

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1534 Session of
2012

INTRODUCED BY MCILHINNEY, SOLOBAY, STACK, FONTANA, TARTAGLIONE,
ALLOWAY, FERLO, RAFFERTY, D. WHITE, COSTA AND HUGHES,
MAY 29, 2012

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, MAY
29, 2012

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 the regulation
7 of the practice of speech-language pathology and audiology;
8 repealing certain provisions; and making editorial changes.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

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

14 AN ACT

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

20 Section 1. Short title.

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

4 Section 2. Declaration of policy.

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

22 Section 3. Definitions.

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

26 "Audiologist." Any person who is qualified by [training and
27 experience] education, training and clinical experience and is
28 licensed under this act to engage in the practice of [the
29 evaluation, counseling, habilitation and rehabilitation of
30 individuals whose communicative disorders center in whole or in

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

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

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. Areas of audiology practice include the
30 following:

1 (1) Prevention of hearing loss by designing,
2 implementing and coordinating industrial, school and
3 community-based hearing conservation programs.

4 (2) Identification of dysfunction of hearing, balance
5 and other auditory-related systems by developing and
6 overseeing hearing and balance-related screening programs for
7 persons of all ages, including newborn and school screening
8 programs.

9 (3) Administration of speech or language screening or
10 other measures for the purpose of initial identification and
11 referral of persons with other communicative disorders.

12 (4) Assessment and diagnosis of hearing and vestibular
13 disorders through the administration of behavioral,
14 physioacoustic, electrophysiologic tests of the peripheral
15 and central auditory and vestibular systems using
16 standardized test procedures, including, but not limited to,
17 audiometry, tympanometry, acoustic reflex measures,
18 otoacoustic emissions, auditory evoked potentials, video and
19 electronystagmography, and tests of central auditory function
20 using calibrated instrumentation leading to the diagnosis of
21 auditory and vestibular abnormality.

22 (5) Assessment of candidacy of persons with hearing loss
23 for cochlear implants.

24 (6) Treatment for persons with impairment of auditory
25 function utilizing amplification and other assistive devices.

26 (7) Selection, fitting, evaluation and dispensing of
27 hearing aids and other amplification systems.

28 (8) Fitting and mapping of cochlear implant devices and
29 audiologic rehabilitation to optimize device use.

30 (9) Fitting of middle ear implantable hearing aids,

1 fully implantable hearing aids and bone-anchored hearing
2 aids.

3 (10) Conducting otoscopic examinations and removing
4 cerumen.

5 (11) Treatment of persons with tinnitus using
6 techniques, including biofeedback, masking, hearing aids,
7 education and counseling.

8 (12) Counseling on the psychosocial aspects of hearing
9 loss and the use of amplification systems.

10 (13) Administration of electrophysiologic measures of
11 neural function, including, but not limited to, sensory and
12 motor evoked potentials, tests of nerve conduction velocity,
13 and electromyography, plus preoperative and postoperative
14 evaluation of neural function and neurophysiologic
15 intraoperative monitoring of the central nervous system,
16 spinal cord and cranial nerve function.

17 (14) Referral of persons with auditory and vestibular
18 abnormalities to an appropriate physician for medical
19 evaluation when indicated based upon the interpretation of
20 audiologic and vestibular test results.

21 "Practice of speech-language pathology." The application of
22 principles, methods and procedures of prevention, screening,
23 consultation, identification, assessment or evaluation,
24 determination of disorders and service delivery model, treatment
25 or intervention, counseling, telepractice and collaboration or
26 referral services for persons with known or suspected language,
27 cognitive or linguistic, social, speech, including resonance and
28 voice, fluency and sound production, feeding and swallowing,
29 orofacial myofunctional disorders or communication disorders,
30 including, but not limited to:

