

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 137 Session of
2013

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

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, AS AMENDED, MAY 14, 2013

AN ACT

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

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

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

25 An Act

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

6 Section 1. Short title.

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

10 Section 2. Declaration of policy.

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

28 Section 3. Definitions.

29 The following words and phrases when used in this act shall
30 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

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

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

28 "INTRAOPERATIVE MONITORING." THE PROCESS OF CONTINUAL
29 TESTING AND INTERPRETING OF RESULTS BY THE USE OF
30 ELECTRODIAGNOSTIC MODALITIES TO IDENTIFY AND MONITOR THE

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FUNCTIONAL INTEGRITY OF NEUROLOGICAL STRUCTURES TO REDUCE THE
RISK OF INJURY AND COMPLICATIONS RELATED TO THE NERVOUS SYSTEM
DURING A SURGICAL PROCEDURE.

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

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

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

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

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

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

1 video and electronystagmography and tests of central auditory
2 function using calibrated instrumentation leading to the
3 diagnosis of auditory and vestibular dysfunction abnormality;

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

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

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

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

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

16 (10) conducting otoscopic examinations;

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

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

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

28 (14) referral of persons with auditory and vestibular
29 dysfunction abnormalities to an appropriate physician for
30 medical evaluation when indicated based upon the

1 interpretation of the audiologic and vestibular test results.

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

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

28 Section 4. Creation of board; appointment and term of members;
29 officers.

30 (a) Board created.--There is hereby created a departmental

1 administrative board to be known as the State Board of Examiners
2 in Speech-Language [and Hearing] Pathology and Audiology which
3 shall be in the Bureau of Professional and Occupational Affairs
4 of the Department of State. It shall consist of [ten] eight
5 members, [nine] seven of whom shall be appointed by the
6 Governor, by and with the advice and consent of a majority of
7 the members elected to the Senate, who shall be residents of
8 Pennsylvania for a three-year period immediately prior to
9 appointment. The Commissioner of Professional and Occupational
10 Affairs shall serve in his official capacity as the [tenth]
11 eighth member of the board. [At the first meeting, the appointed
12 members shall determine, by lot, three members to serve three-
13 year terms, three members to serve two-year terms and three
14 members to serve one-year terms, with the exception of the
15 commissioner.]

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

26 (c) Qualifications of board.--The board shall consist of the
27 Commissioner of the Bureau of Professional and Occupational
28 Affairs, one member who at the time of appointment is engaged in
29 rendering professional services in speech-language pathology,
30 one member who at the time of appointment is engaged in

1 rendering professional services in audiology, [one member who at
2 the time of appointment is engaged in rendering professional
3 services as a teacher of the hearing impaired,] two members at
4 large who are either speech-language pathologists, or
5 audiologists [or teachers of the hearing impaired], however,
6 each profession shall not be represented by more than two board
7 members, [two members who are physicians] one member who is a
8 physician licensed to practice medicine in this Commonwealth[,
9 at least one of whom] who specializes in otolaryngology, and two
10 members of the public appointed by the Governor from nominations
11 submitted by the governing boards of groups advocating for the
12 welfare of the speech-language and hearing handicapped. Of the
13 initial members, the speech-language pathologists[,] and
14 audiologists [and teachers of the hearing impaired] shall
15 possess the necessary qualifications for licensure under this
16 act. Thereafter, the members of the board who are speech-
17 language pathologists[,] and audiologists [and teachers of the
18 hearing impaired] shall be licensed under this act. No public
19 member appointed under the provisions of this section shall be
20 affiliated in any manner with professions or occupations
21 providing health or corrective communications services or
22 products to communicatively impaired persons. The public members
23 shall be qualified pursuant to law, including section 813 of the
24 act of April 9, 1929 (P.L.177, No.175), known as The
25 Administrative Code of 1929. In addition, no member of the board
26 shall at the same time be an officer or agent of any Statewide
27 association or organization representing the professions or
28 occupations under the jurisdiction of this board.

29 (d) Reappointment.--A member of the board shall be eligible
30 for reappointment. A member shall not be appointed to serve more

1 than two consecutive terms.

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

7 (f) Meetings of board.--The board shall hold a meeting
8 within 150 days after the effective date of this act and
9 annually thereafter in the month prescribed by the board and
10 elect a chairman, vice chairman and secretary who shall be
11 members of the board. The board shall meet at such other times
12 as deemed necessary and advisable by the chairman or by a
13 majority of its members. Reasonable notice of all meetings shall
14 be given in the manner prescribed by the board. A majority of
15 the board shall constitute a quorum at any meeting or hearing.

