
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1112 Session of
1983

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

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
OCTOBER 25, 1983

AN ACT

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

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

13 Section 1. Short title.

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

16 Section 2. Declaration of policy.

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

29 Section 3. Definitions.

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

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

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

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

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

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

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

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

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

21 (a) Board created.--There is hereby created a departmental
22 administrative board to be known as the State Board of Examiners
23 in Speech-Language and Hearing which shall be in the Bureau of
24 Professional and Occupational Affairs of the Department of
25 State. It shall consist of nine members, all of whom shall be
26 residents of Pennsylvania for a three-year period immediately
27 prior to appointment. At the first meeting the appointed members
28 shall determine by lot, three members to serve three-year terms,
29 three members to serve two-year terms and three members to serve
30 one-year terms.

1 (b) Vacancies.--When the term of each member of the board
2 ends, the Governor shall appoint his successor for a term of
3 three years. Any vacancy occurring on the board shall be filled
4 by the Governor by appointment for the unexpired term. Board
5 members shall continue to serve until their successors are
6 appointed and qualified.

7 (c) Qualifications of board.--The board shall consist of one
8 member who at the time of appointment is engaged in rendering
9 professional services in speech-language pathology, one member
10 who at the time of appointment is engaged in rendering
11 professional services in audiology, one member who at the time
12 of appointment is engaged in rendering professional services as
13 a teacher of the hearing impaired, two members at large who are
14 either speech-language pathologists, audiologists or teachers of
15 the hearing impaired, however, each profession shall not be
16 represented by more than two board members, two members who are
17 physicians licensed to practice medicine in this Commonwealth,
18 at least one of whom specializes in otolaryngology, and two
19 members of the public appointed by the Governor from nominations
20 submitted by the governing boards of groups advocating for the
21 welfare of the speech-language and hearing handicapped. Of the
22 initial members, the speech-language pathologists, audiologists
23 and teachers of the hearing impaired shall possess the necessary
24 qualifications for licensure under this act. Thereafter, the
25 members of the board who are speech-language pathologists,
26 audiologists and teachers of the hearing impaired shall be
27 licensed under this act. No public member appointed under the
28 provisions of this section shall be affiliated in any manner
29 with professions or occupations providing health or corrective
30 communications services or products to communicatively impaired

1 persons. The public members shall be qualified pursuant to law,
2 including section 813 of the act of April 9, 1929 (P.L.177,
3 No.175), known as The Administrative Code of 1929. In addition,
4 no member of the board shall at the same time be an officer or
5 agent of any Statewide association or organization representing
6 the professions or occupations under the jurisdiction of this
7 board.

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

11 (e) Compensation; expenses.--The members of the board, other
12 than the Commissioner of Professional and Occupational Affairs,
13 shall receive reimbursement for reasonable expenses and \$30 per
14 diem when actually engaged in the performance of their official
15 duties.

16 (f) Meetings of board.--The board shall hold a meeting
17 within 150 days after the effective date of this act and
18 annually thereafter in the month prescribed by the board and
19 elect a chairman, vice chairman and secretary. The board shall
20 meet at such other times as deemed necessary and advisable by
21 the chairman or by a majority of its members. Reasonable notice
22 of all meetings shall be given in the manner prescribed by the
23 board. A majority of the board shall constitute a quorum at any
24 meeting or hearing.

25 Section 5. Powers and duties of board.

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

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

1 issuance of a license.

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

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

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

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

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

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

27 (8) To promulgate rules and regulations regarding
28 persons functioning under the direction of audiologists,
29 speech-language pathologists and teachers of the hearing
30 impaired.

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

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

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

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

15 (i) A physician or surgeon from engaging in the
16 practice of medicine.

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

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

25 (2) A person who holds a valid credential issued by the
26 Department of Education in the area of speech or hearing and
27 who is employed in public or private elementary and secondary
28 schools approved by the Department of Education or chartered
29 by the Commonwealth, or a person who is employed by the
30 Commonwealth or the Federal Government as a speech-language

1 pathologist, audiologist or teacher of the hearing impaired
2 from engaging in his profession or occupation, if the person
3 performs his services solely within the scope of his
4 employment, or a person performing hearing testing under
5 section 1402 of the act of March 10, 1949 (P.L.30, No.14),
6 known as the Public School Code of 1949.

