
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

AS AMENDED ON THIRD CONSIDERATION, MAY 7, 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 ten members, nine of whom shall be
26 appointed by the Governor, by and with the advice and consent of
27 a majority of the members elected to the Senate, who shall be
28 residents of Pennsylvania for a three-year period immediately
29 prior to appointment. The Commissioner of Professional and
30 Occupational Affairs shall serve in his official capacity as the

1 tenth member of the board. At the first meeting the appointed
2 members shall determine by lot, three members to serve three-
3 year terms, three members to serve two-year terms and three
4 members to serve one-year terms with the exception of the
5 Commissioner.

6 (b) Vacancies.--When the term of each appointed member of
7 the board ends, the Governor shall appoint his successor for a
8 term of three years, by and with the advice and consent of a
9 majority of the members elected to the Senate. Any appointive
10 vacancy occurring on the board shall be filled by the Governor
11 by appointment for the unexpired term, by and with the advice
12 and consent of a majority of the members elected to the Senate.
13 Board members shall continue to serve until their successors are
14 appointed and qualified BUT NOT LONGER THAN SIX MONTHS BEYOND
15 THE THREE-YEAR PERIOD. <—

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

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

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

21 (e) Compensation; expenses.--The members of the board, other
22 than the Commissioner of Professional and Occupational Affairs,
23 shall receive reimbursement for reasonable TRAVEL, HOTEL AND <—
24 OTHER NECESSARY expenses and \$60 per diem when actually engaged
25 in the performance of their official duties.

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

1 as deemed necessary and advisable by the chairman or by a
2 majority of its members. Reasonable notice of all meetings shall
3 be given in the manner prescribed by the board. A majority of
4 the board shall constitute a quorum at any meeting or hearing.

5 Section 5. Powers and duties of board.

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

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

12 (2) To adopt and revise rules and regulations consistent
13 with the law as may be necessary to implement the provisions
14 of this act. These rules and regulations shall include, but
15 not be limited to, codes of ethics for speech-language
16 pathologists, audiologists and teachers of the hearing
17 impaired. The codes of ethics shall provide further that
18 whereas speech-language pathologists, audiologists and
19 teachers of the hearing impaired provide nonmedical and
20 nonsurgical services, medical diagnosis and medical treatment
21 by these persons are specifically to be considered unethical
22 and illegal.

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

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

29 (5) To spend funds necessary for the proper performance
30 of its assigned duties in accordance with the fiscal and

1 other laws of this Commonwealth and upon approval by the
2 Commissioner of Professional and Occupational Affairs.

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

5 (7) To establish standards of eligibility for license
6 renewal.

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

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

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

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

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

25 (i) A physician or surgeon from engaging in the
26 practice of medicine.

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

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

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

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

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

1 at least equivalent to those established by section 7, and if
2 the services are performed for no more than five days in any
3 calendar year in cooperation with a speech-language
4 pathologist, audiologist or teacher of the hearing impaired
5 licensed under this act.

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

13 Section 7. Requirements for licensure.

14 (a) In general.--Except as provided in subsections (b) and
15 (c), to be eligible for licensure by the board as a speech-
16 language pathologist, audiologist or teacher of the hearing
17 impaired, an applicant shall pay a fee as established by the
18 board ~~after consultation with the commissioner~~ IN ACCORDANCE <—
19 WITH SECTION 8(A), be of good moral character to the
20 satisfaction of the board, pass an examination and:

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

27 (2) For the license in audiology, possess a master's
28 degree in audiology or its equivalent from an accredited
29 academic institution. In addition, the applicant must have at
30 least one year of supervised professional experience in the

1 field of audiology.

2 (3) For licensure as a teacher of the hearing impaired,
3 possess a master's degree in education of the hearing
4 impaired or its equivalent from an accredited academic
5 institution. In addition, the applicant must have at least
6 one year of supervised professional experience in the field
7 of teaching the hearing impaired.

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

10 (1) Applicants who present proof of current
11 certification or licensure in a state which has standards
12 determined by the board to be at least equal to those for
13 licensure in this Commonwealth.