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

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

24 Section 5. Powers and duties of board.

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

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

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

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

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

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

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

26 (7) To establish standards of eligibility for license
27 renewal. These standards shall include, but not be limited
28 to, the demonstration of satisfactory completion of 20 clock
29 hours of continuing education related to the practice of
30 speech-language pathology[, audiology or teaching the hearing

1 impaired] and audiology in accordance with board regulations.
2 No credit may be given for courses in office management or
3 practice building. The board may waive all or part of the
4 continuing education requirement to a licensee who shows to
5 the satisfaction of the board that the licensee was unable to
6 complete the requirement due to illness, emergency or
7 hardship. The request for a waiver must be made in writing,
8 with appropriate documentation, and must include a
9 description of the circumstances sufficient to show why a
10 licensee is unable to comply with the continuing education
11 requirement. Waiver requests shall be evaluated by the board
12 on a case-by-case basis. The board shall send the licensee
13 written notification of its approval or denial of a waiver
14 request. The requirement to demonstrate the satisfactory
15 completion of continuing education shall begin with the
16 biennial renewal period to be designated by regulation of the
17 board and following written notice to licensees.

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

22 (9) To recognize national professional organizations in
23 audiology that have established definitions of the practice
24 of audiology. These organizations shall be the same as those
25 recognized by the board under the provisions of section 7(b)
26 (2). The board shall have the power to adopt those
27 definitions to be the practical definitions of the practice
28 of audiology for licensees under the board. If one or more of
29 the recognized national professional organizations amends its
30 definition, the amended definition cannot be added to the

practice of audiology until it has been adopted by the board
through regulation.

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

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

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

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

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

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

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

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

(iii) A hearing aid fitter engaged in the business
of selling and fitting hearing aids, and a hearing aid

1 dealer engaged in the sale of hearing aids, as provided
2 in the act of November 24, 1976 (P.L.1182, No.262), known
3 as the Hearing Aid Sales Registration Law.

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

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

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

1 the services are performed for no more than five days in any
2 calendar year in cooperation with a speech-language
3 pathologist[,], or audiologist [or teacher of the hearing
4 impaired] licensed under this act.

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

12 Section 7. Requirements for licensure.

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

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

26 (2) For the license in audiology, possess a master's
27 degree or doctoral degree in audiology [or its equivalent]
28 from an [accredited academic institution. In addition, the
29 applicant] academic program accredited by an accrediting
30 agency approved by the board and the United States Department

1 of Education or the Council for Higher Education
2 Accreditation under standards pursuant to this act. Master's
3 degree applicants must have at least [one year] nine months
4 of supervised professional experience in the field of
5 audiology. Beginning January 1, 2014, all new applicants must
6 possess a doctoral degree in audiology as determined by the
7 board.

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

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

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

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

29 [(3) Applicants who hold a currently valid professional
30 certificate issued by the Council on Education of the Deaf in

1 compliance with its standards for the certification of
2 teachers of the hearing impaired and who have completed an
3 additional ten graduate academic credits established by the
4 board to be appropriate for licensure as a teacher of the
5 hearing impaired.]

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

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

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

20 (d) Provisional licenses.--

21 (1) The board may, in accordance with the provisions of
22 this section, issue a provisional license in audiology to
23 applicants who have met all of the requirements for licensure
24 under this act except for the completion of the clinical
25 fellowship necessary to receive either the Certificate of
26 Clinical Competence from the Council For Clinical
27 Certification of the American Speech-Language-Hearing
28 Association or certification from another national
29 credentialing organization as recognized by the board
30 pursuant to section 7(b)(2). In order to receive the license,

1 the applicant must submit an application for the provisional
2 license to the board on a form prescribed by the board. The
3 form must indicate the applicant's plans for completing the
4 clinical fellowship and must be accompanied by an application
5 fee determined by the board. A provisional license issued
6 under this section shall be valid for a maximum of 18 months
7 and may be renewed one time. The purpose of the provisional
8 license is solely to allow individuals to practice audiology
9 under appropriate supervision while completing the
10 postgraduate professional experience required for
11 certification under section 7(b)(2). A person holding a
12 provisional license is authorized to practice audiology only
13 while working under the supervision of a person fully
14 licensed in this Commonwealth in accordance with this act.

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

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

27 Section 8. Application and fees.

28 (a) Fee.--An application for [examination and] license shall
29 be accompanied by a nonrefundable application [and examination]
30 fee in an amount established by the board by regulation and

1 shall be subject to review in accordance with the act of June
2 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.
3 If the revenues generated by fees, fines and civil penalties
4 imposed in accordance with the provisions of this act are not
5 sufficient to match expenditures over a two-year period, the
6 board shall increase those fees by regulation, subject to review
7 in accordance with the Regulatory Review Act, such that the
8 projected revenues will meet or exceed projected expenditures.
9 If the Bureau of Professional and Occupational Affairs
10 determines that fees established by the board are inadequate to
11 meet the minimum enforcement efforts required, then the bureau,
12 after consultation with the board, shall increase the fees by
13 regulation, subject to review in accordance with the Regulatory
14 Review Act, such that adequate revenues are raised to meet the
15 required enforcement effort.

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

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

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

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

1 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--
2 SECTION 8.1. REQUIREMENTS OF LICENSURE FOR AUDIOLOGISTS
3 UTILIZING INTRAOPERATIVE MONITORING.

