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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1342** Session of  
2008

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INTRODUCED BY GORDNER, COSTA, STOUT, RHOADES, FERLO, FONTANA,  
KITCHEN, STACK, TARTAGLIONE AND WASHINGTON, APRIL 3, 2008

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
APRIL 3, 2008

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AN ACT

1 Amending the act of December 21, 1984 (P.L.1253, No.238),  
2 entitled "An act regulating the practice of speech-language  
3 pathologists, audiologists and teachers of the hearing  
4 impaired; creating the State Board of Examiners in Speech-  
5 Language and Hearing with certain powers and duties; and  
6 prescribing penalties," further providing for definitions,  
7 for the board, for licensure, for applications, for  
8 examinations and for fees; providing for the use of a title;  
9 and further providing for waivers, for enforcement and for  
10 injunction.

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

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

16 AN ACT

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

1 Section 1. Short title.

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

6 Section 2. Declaration of policy.

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

24 Section 3. Definitions.

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

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

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

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

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

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

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

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

1 define the term "practice of speech-language pathology"  
2 according to the provisions of section 5.

3 "Practice of teaching of the hearing impaired." Providing  
4 evaluation and instruction in communication skills, speech  
5 reading, speech and language development and auditory training  
6 appropriate for individuals whose cognitive and educational  
7 development have been affected primarily by impaired hearing  
8 sensitivity. Providing out-of-school tutoring for hearing  
9 impaired students in academic subject matter shall not be  
10 considered to be the practice of teaching of the hearing  
11 impaired. A person is deemed to be or to hold himself out as  
12 being a teacher of the hearing impaired if he offers such  
13 services under any title incorporating the words teacher of the  
14 hearing impaired, teacher of the deaf or hard of hearing,  
15 teacher of the acoustically handicapped, teacher of the deaf,  
16 teacher of the acoustically impaired, hearing teacher, teacher  
17 of the aurally handicapped, hearing tutor, tutor of the  
18 auditorily impaired, educator of the deaf or any similar title  
19 or description of service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 as deemed necessary and advisable by the chairman or by a  
2 majority of its members. Reasonable notice of all meetings shall  
3 be given in the manner prescribed by the board. Six members of  
4 the board shall constitute a quorum to do business, provided  
5 that the majority of members present are audiologists and  
6 speech-language pathologists, and that at least one audiologist,  
7 one speech-language pathologist and one public representative  
8 are present at any meeting or hearing. The board shall conduct  
9 its meetings and keep records of its proceedings in accordance  
10 with the provisions of 1 Pa. Code Pt. II (relating to general  
11 rules of administrative practice and procedure).

12 Section 2. Section 5 of the act, amended October 18, 2000  
13 (P.L.536, No.71), is amended to read:

14 Section 5. Powers and duties of board.

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

16 (1) To approve the qualifications and fitness of  
17 applicants for licensure, and to adopt and revise rules and  
18 regulations [requiring applicants to pass examinations]  
19 relating to their qualifications as a prerequisite to the  
20 issuance of a license.

21 (2) To adopt and revise rules and regulations consistent  
22 with the law as may be necessary to implement the provisions  
23 of this act. These rules and regulations shall include, but  
24 not be limited to, codes of ethics for speech-language  
25 pathologists, audiologists and teachers of the hearing  
26 impaired. The codes of ethics shall provide further that,  
27 whereas speech-language pathologists, audiologists and  
28 teachers of the hearing impaired provide nonmedical and  
29 nonsurgical services, medical diagnosis and medical treatment  
30 by these persons are specifically to be considered unethical

1 and illegal.

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

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

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

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

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

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

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

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

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

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

30 Section 6. License required; persons and practices not

1                    affected; exclusions; case load limitations.

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

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

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

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

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

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

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

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

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

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

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

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

11 [(4)] (5) The practice of speech-language pathology,  
12 audiology or teaching the hearing impaired in this  
13 Commonwealth by any person not a resident of this  
14 Commonwealth who is not licensed under this act if the person  
15 meets the qualifications and requirements for licensure  
16 described in section 7, or who is licensed under the law of  
17 another state having licensure requirements determined by the  
18 board to be at least equivalent to those established by  
19 section 7, and if the services are performed for no more than  
20 five days in any calendar year in cooperation with a speech-  
21 language pathologist, audiologist or teacher of the hearing  
22 impaired licensed under this act.

23 [(5)] (6) A corporation, partnership, trust,  
24 association, company or other similar form of organization  
25 from engaging in the practice of speech-language pathology,  
26 audiology or teaching the hearing impaired without a license  
27 if it employs licensed individuals in the direct practice of  
28 speech-language pathology, audiology or teaching the hearing  
29 impaired licensed under this act.

30 Section 7. Requirements for licensure.

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

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

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

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

1 of teaching the hearing impaired.

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

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

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

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

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

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

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

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

7 (c) Provisional licenses.--

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

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

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

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

18 Section 8. Application and fees.

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

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

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

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

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

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

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

23 [Section 9. Examinations.

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

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

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

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

10 Section 12. Requirement of a medical examination.

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

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

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

26 \_\_\_\_\_  
27 Signature Date]

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

1 evaluation.

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

4 Section 16.1. Title.

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

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

16 Section 19. Injunction against unlawful practice.

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

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

2 [Section 20. Appropriation.

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

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