- 1 (1) Elective modification of communication behaviors and
2 enhancement of communication.
- 3 (2) Identification of speech, language, swallowing,
4 cognitive and social aspects of communication by developing
5 and overseeing speech, language, voice, swallowing, cognitive
6 and social aspects of communication-related screening
7 programs for persons of all ages.
- 8 (3) Providing nonmedical diagnosis, evaluation and
9 remediation services for disorders of speech, language,
10 voice, swallowing, cognitive and social aspects of
11 communication.
- 12 (4) Establishing augmentative and alternative
13 communication techniques and strategies, including selecting,
14 recommending and dispensing of augmentative aids and devices.
- 15 (5) Providing services to individuals with hearing loss
16 and their families, including, but not limited to, auditory
17 training, speech reading, and speech and language
18 intervention secondary to hearing loss.
- 19 (6) Providing hearing screening limited to pass-fail for
20 the purposes of identification of individuals with disorders
21 of hearing.
- 22 (7) The training of individuals, their families and
23 other communication partners in the use, selecting, fitting
24 and establishing effective use of appropriate prosthetic or
25 adaptive devices for speaking and swallowing.
- 26 (8) Using instrumental technology to observe, assess and
27 remediate disorders of communication, voice and swallowing.
28 The board shall further define the term "practice of speech-
29 language pathology" according to the provisions of section 5.
- 30 (9) Referral of persons with speech, language, voice,

1 swallowing, cognitive and social aspects of communication to
2 an appropriate physician for medical evaluation when
3 indicated based upon the interpretation of evaluation
4 results.

5 "Public school entity." A public school district,
6 intermediate unit, charter school or cyber charter school.

7 "Speech-language pathologist." Any person who is qualified
8 by [training and experience] education, training and clinical
9 experience and is licensed under this act to engage in the
10 practice of [the evaluation, counseling, habilitation and
11 rehabilitation of individuals whose communicative disorders
12 involve the function of speech, voice or language] speech-
13 language pathology. The speech-language pathologist is an
14 independent practitioner providing services in hospitals,
15 clinics, schools, private practices and other settings in which
16 speech-language pathology services are relevant. A person is
17 deemed to be or to hold himself out as being a speech-language
18 pathologist if he offers [such] services and functions defined
19 herein as the practice of speech-language pathology or offers to
20 treat any disorders that may be treated by a licensed speech-
21 language pathologist under any title incorporating the [words
22 speech-language pathologist, speech consultant] terms speech-
23 language pathology, speech-language pathologist, speech
24 therapist, [speech correctionist, speech clinician, speech
25 specialist, language pathologist, logopedist, communication
26 therapist, voice therapist, aphasia therapist, aphasiologist,
27 communicologist, or any similar title or description of service]
28 voice therapist, aphasiologist, orofacial myologist, dysphagia
29 therapist or any variation, synonym, coinage or similar title
30 that expresses, employs or implies these terms, names or

1 functions.

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

16 Section 4. Creation of board; appointment and term of members;
17 officers.

18 [(a) Board created.--There is hereby created a departmental
19 administrative board to be known as the State Board of Examiners
20 in Speech-Language and Hearing which shall be in the Bureau of
21 Professional and Occupational Affairs of the Department of
22 State. It shall consist of ten members, nine of whom shall be
23 appointed by the Governor, by and with the advice and consent of
24 a majority of the members elected to the Senate, who shall be
25 residents of Pennsylvania for a three-year period immediately
26 prior to appointment. The Commissioner of Professional and
27 Occupational Affairs shall serve in his official capacity as the
28 tenth member of the board. At the first meeting, the appointed
29 members shall determine, by lot, three members to serve three-
30 year terms, three members to serve two-year terms and three

1 members to serve one-year terms, with the exception of the
2 commissioner.

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

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

1 shall possess the necessary qualifications for licensure under
2 this act. Thereafter, the members of the board who are speech-
3 language pathologists, audiologists and teachers of the hearing
4 impaired shall be licensed under this act. No public member
5 appointed under the provisions of this section shall be
6 affiliated in any manner with professions or occupations
7 providing health or corrective communications services or
8 products to communicatively impaired persons. 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 this board.

