

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 137 Session of 2013

INTRODUCED BY GORDNER, COSTA, TARTAGLIONE, FARNESE, ERICKSON,
MENSCH, VULAKOVICH, WILLIAMS, SCHWANK, FERLO, SOLOBAY AND
RAFFERTY, JANUARY 15, 2013

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

AN ACT

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

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

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

25 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

1 context clearly indicates otherwise:

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

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

28 "Person." Any individual, organization, association,
29 partnership, company, trust or corporate body, except that [any]
30 only individuals can be licensed under this act. Any reference

1 in this act to a licensed person shall mean a natural individual
2 person.

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

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

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

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

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

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

30 (6) nonmedical treatment for persons with impairment of

1 auditory function utilizing amplification and other assistive
2 devices;

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

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

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

10 (10) conducting otoscopic examinations;

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

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

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

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

26 "Speech-language pathologist." Any person who is qualified
27 by training and experience to engage in the practice of the
28 evaluation, counseling, habilitation and rehabilitation of
29 individuals whose communicative disorders involve the function
30 of speech, voice or language. A person is deemed to be or to

1 hold himself out as being a speech-language pathologist if he
2 offers such services under any title incorporating the words
3 speech-language pathologist, speech consultant, speech
4 therapist, speech correctionist, speech clinician, speech
5 specialist, language pathologist, logopedist, communication
6 therapist, voice therapist, aphasia therapist, aphasiologist,
7 communicologist, or any similar title or description of service.

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

22 Section 4. Creation of board; appointment and term of members;
23 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] Pathology and Audiology which
27 shall be in the Bureau of Professional and Occupational Affairs
28 of the Department of State. It shall consist of [ten] eight
29 members, [nine] seven of whom shall be appointed by the
30 Governor, by and with the advice and consent of a majority of

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

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

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

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

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

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

(f) 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.

(g) 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,

1 whereas speech-language pathologists, audiologists and
2 teachers of the hearing impaired provide nonmedical and
3 nonsurgical services, medical diagnosis and medical treatment
4 by these persons are specifically to be considered unethical
5 and illegal.]

6 (3) To examine for, deny, approve, issue, revoke,
7 suspend or renew the licenses of speech-language
8 pathologist[, audiologist and teacher of the hearing
9 impaired] and audiologist applicants, and provisional
10 licenses for audiologists.

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

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

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

20 (7) To establish standards of eligibility for license
21 renewal. These standards shall include, but not be limited
22 to, the demonstration of satisfactory completion of 20 clock
23 hours of continuing education related to the practice of
24 speech-language pathology[, audiology or teaching the hearing
25 impaired] and audiology in accordance with board regulations.
26 No credit may be given for courses in office management or
27 practice building. The board may waive all or part of the
28 continuing education requirement to a licensee who shows to
29 the satisfaction of the board that the licensee was unable to
30 complete the requirement due to illness, emergency or

1 hardship. The request for a waiver must be made in writing,
2 with appropriate documentation, and must include a
3 description of the circumstances sufficient to show why a
4 licensee is unable to comply with the continuing education
5 requirement. Waiver requests shall be evaluated by the board
6 on a case-by-case basis. The board shall send the licensee
7 written notification of its approval or denial of a waiver
8 request. The requirement to demonstrate the satisfactory
9 completion of continuing education shall begin with the
10 biennial renewal period to be designated by regulation of the
11 board and following written notice to licensees.

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

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

27 (10) To recognize national accrediting agencies which
28 accredit programs of audiology as specified in section
29 7(a)(2).

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

1 read:

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

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

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

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

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

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

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

28 (2) A person who holds a valid credential issued by the
29 Department of Education in the area of speech or hearing and
30 who is employed in public or private elementary and secondary

1 schools or institutions chartered by the Commonwealth, or a
2 person who is employed by the Commonwealth or the Federal
3 Government as a speech-language pathologist[, or audiologist
4 [or teacher of the hearing impaired] from engaging in his
5 profession or occupation, if the person performs his services
6 solely within the scope of his employment, or a person
7 performing hearing testing under section 1402 of the act of
8 March 10, 1949 (P.L.30, No.14), known as the Public School
9 Code of 1949.

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

17 (4) The practice of speech-language pathology, audiology
18 or teaching the hearing impaired in this Commonwealth by any
19 person not a resident of this Commonwealth who is not
20 licensed under this act if the person meets the
21 qualifications and requirements for licensure described in
22 section 7, or who is licensed under the law of another state
23 having licensure requirements determined by the board to be
24 at least equivalent to those established by section 7, and if
25 the services are performed for no more than five days in any
26 calendar year in cooperation with a speech-language
27 pathologist[, or audiologist [or teacher of the hearing
28 impaired] licensed under this act.

