

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

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
MARCH 26, 1984

AN ACT

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

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

13 Section 1. Short title.

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

16 Section 2. Declaration of policy.

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

29 Section 3. Definitions.

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

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

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

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

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

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

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

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

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

21 (a) Board created.--There is hereby created a departmental
22 administrative board to be known as the State Board of Examiners
23 in Speech-Language and Hearing which shall be in the Bureau of
24 Professional and Occupational Affairs of the Department of
25 State. It shall consist of ~~nine~~ TEN members, all of whom shall <—
26 be 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 WITH THE EXCEPTION OF THE COMMISSIONER OF THE <—

1 BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS WHO SHALL SERVE
2 IN HIS OFFICIAL CAPACITY AS THE TENTH MEMBER OF THE BOARD.

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

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

1 appointed under the provisions of this section shall be
2 affiliated in any manner with professions or occupations
3 providing health or corrective communications services or
4 products to communicatively impaired persons. The public members
5 shall be qualified pursuant to law, including section 813 of the
6 act of April 9, 1929 (P.L.177, No.175), known as The
7 Administrative Code of 1929. In addition, no member of the board
8 shall at the same time be an officer or agent of any Statewide
9 association or organization representing the professions or
10 occupations under the jurisdiction of this board.

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

14 (e) Compensation; expenses.--The members of the board, other
15 than the Commissioner of Professional and Occupational Affairs,
16 shall receive reimbursement for reasonable expenses and ~~\$30~~ \$60 <—
17 per diem when actually engaged in the performance of their
18 official duties.

19 (f) Meetings of board.--The board shall hold a meeting
20 within 150 days after the effective date of this act and
21 annually thereafter in the month prescribed by the board and
22 elect a chairman, vice chairman and secretary WHO SHALL BE <—
23 MEMBERS OF THE BOARD. The board shall meet at such other times
24 as deemed necessary and advisable by the chairman or by a
25 majority of its members. Reasonable notice of all meetings shall
26 be given in the manner prescribed by the board. A majority of
27 the board shall constitute a quorum at any meeting or hearing.
28 Section 5. Powers and duties of board.

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

30 (1) To approve the qualifications and fitness of

1 applicants for licensure, and to adopt and revise rules and
2 regulations requiring applicants to pass examinations
3 relating to their qualifications as a prerequisite to the
4 issuance of a license.

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

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

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

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

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

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

30 (8) To promulgate rules and regulations regarding

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

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

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

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

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

18 (i) A physician or surgeon from engaging in the
19 practice of medicine.

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

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

28 (2) A person who holds a valid credential issued by the
29 Department of Education in the area of speech or hearing and
30 who is employed in public or private elementary and secondary

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

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

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

29 (5) A corporation, partnership, trust, association,
30 company or other similar form of organization from engaging

1 in the practice of speech-language pathology, audiology or
2 teaching the hearing impaired without a license if it employs
3 licensed individuals in the direct practice of speech-
4 language pathology, audiology or teaching the hearing
5 impaired.

6 Section 7. Requirements for licensure.

7 (a) In general.--Except as provided in subsections (b) and
8 (c), to be eligible for licensure by the board as a speech-
9 language pathologist, audiologist or teacher of the hearing

10 impaired, an applicant shall pay a fee as established by the

11 board AFTER CONSULTATION WITH THE COMMISSIONER, be of good moral <—
12 character to the satisfaction of the board, pass an examination
13 and:

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

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

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

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

(1) Applicants who present proof of current 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.

1 Section 8. Application and fees.

2 (a) Fee.--An application for examination and license shall
3 be accompanied by a nonrefundable application fee in an amount
4 ~~determined by the board.~~ ESTABLISHED BY THE BOARD AFTER <—
5 CONSULTATION WITH THE COMMISSIONER.

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

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

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

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

21 Section 9. Examinations.

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

1 (b) Cost of examinations.--The board shall have the
2 discretionary power to charge a fee AFTER CONSULTATION WITH THE <—
3 COMMISSIONER for the cost of each examination. The purpose of
4 this fee is to insure that the applicant's fees cover the entire
5 cost of the examination and administration. Cost is all
6 contractual charges relating to the preparing, administering,
7 grading and recording of the examination.

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

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

13 (1) The practice of any fraud, misrepresentation or
14 concealment in obtaining or attempting to obtain a license or
15 renewal thereof.

16 (2) A violation of this act or noncompliance with the
17 rules and regulations promulgated by the board under this
18 act.

19 (3) Aiding or abetting any person in the violation of
20 this act or noncompliance with the rules and regulations
21 promulgated by the board.

22 (4) Being convicted of a felony or misdemeanor of the
23 first or second degree in any court of the United States or
24 of any state within ten years prior to the date of
25 application for licensure.

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

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

1 Section 11. Hearing; restoration to practice.

2 (a) Hearings.--Any person licensed by the board or an
3 applicant for licensure by the board who is affected by action
4 of the board for any of the reasons referred to in section 10,
5 shall be cited by the board with a copy of the reasons and
6 shall, upon request, have a hearing before the board or before a
7 hearing officer appointed by the board.

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

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

25 Section 12. Requirement of a medical examination.

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

30 (b) Waiver.--This section does not apply if an individual

1 signs a written waiver as set forth in this section. The waiver
2 must be read and explained in such a manner that the individual
3 will be thoroughly aware of the consequences of signing the
4 waiver. The waiver form shall read as follows:

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

11 _____
12 Signature Date

13 Section 13. Renewal fees; records.

14 Renewal of licenses shall be on a biennial basis. The fee for
15 renewal of a license shall be as determined by the board AFTER <—
16 CONSULTATION WITH THE COMMISSIONER. A record of all speech-
17 language pathologists, audiologists and teachers of the hearing
18 impaired licensed to practice in this Commonwealth shall be
19 maintained in the office of the board and published at the
20 discretion of the board. The board shall suspend any license for
21 nonpayment of fees until the license is renewed properly.

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

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

28 Section 15. Display of license.

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

1 Section 16. Certification to the board.

2 Every organization or corporation which engages in the
3 practice of speech-language pathology, audiology or teaching of
4 the hearing impaired by the employment of individuals licensed
5 under the provisions of this act shall file with the board, on a
6 form approved by the board, a certification that it submits
7 itself to the rules and regulations of the board and the
8 provisions of this act which the board shall consider applicable
9 to it.

10 Section 17. Enforcement of certification to board.

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

17 Section 18. Penalties.

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

25 Section 19. Injunction against unlawful practice.

26 After 12 months from the effective date of this act, it shall
27 be unlawful for any person to practice or attempt to offer to
28 practice audiology, speech-language pathology or teaching the
29 hearing impaired without holding a valid unrevoked and
30 unsuspended license issued under this act. The unlawful practice

1 of audiology, speech-language pathology or teaching the hearing
2 impaired may be enjoined by the courts on petition of the board
3 or its agents. In any proceeding it shall not be necessary to
4 show that any person is individually injured by the complained
5 of actions. If the respondent is found guilty of the unlawful
6 practice, the court shall enjoin him from practicing until he
7 has been duly licensed. Procedure in these cases shall be the
8 same as in any other injunction suit. The remedy by injunction
9 is in addition to criminal prosecution and punishment.

10 Section 20. Appropriation.

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

17 Section 21. Effective date.

18 This act shall take effect in 60 days.