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

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

23 (f) Meetings of board.--The board shall hold a meeting
24 within 150 days after the effective date of this act and
25 annually thereafter in the month prescribed by the board and
26 elect a chairman, vice chairman and secretary who shall be
27 members of the board. The board shall meet at such other times
28 as deemed necessary and advisable by the chairman or by a
29 majority of its members. Reasonable notice of all meetings shall
30 be given in the manner prescribed by the board. A majority of

1 the board shall constitute a quorum at any meeting or hearing.]

2 (a) Board created.--There is hereby created a departmental
3 administrative board to be known as the State Board of Examiners
4 in Speech-Language Pathology and Audiology which shall be in the
5 Bureau of Professional and Occupational Affairs of the
6 Department of State. The board shall consist of ten members,
7 nine of whom shall be appointed by the Governor, by and with the
8 advice and consent of a majority of the members elected to the
9 Senate, who shall be residents of Pennsylvania for a three-year
10 period immediately prior to their appointment. The Commissioner
11 of Professional and Occupational Affairs shall serve in his
12 official capacity as the tenth member of the board.

13 (b) Composition.--The board shall consist of three
14 audiologists who are currently practicing audiology, have had
15 five years' experience practicing audiology and who hold active
16 and valid licensure for the practice of audiology in this
17 Commonwealth; three speech-language pathologists who are
18 currently practicing speech-language pathology, have had five
19 years' experience practicing speech-language pathology and who
20 hold active and valid licensure for the practice of speech-
21 language pathology in this Commonwealth; one physician licensed
22 to practice medicine in this Commonwealth who has had at least
23 five years of practice as an otolaryngologist; two
24 representatives of the public who are not associated with or
25 financially interested in the practice or business of audiology,
26 speech-language pathology or medicine and who are not members of
27 allied or related professions or occupations; and the
28 Commissioner of Professional and Occupational Affairs. The
29 public members shall be qualified pursuant to law, including
30 section 813 of the act of April 9, 1929 (P.L.177, No.175), known

1 as The Administrative Code of 1929. In addition, no member of
2 the board shall at the same time be an officer or agent of any
3 Statewide association or organization representing the
4 professions or occupations under the jurisdiction of the board.

5 (c) Appointments.--Appointments of audiologists to the board
6 shall be made by the Governor from a list of qualified
7 audiologists submitted by the Pennsylvania Academy of Audiology
8 (PAA) and names submitted by other interested organizations or
9 persons in this Commonwealth. Appointments of speech-language
10 pathologists shall be made by the Governor from a list of
11 qualified speech-language pathologists submitted by the
12 Pennsylvania Speech-Language-Hearing Association (PSHA) and
13 names submitted by other interested organizations or persons in
14 this Commonwealth.

15 (d) Terms.--Appointments to the board shall be for a period
16 of three years. Members shall serve until the expiration of the
17 term for which they have been appointed or until their
18 successors have been appointed and are deemed to be qualified to
19 serve on the board. The Governor may remove any member of the
20 board for unprofessional conduct, incompetence or neglect of
21 duty.

22 (e) Vacancies.--When the term of each appointed member of
23 the board ends, the Governor shall appoint his successor for a
24 term of three years, by and with the advice and consent of a
25 majority of the members elected to the Senate. In the event of a
26 vacancy in the office of an appointed member of the board other
27 than by expiration of a term, the Governor shall appoint a
28 qualified person to fill the vacancy for the unexpired term, by
29 and with the advice and consent of a majority of the members
30 elected to the Senate. Board members shall continue to serve

1 until their successors are appointed and qualified but not
2 longer than six months beyond the three-year period.

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

6 (g) Compensation and expenses.--The members of the board,
7 other than the Commissioner of Professional and Occupational
8 Affairs, shall receive reimbursement for reasonable travel,
9 hotel and other necessary expenses and \$100 per diem when
10 actually engaged in the performance of their official duties.