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

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

26 (5) A corporation, partnership, trust, association,
27 company or other similar form of organization from engaging
28 in the practice of speech-language pathology, audiology or
29 teaching the hearing impaired without a license if it employs
30 licensed individuals in the direct practice of speech-

1 language pathology, audiology or teaching the hearing
2 impaired.

3 Section 7. Requirements for licensure.

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

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

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

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

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

29 (1) Applicants who present proof of current
30 certification or licensure in a state which has standards

determined by the board to be at least equal to those for licensure in this Commonwealth.

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

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

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

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

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

Section 8. Application and fees.

(a) Fee.--An application for examination and license shall be accompanied by a nonrefundable application fee in an amount determined by the board.

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

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

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

10 (e) Disposition and use of fees.--Fees shall be collected by
11 the board through the Bureau of Professional and Occupational
12 Affairs and shall be paid into the Professional Licensure
13 Augmentation Account established pursuant to and for use in
14 accordance with the act of July 1, 1978 (P.L.700, No.124), known
15 as the Bureau of Professional and Occupational Affairs Fee Act.
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 board shall have the
27 discretionary power to charge a fee for the cost of each
28 examination. The purpose of this fee is to insure that the
29 applicant's fees cover the entire cost of the examination and
30 administration. Cost is all contractual charges relating to the

1 preparing, administering, grading and recording of the
2 examination.

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

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

8 (1) The practice of any fraud, misrepresentation or
9 concealment in obtaining or attempting to obtain a license or
10 renewal thereof.

11 (2) A violation of this act or noncompliance with the
12 rules and regulations promulgated by the board under this
13 act.

14 (3) Aiding or abetting any person in the violation of
15 this act or noncompliance with the rules and regulations
16 promulgated by the board.

17 (4) Being convicted of a felony or misdemeanor of the
18 first or second degree in any court of the United States or
19 of any state within ten years prior to the date of
20 application for licensure.

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

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

26 Section 11. Hearing; restoration to practice.

27 (a) Hearings.--Any person licensed by the board or an
28 applicant for licensure by the board who is affected by action
29 of the board for any of the reasons referred to in section 10,
30 shall be cited by the board with a copy of the reasons and

1 shall, upon request, have a hearing before the board or before a
2 hearing officer appointed by the board.

3 (b) Procedure.--At any hearing the licensed person or
4 applicant shall have the right to appear personally with or by
5 legal counsel, to cross-examine witnesses appearing against him
6 and to produce witnesses and evidence in his own behalf. The
7 board may subpoena witnesses and documentary evidence on its own
8 behalf, and, if requested by the licensed person or applicant,
9 shall subpoena witnesses and documents on his behalf. The board
10 may administer oaths, examine witnesses and compel testimony. A
11 record of the hearing shall be made by the board and a copy
12 furnished to the licensed person or applicant upon payment of a
13 reasonable charge.

14 (c) Decision.--The revocation or suspension for any cause of
15 a license issued by the board may be removed when it shall
16 appear to the board to be just and proper. Upon any removal of
17 the revocation or suspension of license by the board, the name
18 of the licensed person shall be restored and replaced upon the
19 record in the office of the board.

20 Section 12. Requirement of a medical examination.

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

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

30 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

Section 13. Renewal fees; records.

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

Section 14. Limitation of renewal time; new license.

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

Section 15. Display of license.

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

Section 16. Certification to the board.

Every organization or corporation which engages in the practice of speech-language pathology, audiology or teaching of the hearing impaired by the employment of individuals licensed under the provisions of this act shall file with the board, on a

1 form approved by the board, a certification that it submits
2 itself to the rules and regulations of the board and the
3 provisions of this act which the board shall consider applicable
4 to it.

5 Section 17. Enforcement of certification to board.

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

12 Section 18. Penalties.

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

20 Section 19. Injunction against unlawful practice.

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

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

5 Section 20. Appropriation.

6 The sum of \$75,000, or as much thereof as may be necessary,
7 is hereby appropriated from the Professional Licensure
8 Augmentation Account within the General Fund to the Bureau of
9 Professional and Occupational Affairs, in the Department of
10 State for the establishment and operation of the State Board of
11 Examiners in Speech-Language and Hearing.

12 Section 21. Effective date.

13 This act shall take effect in 60 days.