29 (5) A corporation, partnership, trust, association,
30 company or other similar form of organization from engaging

1 in the practice of speech-language pathology[,] or audiology
2 [or teaching the hearing impaired] without a license if it
3 employs licensed individuals in the direct practice of
4 speech-language pathology[,] or audiology [or teaching the
5 hearing impaired].

6 Section 7. Requirements for licensure.

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

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

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

1 board.

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

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

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

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

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

30 (c) Requirements for current practitioners.--The board shall

1 waive the examination and educational requirements for any
2 applicant who, on the effective date of this act:

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

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

14 (d) Provisional licenses.--

15 (1) The board may, in accordance with the provisions of
16 this section, issue a provisional license in audiology to
17 applicants who have met all of the requirements for licensure
18 under this act except for the completion of the clinical
19 fellowship necessary to receive either the Certificate of
20 Clinical Competence from the Council For Clinical
21 Certification of the American Speech-Language-Hearing
22 Association or certification from another national
23 credentialing organization as recognized by the board
24 pursuant to section 7(b)(2). In order to receive the license,
25 the applicant must submit an application for the provisional
26 license to the board on a form prescribed by the board. The
27 form must indicate the applicant's plans for completing the
28 clinical fellowship and must be accompanied by an application
29 fee determined by the board. A provisional license issued
30 under this section shall be valid for a maximum of 18 months

1 and may be renewed one time. The purpose of the provisional
2 license is solely to allow individuals to practice audiology
3 under appropriate supervision while completing the
4 postgraduate professional experience required for
5 certification under section 7(b)(2). A person holding a
6 provisional license is authorized to practice audiology only
7 while working under the supervision of a person fully
8 licensed in this Commonwealth in accordance with this act.

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

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

21 Section 8. Application and fees.

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

1 in accordance with the Regulatory Review Act, such that the
2 projected revenues will meet or exceed projected expenditures.
3 If the Bureau of Professional and Occupational Affairs
4 determines that fees established by the board are inadequate to
5 meet the minimum enforcement efforts required, then the bureau,
6 after consultation with the board, shall increase the fees by
7 regulation, subject to review in accordance with the Regulatory
8 Review Act, such that adequate revenues are raised to meet the
9 required enforcement effort.

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

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

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

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

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

26 [Section 9. Examinations.

27 (a) Preparation of examinations.--All written examinations
28 shall be prepared and administered by a qualified professional
29 testing organization under contract with the Bureau of
30 Professional and Occupational Affairs and approved by the board,

1 except that national uniform examinations or grading services or
2 both shall be used if available. No board member shall have a
3 financial interest in a professional testing organization. This
4 section shall not apply to any oral, practical or other
5 nonwritten examination which may be required by the board.

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

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

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

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

19 * * *

20 (7) The audiologist is unable to practice his profession
21 with reasonable skill and safety because of illness,
22 drunkenness, excessive use of controlled substances,
23 chemicals or other types of materials or as the result of a
24 mental or physical condition. In enforcing this paragraph,
25 the board shall, upon probable cause, have the authority to
26 compel a licensee to submit to a mental or physical
27 examination as designated by the board. After notice,
28 hearing, adjudication and appeal as provided for in section
29 11, failure of a licensee to submit to such examination when
30 directed shall constitute an admission of the allegations

1 against him unless failure is due to circumstances beyond his
2 control, consequent upon which a default and final order may
3 be entered without the taking of testimony or presentation of
4 evidence. A licensee affected under this paragraph shall at
5 reasonable intervals be afforded an opportunity to
6 demonstrate that he or she can resume a competent practice of
7 audiology with reasonable skill and safety to patients.

8 Section 6. Sections 12 and 14 of the act are amended to
9 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 An audiologist shall refer patients who present with
29 suspected medical conditions beyond the scope of practice under
30 this act for medical evaluation to an appropriate physician

1 within 30 days.

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

4 [Any person who fails to renew his license within five years
5 after the date of its expiration may not renew it, and it may
6 not be restored, reissued or reinstated thereafter, but the
7 person may apply for and obtain a new license if he meets the
8 requirements of this act] A renewal of a license shall not be
9 granted more than five years after its expiration. A license
10 shall be renewed after the five-year period only after a
11 licensee has assured continued competency to practice audiology
12 in accordance with regulations established by the board.

13 Section 7. The act is amended by adding a section to read:
14 Section 16.1. Title.

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

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

27 Section 18. Penalties.

28 (a) Whoever violates any provision of this act is guilty of
29 a misdemeanor, shall be prosecuted by the board or its agents
30 and, upon conviction, shall be sentenced to imprisonment for not

1 more than six months or to pay a fine of not less than \$100 nor
2 more than \$1,000, or both. Each violation shall be deemed a
3 separate offense. Fines collected under the provisions of this
4 act shall be paid into the State Treasury for the use of the
5 Commonwealth.

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

18 Section 19. Injunction against unlawful practice.

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

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

4 Section 9. Section 20 of the act is repealed:

5 [Section 20. Appropriation.

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

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

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