11 (h) Meetings of board.--The board shall hold a meeting
12 within 150 days after the effective date of this section and
13 annually thereafter in the month prescribed by the board to
14 elect a chairman, vice chairman and secretary who shall be
15 members of the board. The board shall meet at such other times
16 as deemed necessary and advisable by the chairman or by a
17 majority of its members. Reasonable notice of all meetings shall
18 be given in the manner prescribed by the board. Six members of
19 the board shall constitute a quorum to do business, provided
20 that the majority of members present are audiologists and
21 speech-language pathologists, and that at least one audiologist,
22 one speech-language pathologist and one public representative
23 are present at any meeting or hearing. The board shall conduct
24 its meetings and keep records of its proceedings in accordance
25 with the provisions of 1 Pa. Code Pt. II (relating to general
26 rules of administrative practice and procedure).

27 (i) Forfeiture.--A member of the board who fails to attend
28 three consecutive meetings shall forfeit his seat unless the
29 Commissioner of Professional and Occupational Affairs, upon
30 written request from the member, finds that the member should be

excused from a meeting because of illness or the death of an
immediate family member.

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

Section 5. Powers and duties of board.

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

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

(2) To adopt and revise rules and regulations consistent
with the law as may be necessary to implement the provisions
of this act. These rules and regulations shall include, but
not be limited to, codes of ethics for speech-language
pathologists[, audiologists and teachers of the hearing
impaired]. The codes of ethics shall provide further that,
whereas speech-language pathologists[, audiologists and
teachers of the hearing impaired] provide nonmedical and
nonsurgical services, medical diagnosis and medical treatment
by these persons are specifically to be considered unethical
and [illegal] outside the scope of practice as defined by
this act.

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

(4) To conduct hearings upon complaints of violations of
this act and the rules and regulations adopted pursuant to

1 this act, and to prosecute and enjoin all such violations.

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

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

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

30 (8) To promulgate rules and regulations regarding

1 persons functioning under the direction of audiologists[,] or
2 speech-language pathologists [and teachers of the hearing
3 impaired].

4 (9) To recognize national professional organizations in
5 speech-language pathology that have established definitions
6 of the practice of speech-language pathology. These
7 organizations shall be the same as those recognized by the
8 board under the provisions of section 7(b)(2). The board
9 shall have the power to adopt those definitions to be the
10 practical definitions of the practice of speech-language
11 pathology for licensees under the board. If one or more of
12 the recognized national professional organizations amends its
13 definition, the amended definition cannot be added to the
14 practice of speech-language pathology until it has been
15 adopted by the board through regulation.

16 (10) To recognize national accrediting agencies which
17 accredit programs of speech-language pathology as specified
18 in section 7(a)(1).

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

21 Section 6. License required; persons and practices not
22 affected; exclusions.

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

30 (a) Licenses.--Except as provided in subsection (b), no

person may practice or hold himself out as being able to practice as a speech-language pathologist, or may engage in the practice of speech-language pathology in this Commonwealth unless he holds a current, unsuspended, unrevoked license issued by the board. Licensure shall be granted in speech-language pathology. Terminology that approximates speech-language pathology without a current, unsuspended, unrevoked license issued by the board that may confuse the public or falsify the credentials of the individual or company shall constitute a violation of this act.

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

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

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

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

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

(2) A [person who holds a valid credential issued by the Department of Education in the area of speech or hearing and who is employed in public or private elementary and secondary schools or institutions chartered by the Commonwealth, or a]

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

9 (2.1) A person who, prior to the effective date of this
10 section, has been issued and holds a current certificate or
11 emergency permit from the Department of Education as a
12 speech-language pathologist, and who has received a
13 bachelor's degree or a master's degree in speech-language
14 pathology or a related field, may provide speech-language
15 pathology services without a license or provisional license
16 only as an employee of the public school entity that obtains
17 the certificate or emergency permit.

18 (2.2) After the effective date of this section, no
19 person who does not hold a valid and unrevoked license issued
20 by the board or who has not been issued a certificate or an
21 emergency permit as a speech-language pathologist by the
22 Department of Education prior to the effective date of this
23 section under the provisions of paragraph (2.1) may provide
24 speech-language pathology services in any setting, including
25 a public school entity.