4 THE BOARD SHALL CERTIFY AN AUDIOLOGIST WHO HAS DEMONSTRATED
5 HIS COMPETENCE IN THE FIELD OF INTRAOPERATIVE MONITORING AS
6 PRESCRIBED IN THIS SECTION IF HE COMPLIES WITH THE FOLLOWING:

7 (1) IS BOARD CERTIFIED THROUGH A NATIONAL ACCREDITING
8 ORGANIZATION, AS DETERMINED BY THE BOARD; OR

9 (2) HAS COMPLETED DOCTORATE LEVEL COURSEWORK CONSISTING
10 OF CREDITS IN NEUROANATOMY, NEUROPHYSIOLOGY AND OTHER
11 INTRAOPERATIVE MONITORING-RELATED SUBJECTS, OFFERED BY AN
12 ACCREDITED DOCTOR OF AUDIOLOGY PROGRAM ALONG WITH HAVING
13 COMPLETED CLINICAL INSTRUCTION IN INTRAOPERATIVE MONITORING
14 AS DETERMINED BY THE BOARD.

15 Section ~~4~~ 5. Section 9 of the act is repealed: <--
16 [Section 9. Examinations.

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

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

1 recording of the examination.]

2 Section ~~5~~ 6. Section 10 of the act is amended by adding a <--
3 paragraph to read:

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

5 The board may refuse to issue and may suspend or revoke a
6 license of any person or applicant by a vote of at least a
7 majority of the members of the board for any of the following
8 reasons:

9 * * *

10 (7) The audiologist is unable to practice his profession
11 with reasonable skill and safety because of illness,
12 drunkenness, excessive use of controlled substances,
13 chemicals or other types of materials or as the result of a
14 mental or physical condition. In enforcing this paragraph,
15 the board shall, upon probable cause, have the authority to
16 compel a licensee to submit to a mental or physical
17 examination as designated by the board. After notice,
18 hearing, adjudication and appeal as provided for in section
19 11, failure of a licensee to submit to such examination when
20 directed shall constitute an admission of the allegations
21 against him unless failure is due to circumstances beyond his
22 control, consequent upon which a default and final order may
23 be entered without the taking of testimony or presentation of
24 evidence. A licensee affected under this paragraph shall at
25 reasonable intervals be afforded an opportunity to
26 demonstrate that he or she can resume a competent practice of
27 audiology with reasonable skill and safety to patients.

28 Section ~~6~~ 7. Sections 12 and 14 of the act are amended to <--
29 read:

30 Section 12. Requirement of a medical examination.

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

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

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

16 _____
17 Signature Date]

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

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

24 [Any person who fails to renew his license within five years
25 after the date of its expiration may not renew it, and it may
26 not be restored, reissued or reinstated thereafter, but the
27 person may apply for and obtain a new license if he meets the
28 requirements of this act] A renewal of a license shall not be
29 granted more than five years after its expiration. A license
30 shall be renewed after the five-year period only after a

1 licensee has assured continued competency to practice audiology
2 in accordance with regulations established by the board.

3 Section 7 8. The act is amended by adding a section to read: <--
4 Section 16.1. Title.

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

15 Section 8 9. Sections 18 and 19 of the act are amended to <--
16 read:

17 Section 18. Penalties.

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

26 (b) In addition to any other civil remedy or criminal
27 penalty provided for in this act, the board, by a vote of the
28 majority of the maximum number of the authorized membership of
29 the board as provided by law, may levy a civil penalty of up to
30 \$10,000 on any current licensee who violates any provision of

1 this act, or on any person who practices as a speech-language
2 pathologist or audiologist or holds himself forth as a speech-
3 language pathologist or audiologist without being properly
4 licensed to do so under this act. The board shall levy this
5 penalty only after affording the accused party the opportunity
6 for a hearing as provided in 2 Pa.C.S. (relating to
7 administrative law and procedure).

8 Section 19. Injunction against unlawful practice.

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

24 Section ~~9~~ 10. Section 20 of the act is repealed:

<--

25 [Section 20. Appropriation.

26 The sum of \$75,000, or as much thereof as may be necessary,
27 is hereby appropriated from the Professional Licensure
28 Augmentation Account within the General Fund to the Bureau of
29 Professional and Occupational Affairs in the Department of State
30 for the establishment and operation of the State Board of

1 Examiners in Speech-Language and Hearing. The appropriation
2 granted shall be repaid by the board within three years of the
3 beginning of issuance of licenses by the board.]

4 Section ~~10~~ 11. Within 30 days of the effective date of this <--
5 section, the State Board of Examiners in Speech-Language
6 Pathology and Audiology shall meet and reorganize in such a
7 manner that the board position of teacher of the hearing
8 impaired and the board position of physician who is not an
9 otolaryngologist are abolished.

10 Section ~~11~~ 12. This act shall take effect in 60 days. <--