

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1112 Session of  
1983

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

AS AMENDED ON SECOND CONSIDERATION, MAY 1, 1984

## AN ACT

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

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

13 Section 1. Short title.

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

16 Section 2. Declaration of policy.

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

29 Section 3. Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

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

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

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

23 "Speech-language pathologist." Any person who is qualified  
24 by training and experience to engage in the practice of the  
25 evaluation, counseling, habilitation and rehabilitation of  
26 individuals whose communicative disorders involve the function  
27 of speech, voice or language. A person is deemed to be or to  
28 hold himself out as being a speech-language pathologist if he  
29 offers such services under any title incorporating the words  
30 speech-language pathologist, speech consultant, speech

1 therapist, speech correctionist, speech clinician, speech  
2 specialist, language pathologist, logopedist, communication  
3 therapist, voice therapist, aphasia therapist, aphasiologist,  
4 communicologist, or any similar title or description of service.

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

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

21 (a) Board created.--There is hereby created a departmental  
22 administrative board to be known as the State Board of Examiners  
23 in Speech-Language and Hearing which shall be in the Bureau of  
24 Professional and Occupational Affairs of the Department of  
25 State. It shall consist of ten members, ~~all of whom~~ NINE OF WHOM <—  
26 SHALL BE APPOINTED BY THE GOVERNOR, BY AND WITH THE ADVICE AND  
27 CONSENT OF A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE, WHO  
28 shall be residents of Pennsylvania for a three-year period  
29 immediately prior to appointment. THE COMMISSIONER OF <—  
30 PROFESSIONAL AND OCCUPATIONAL AFFAIRS SHALL SERVE IN HIS

1 OFFICIAL CAPACITY AS THE TENTH MEMBER OF THE BOARD. At the first  
2 meeting the appointed members shall determine by lot, three  
3 members to serve three-year terms, three members to serve two-  
4 year terms and three members to serve one-year terms with the  
5 exception of the Commissioner. ~~of the Bureau of Professional and~~ <—  
6 ~~Occupational Affairs who shall serve in his official capacity as~~  
7 ~~the tenth member of the board.~~

8 (b) Vacancies.--When the term of each APPOINTED member of <—  
9 the board ends, the Governor shall appoint his successor for a  
10 term of three years, BY AND WITH THE ADVICE AND CONSENT OF A <—  
11 MAJORITY OF THE MEMBERS ELECTED TO THE SENATE. Any APPOINTIVE <—  
12 vacancy occurring on the board shall be filled by the Governor  
13 by appointment for the unexpired term, BY AND WITH THE ADVICE <—  
14 AND CONSENT OF A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE.  
15 Board members shall continue to serve until their successors are  
16 appointed and qualified.

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

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

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

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

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

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

6 Section 5. Powers and duties of board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 physician.

2 (iii) A hearing aid dealer from engaging in the  
3 business of selling and fitting hearing aids, as provided  
4 in the act of November 24, 1976 (P.L.1182, No.262), known  
5 as the Hearing Aid Sales Registration Law.

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

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

25 (4) The practice of speech-language pathology, audiology  
26 or teaching the hearing impaired in this Commonwealth by any  
27 person not a resident of this Commonwealth who is not  
28 licensed under this act if the person meets the  
29 qualifications and requirements for licensure described in  
30 section 7, or who is licensed under the law of another state

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

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

14 Section 7. Requirements for licensure.

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

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

28 (2) For the license in audiology, possess a master's  
29 degree in audiology or its equivalent from an accredited  
30 academic institution. In addition, the applicant must have at

1 least one year of supervised professional experience in the  
2 field of audiology.

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

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

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

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

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

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

29 (1) has at least a bachelor's degree with a major in  
30 speech-language pathology, audiology or teaching the hearing

1       impaired from an accredited college or university, and who  
2       has been employed as a speech-language pathologist,  
3       audiologist or teacher of the hearing impaired for at least  
4       nine consecutive months within three years prior to the  
5       effective date of this act; and

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

9       Section 8. Application and fees.

10       (a) Fee.--An application for examination and license shall  
11       be accompanied by a nonrefundable application fee in an amount  
12       established by the board after consultation with the  
13       commissioner.