26 (3) The activities of a student or trainee who is
27 pursuing a program of study supervised by a person licensed
28 under this act or otherwise exempt by this section which lead
29 to a degree in audiology[, teaching the hearing impaired] or
30 speech-language pathology [at] from an accredited college or

1 university, if such individual is designated by a title
2 clearly indicating his student or training status.

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

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

22 Section 7. Requirements for licensure.

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

30 (1) For the license in speech-language pathology,

1 possess a master's degree in speech-language pathology or its
2 equivalent from an [accredited academic institution] academic
3 program accredited by an accrediting agency approved by the
4 board under standards pursuant to this act. In addition, the
5 applicant must have at least [one year] nine months of
6 supervised professional experience in the field of speech-
7 language pathology, including a number of hours in compliance
8 with standards established by the American Speech-Language-
9 Hearing Association.

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

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

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

30 (1) Applicants who present proof of [current

1 certification or licensure] a currently valid license to
2 practice speech-language pathology in a state which has
3 standards determined by the board to be at least equal to
4 those for licensure in this Commonwealth.

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

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

21 (c) Requirements for current practitioners who do not hold a
22 current valid license.--The board shall waive the examination
23 and educational requirements for any applicant who, on the
24 effective date of this act:

25 (1) has at least a [bachelor's] master's degree with a
26 major in speech-language pathology[,] or audiology [or
27 teaching the hearing impaired] from an accredited college or
28 university, and who has been employed as a speech-language
29 pathologist[,] or audiologist [or teacher of the hearing
30 impaired] for at least nine consecutive months within three

1 years prior to the effective date of this act; and

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

5 (d) Provisional licenses.--

6 (1) The board may, in accordance with the provisions of
7 this section, issue a provisional license in speech-language
8 pathology to applicants who have met all of the requirements
9 for licensure under this act except for the completion of the
10 clinical fellowship necessary to receive either the
11 Certificate of Clinical Competence from the Council for
12 Clinical Certification in Audiology and Speech-Language
13 Pathology of the American Speech-Language-Hearing
14 Association, or certification from another national
15 credentialing organization as recognized by the board
16 pursuant to subsection (b) (2). In order to receive the
17 license, the applicant must submit an application for the
18 provisional license to the board on a form prescribed by the
19 board. The form must indicate the applicant's plans for
20 completing the clinical fellowship and must be accompanied by
21 an application fee determined by the board. A provisional
22 license issued under this section shall be valid for a
23 maximum of 18 months and may be renewed one time. The purpose
24 of the provisional license is solely to allow individuals to
25 practice speech-language pathology under appropriate
26 supervision while completing the postgraduate professional
27 experience required for certification under subsection
28 (b) (2). A person holding a provisional license is authorized
29 to practice speech-language pathology only while working
30 under the supervision of a person fully licensed in this

1 Commonwealth in accordance with this act. A person must
2 obtain a provisional license from the board prior to
3 beginning the clinical fellowship.

4 (2) Any person who is qualified by education, training
5 and clinical experience by completing all educational
6 requirements and has submitted a completed application for
7 full licensure to the board may hold a provisional license
8 provided that the provisional license shall only be valid for
9 six months from the time of application for the permanent
10 license.

11 (3) A person holding a valid license in another state to
12 practice speech-language pathology and who has applied for a
13 license in this Commonwealth under the provisions of this act
14 may practice speech-language pathology while working under
15 the supervision of a person fully licensed in this
16 Commonwealth for no more than 90 days while awaiting approval
17 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 by
17 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 10 of the act is amended by adding a
10 paragraph to read:

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

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

16 * * *

17 (7) The speech-language pathologist or audiologist is
18 unable to practice his profession with reasonable skill and
19 safety because of illness, drunkenness, excessive use of
20 controlled substances, chemicals or other types of materials
21 or as the result of a mental or physical condition. In
22 enforcing this paragraph, the board shall, upon probable
23 cause, have the authority to compel a licensee to submit to a
24 mental or physical examination as designated by it. After
25 notice, hearing, adjudication and appeal as provided for in
26 section 11, failure of a licensee to submit to such
27 examination when directed shall constitute an admission of
28 the allegations against him unless failure is due to
29 circumstances beyond his control, consequent upon which a
30 default and final order may be entered without the taking of

testimony or presentation of evidence. A licensee affected
under this paragraph shall at reasonable intervals be
afforded an opportunity to demonstrate that he or she can
resume a competent practice of speech-language pathology or
audiology with reasonable skill and safety to patients.

