provided by law, may levy a civil penalty of up to
$10,000 on any current licensee who violates any provision of
this act, or on any person who practices as a speech-language
pathologist or audiologist or holds himself forth as a speech-
language pathologist or audiologist without being properly
licensed to do so under this act. The board shall levy this
penalty only after affording the accused party the opportunity
for a hearing as provided in 2 Pa.C.S. (relating to
administrative law and procedure).

Section 19. Injunction against unlawful practice.

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

Section 9. Section 20 of the act is repealed:

[Section 20. Appropriation.

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

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

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