

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1352 Session of 2011

INTRODUCED BY GORDNER, BAKER, FARNESE, FERLO, FONTANA, SOLOBAY,
TARTAGLIONE AND RAFFERTY, DECEMBER 13, 2011

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
DECEMBER 13, 2011

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

26 Regulating the practice of speech-language pathologists[,] and

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

5 Section 1. Short title.

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

9 Section 2. Declaration of policy.

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

27 Section 3. Definitions.

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

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

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

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

1 person.

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

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

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

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

17 (4) assessment and diagnosis of hearing and vestibular
18 disorders through the administration of behavioral,
19 psychoacoustic, electrophysiologic tests of the peripheral
20 and central auditory and vestibular systems using
21 standardized test procedures, including, but not limited to,
22 audiometry, tympanometry, acoustic reflex measures,
23 otoacoustic emissions, auditory evoked potentials, video and
24 electronystagmography and tests of central auditory function
25 using calibrated instrumentation leading to the diagnosis of
26 auditory and vestibular abnormality;

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

29 (6) treatment for persons with impairment of auditory
30 function utilizing amplification and other assistive devices;

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

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

5 (9) fitting of middle ear implantable hearing aids,
6 fully implantable hearing aids and bone-anchored hearing
7 aids;

8 (10) conducting otoscopic examinations and removing
9 cerumen;

10 (11) treatment of persons with tinnitus using techniques
11 including biofeedback, masking, hearing aids, education and
12 counseling;

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

15 (13) administration of electrophysiologic measures of
16 neural function, including, but not limited to, sensory and
17 motor-evoked potentials, tests of nerve conduction velocity
18 and electromyography, plus preoperative and postoperative
19 evaluation of neural function, neurophysiologic
20 intraoperative monitoring of the central nervous system,
21 spinal cord and cranial nerve function; and

22 (14) referral of persons with auditory and vestibular
23 abnormalities to an appropriate physician for medical
24 evaluation when indicated based upon the interpretation of
25 the audiologic and vestibular test results.

26 "Speech-language pathologist." Any person who is qualified
27 by training and experience to engage in the practice of the
28 evaluation, counseling, habilitation and rehabilitation of
29 individuals whose communicative disorders involve the function
30 of speech, voice or language. A person is deemed to be or to

1 hold himself out as being a speech-language pathologist if he
2 offers such services under any title incorporating the words
3 speech-language pathologist, speech consultant, speech
4 therapist, speech correctionist, speech clinician, speech
5 specialist, language pathologist, logopedist, communication
6 therapist, voice therapist, aphasia therapist, aphasiologist,
7 communicologist, or any similar title or description of service.

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

22 Section 4. Creation of board; appointment and term of members;
23 officers.

24 [(a) Board created.--There is hereby created a departmental
25 administrative board to be known as the State Board of Examiners
26 in Speech-Language and Hearing which shall be in the Bureau of
27 Professional and Occupational Affairs of the Department of
28 State. It shall consist of ten members, nine of whom shall be
29 appointed by the Governor, by and with the advice and consent of
30 a majority of the members elected to the Senate, who shall be

1 residents of Pennsylvania for a three-year period immediately
2 prior to appointment. The Commissioner of Professional and
3 Occupational Affairs shall serve in his official capacity as the
4 tenth member of the board. At the first meeting, the appointed
5 members shall determine, by lot, three members to serve three-
6 year terms, three members to serve two-year terms and three
7 members to serve one-year terms, with the exception of the
8 commissioner.

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

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

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

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

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

29 (f) Meetings of board.--The board shall hold a meeting
30 within 150 days after the effective date of this act and

1 annually thereafter in the month prescribed by the board and
2 elect a chairman, vice chairman and secretary who shall be
3 members of the board. The board shall meet at such other times
4 as deemed necessary and advisable by the chairman or by a
5 majority of its members. Reasonable notice of all meetings shall
6 be given in the manner prescribed by the board. A majority of
7 the board shall constitute a quorum at any meeting or hearing.]

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

19 (b) Composition.--The board shall consist of three
20 audiologists who are currently practicing audiology, have had
21 five years' experience practicing audiology and who hold active
22 and valid licensure for the practice of audiology in this
23 Commonwealth, three speech-language pathologists who are
24 currently practicing speech-language pathology, have had five
25 years' experience practicing speech-language pathology and who
26 hold active and valid licensure for the practice of speech-
27 language pathology in this Commonwealth, one physician licensed
28 to practice medicine in this Commonwealth, two representatives
29 of the public who are not associated with or financially
30 interested in the practice or business of audiology, of speech-

language pathology or of medicine and who are not members of
allied or related professions or occupations, and the
Commissioner of the Bureau of Professional and Occupational
Affairs. The public members shall be qualified pursuant to law,
including section 813 of the act of April 9, 1929 (P.L.177,
No.175), known as The Administrative Code of 1929. In addition,
no member of the board shall at the same time be an officer or
agent of any Statewide association or organization representing
the professions or occupations under the jurisdiction of the
board.