Section 6. Sections 12, 13 and 14 of the act are amended to
read:

Section 12. Requirement of a medical examination.

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

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

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

Signature Date]

A speech-language pathologist or audiologist shall refer
patients who present with suspected medical conditions beyond
the scopes of practice under this act to an appropriate
physician within 30 days for examination.

Section 13. Renewal fees; records.

1 Renewal of licenses shall be on a biennial basis. The fee for
2 renewal of a license shall be as determined by the board in
3 accordance with section 8(a). A record of all speech-language
4 pathologists[, and audiologists [and teachers of the hearing
5 impaired] licensed to practice in this Commonwealth shall be
6 maintained in the office of the board and published at the
7 discretion of the board. The board shall suspend any license for
8 nonpayment of fees until the license is renewed properly.

9 [Section 14. Limitation of renewal time; new license.

10 Any person who fails to renew his license within five years
11 after the date of its expiration may not renew it, and it may
12 not be restored, reissued or reinstated thereafter, but the
13 person may apply for and obtain a new license if he meets the
14 requirements of this act.]

15 Section 14. Continued competency.

16 A late renewal of a license shall not be granted more than
17 five years after its expiration. A license shall be renewed
18 after the five-year period only after a licensee has assured
19 continued competency to practice speech-language pathology in
20 accordance with regulations established by the board.

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

23 A licensed speech-language pathologist who holds a doctoral
24 degree in speech-language pathology or a related field may use
25 the title "Doctor" or "Dr." on written materials only if the
26 earned doctoral designation abbreviation accompanies the
27 licensee's name. A licensee who is not also licensed to practice
28 medicine or osteopathy in this Commonwealth may not attach to
29 his name or use as a title the words or abbreviations "Doctor"
30 or "Dr." in contravention of this section, "M.D.," "physician,"

1 "surgeon," "D.O." or any word or abbreviation that suggests that
2 the licensee practices medicine or osteopathy.

3 Section 8. Section 17 of the act is amended to read:

4 Section 17. Enforcement of certification to board.

5 No license or renewal of license shall be issued by the board
6 to any individual engaging in the practice of speech-language
7 pathology[,] or audiology [or teaching of the hearing impaired]
8 with a corporation, partnership, trust, association, company or
9 other similar forms of organization which have failed to comply
10 with section 16.

11 Section 9. Section 17.1(f)(2) of the act, added October 18,
12 2000 (P.L.536, No.71), is amended to read:

13 Section 17.1. Impaired professionals.

14 * * *

15 (f) Mandatory reporting to board.--

16 * * *

17 (2) Any person or facility who acts in a treatment
18 capacity to an impaired speech-language pathologist[,] or
19 audiologist [or as a teacher of the hearing impaired] in an
20 approved treatment program shall be exempt from the mandatory
21 reporting requirements of this subsection. Any person or
22 facility who reports under this subsection in good faith and
23 without malice shall be immune from any civil or criminal
24 liability arising from the report.

25 * * *

26 Section 10. Sections 18 and 19 of the act are amended to
27 read:

28 Section 18. Penalties.

29 (a) General rule.--Whoever violates any provision of this
30 act is guilty of a misdemeanor, shall be prosecuted by the board

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

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

19 Section 19. Injunction against unlawful practice.

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

1 practicing until he has been duly licensed. Procedure in these
2 cases shall be the same as in any other injunction suit. The
3 remedy by injunction is in addition to criminal prosecution and
4 punishment.

5 Section 11. Section 20 of the act is repealed:

6 [Section 20. Appropriation.

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

15 Section 12. This act shall take effect in 60 days.