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

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

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

28 (1) has at least a bachelor's degree with a major in
29 speech-language pathology, audiology or teaching the hearing
30 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 AND EXAMINATION

fee in an amount established by the board ~~after consultation~~

~~with the commissioner.~~ BY REGULATION AND SHALL BE SUBJECT TO

REVIEW IN ACCORDANCE WITH THE ACT OF JUNE 25, 1982 (P.L.633,

NO.181), KNOWN AS THE REGULATORY REVIEW ACT. IF THE REVENUES

GENERATED BY FEES, FINES AND CIVIL PENALTIES IMPOSED IN

ACCORDANCE WITH THE PROVISIONS OF THIS ACT ARE NOT SUFFICIENT TO

MATCH EXPENDITURES OVER A TWO-YEAR PERIOD, THE BOARD SHALL

INCREASE THOSE FEES BY REGULATION, SUBJECT TO REVIEW IN

ACCORDANCE WITH THE REGULATORY REVIEW ACT, SUCH THAT THE

PROJECTED REVENUES WILL MEET OR EXCEED PROJECTED EXPENDITURES.

IF THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

DETERMINES THAT FEES ESTABLISHED BY THE BOARD ARE INADEQUATE TO

MEET THE MINIMUM ENFORCEMENT EFFORTS REQUIRED, THEN THE BUREAU,

AFTER CONSULTATION WITH THE BOARD, SHALL INCREASE THE FEES BY

REGULATION, SUBJECT TO REVIEW IN ACCORDANCE WITH THE REGULATORY

REVIEW ACT, SUCH THAT ADEQUATE REVENUES ARE RAISED TO MEET THE

REQUIRED ENFORCEMENT EFFORT.

(b) Affidavit.--Each application shall be accompanied by an

affidavit or affirmation of the applicant as to its verity. Any

applicant who knowingly or willfully makes a false statement in

1 his application shall be subject to prosecution for perjury.

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

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

7 (e) Disposition and use of fees.--Fees shall be collected by
8 the board through the Bureau of Professional and Occupational
9 Affairs and shall be paid into the Professional Licensure
10 Augmentation Account established pursuant to and for use in
11 accordance with the act of July 1, 1978 (P.L.700, No.124), known
12 as the Bureau of Professional and Occupational Affairs Fee Act.
13 Section 9. Examinations.

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

23 (b) Cost of examinations.--~~The board shall have the~~ <—
24 ~~discretionary power to charge a fee after consultation with the~~
25 ~~commissioner for the cost of each examination. The purpose of~~
26 ~~this fee~~ THE PURPOSE OF THE EXAMINATION FEE WHICH IS TO BE <—
27 ESTABLISHED IN ACCORDANCE WITH SECTION 8(A) is to insure that
28 the applicant's fees cover the entire cost of the examination
29 and administration. Cost is all contractual charges relating to
30 the preparing, administering, grading and recording of the

1 examination.

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

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

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

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

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

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

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

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

25 Section 11. Hearing; restoration to practice.

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

1 hearing officer appointed by the board.

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

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

19 Section 12. Requirement of a medical examination.

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

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

29 I have been advised by (audiologist's name) that the
30 Commonwealth of Pennsylvania has determined that my best

1 health interest would be served if I had a medical
2 examination by a licensed physician before the initiation of
3 aural rehabilitation. I do not wish a medical examination
4 before the initiation of aural rehabilitation.

5 _____
6 Signature

Date

7 Section 13. Renewal fees; records.

8 Renewal of licenses shall be on a biennial basis. The fee for
9 renewal of a license shall be as determined by the board ~~after~~ <—
10 ~~consultation with the commissioner~~ IN ACCORDANCE WITH SECTION <—
11 8(A). A record of all speech-language pathologists, audiologists
12 and teachers of the hearing impaired licensed to practice in
13 this Commonwealth shall be maintained in the office of the board
14 and published at the discretion of the board. The board shall
15 suspend any license for nonpayment of fees until the license is
16 renewed properly.

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

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

23 Section 15. Display of license.

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

26 Section 16. Certification to the board.

27 Every organization or corporation which engages in the
28 practice of speech-language pathology, audiology or teaching of
29 the hearing impaired by the employment of individuals licensed
30 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 State
10 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.