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

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

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

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

29       Section 9. Examinations.

30       (a) Preparation of examinations.--All written examinations

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

9 (b) Cost of examinations.--The board shall have the  
10 discretionary power to charge a fee after consultation with the  
11 commissioner for the cost of each examination. The purpose of  
12 this fee is to insure that the applicant's fees cover the entire  
13 cost of the examination and administration. Cost is all  
14 contractual charges relating to the preparing, administering,  
15 grading and recording of the examination.

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

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

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

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

27 (3) Aiding or abetting any person in the violation of  
28 this act or noncompliance with the rules and regulations  
29 promulgated by the board.

30 (4) Being convicted of a felony or misdemeanor of the

1 first or second degree in any court of the United States or  
2 of any state within ten years prior to the date of  
3 application for licensure.

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

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

9 Section 11. Hearing; restoration to practice.

10 (a) Hearings.--Any person licensed by the board or an  
11 applicant for licensure by the board who is affected by action  
12 of the board for any of the reasons referred to in section 10,  
13 shall be cited by the board with a copy of the reasons and  
14 shall, upon request, have a hearing before the board or before a  
15 hearing officer appointed by the board.

16 (b) Procedure.--At any hearing the licensed person or  
17 applicant shall have the right to appear personally with or by  
18 legal counsel, to cross-examine witnesses appearing against him  
19 and to produce witnesses and evidence in his own behalf. The  
20 board may subpoena witnesses and documentary evidence on its own  
21 behalf, and, if requested by the licensed person or applicant,  
22 shall subpoena witnesses and documents on his behalf. The board  
23 may administer oaths, examine witnesses and compel testimony. A  
24 record of the hearing shall be made by the board and a copy  
25 furnished to the licensed person or applicant upon payment of a  
26 reasonable charge.

27 (c) Decision.--The revocation or suspension for any cause of  
28 a license issued by the board may be removed when it shall  
29 appear to the board to be just and proper. Upon any removal of  
30 the revocation or suspension of license by the board, the name

1 of the licensed person shall be restored and replaced upon the  
2 record in the office of the board.

3 Section 12. Requirement of a medical examination.

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

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

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

19 \_\_\_\_\_  
20 Signature Date

21 Section 13. Renewal fees; records.

22 Renewal of licenses shall be on a biennial basis. The fee for  
23 renewal of a license shall be as determined by the board after  
24 consultation with the commissioner. A record of all speech-  
25 language pathologists, audiologists and teachers of the hearing  
26 impaired licensed to practice in this Commonwealth shall be  
27 maintained in the office of the board and published at the  
28 discretion of the board. The board shall suspend any license for  
29 nonpayment of fees until the license is renewed properly.

30 Section 14. Limitation of renewal time; new license.

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

6 Section 15. Display of license.

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

9 Section 16. Certification to the board.

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

18 Section 17. Enforcement of certification to board.

19 No license or renewal of license shall be issued by the board  
20 to any individual engaging in the practice of speech-language  
21 pathology, audiology or teaching of the hearing impaired with a  
22 corporation, partnership, trust, association, company or other  
23 similar forms of organization which have failed to comply with  
24 section 16.

25 Section 18. Penalties.

26 Whoever violates any provision of this act is guilty of a  
27 misdemeanor, shall be prosecuted by the board or its agents and  
28 upon conviction shall be sentenced to imprisonment for not more  
29 than six months or to pay a fine of not less than \$100 nor more  
30 than \$1,000, or both. Each violation shall be deemed a separate



1 offense. Fines collected under the provisions of this act shall  
2 be paid into the State Treasury for the use of the Commonwealth.  
3 Section 19. Injunction against unlawful practice.

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

18 Section 20. Appropriation.

19 The sum of \$75,000, or as much thereof as may be necessary,  
20 is hereby appropriated from the Professional Licensure  
21 Augmentation Account within the General Fund to the Bureau of  
22 Professional and Occupational Affairs in the Department of State  
23 for the establishment and operation of the State Board of  
24 Examiners in Speech-Language and Hearing.

25 Section 21. Effective date.

26 This act shall take effect in 60 days.