(c) Appointments.--Appointments of audiologists to the board
shall be made by the Governor from a list of qualified
audiologists submitted by the Pennsylvania Academy of Audiology
(PAA) and names submitted by other interested organizations or
persons in this Commonwealth. Appointments of speech-language
pathologists shall be made by the Governor from a list of
qualified speech-language pathologists submitted by the
Pennsylvania Speech-Language-Hearing Association (PSHA) and
names submitted by other interested organizations or persons in
this Commonwealth. No member of the board shall at the same time
serve in an elected, appointed or employed position in any
national, State or local-level organization representing
audiologists, speech-language pathologists or physicians, which
present or may present a conflict of interest.

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

1 duty.

2 (e) Vacancies.--When the term of each appointed member of
3 the board ends, the Governor shall appoint his successor for a
4 term of three years, by and with the advice and consent of a
5 majority of the members elected to the Senate. In the event of a
6 vacancy in the office of an appointed member of the board other
7 than by expiration of a term, the Governor shall appoint a
8 qualified person to fill the vacancy for the unexpired term, by
9 and with the advice and consent of a majority of the members
10 elected to the Senate. Board members shall continue to serve
11 until their successors are appointed and qualified but not
12 longer than six months beyond the three-year period.

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

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

21 (h) Meetings of board.--The board shall hold a meeting
22 within 150 days after the effective date of this section and
23 annually thereafter in the month prescribed by the board to
24 elect a chairman, vice chairman and secretary who shall be
25 members of the board. The board shall meet at such other times
26 as deemed necessary and advisable by the chairman or by a
27 majority of its members. Reasonable notice of all meetings shall
28 be given in the manner prescribed by the board. Six members of
29 the board shall constitute a quorum to do business, provided
30 that the majority of members present are audiologists and

speech-language pathologists, and that at least one audiologist,
one speech-language pathologist and one public representative
are present at any meeting or hearing. The board shall conduct
its meetings and keep records of its proceedings in accordance
with the provisions of 1 Pa. Code Pt. II (relating to general
rules of administrative practice and procedure).

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

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

Section 5. Powers and duties of board.

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

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

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

1 by these persons are specifically to be considered unethical
2 and illegal.]

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

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

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

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

17 (7) To establish standards of eligibility for license
18 renewal. These standards shall include, but not be limited
19 to, the demonstration of satisfactory completion of 20 clock
20 hours of continuing education related to the practice of
21 speech-language pathology[, and audiology [or teaching the
22 hearing impaired] in accordance with board regulations. No
23 credit may be given for courses in office management or
24 practice building. The board may waive all or part of the
25 continuing education requirement to a licensee who shows to
26 the satisfaction of the board that the licensee was unable to
27 complete the requirement due to illness, emergency or
28 hardship. The request for a waiver must be made in writing,
29 with appropriate documentation, and must include a
30 description of the circumstances sufficient to show why a

1 licensee is unable to comply with the continuing education
2 requirement. Waiver requests shall be evaluated by the board
3 on a case-by-case basis. The board shall send the licensee
4 written notification of its approval or denial of a waiver
5 request. The requirement to demonstrate the satisfactory
6 completion of continuing education shall begin with the
7 biennial renewal period to be designated by regulation of the
8 board and following written notice to licensees.

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

13 (9) To recognize national professional organizations in
14 audiology that have established definitions of the practice
15 of audiology. These organizations shall be the same as those
16 recognized by the board under the provisions of section 7(b)
17 (2). The board shall have the power to adopt those
18 definitions to be the practical definitions of the practice
19 of audiology for licensees under the board. If one or more of
20 the recognized national professional organizations amends its
21 definition, the amended definition cannot be added to the
22 practice of audiology until it has been adopted by the board
23 through regulation.

24 (10) To recognize national accrediting agencies which
25 accredit programs of audiology as specified in section
26 7(a)(2).

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

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

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

8 Except as provided in subsection (b), no person may practice or
9 hold himself out as being able to practice as an audiologist or
10 speech-language pathologist, or may engage in the practice of
11 speech-language pathology or the practice of audiology in this
12 Commonwealth unless he holds a current, unsuspended, unrevoked
13 license issued by the board. Licensure shall be granted
14 separately in speech-language pathology and audiology.
15 Terminology that approximates speech-language pathology or
16 audiology without a current, unsuspended, unrevoked license
17 issued by the board that may confuse the public or falsify the
18 credentials of the individual or company shall constitute a
19 violation of this act.

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 engaged in the practice
26 of medicine.

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

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

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

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

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

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

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

14 Section 7. Requirements for licensure.

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

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

28 (2) For the license in audiology, possess a master's
29 degree or doctoral degree in audiology [or its equivalent]
30 from an [accredited academic institution. In addition, the

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

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

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

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

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

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

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

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

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

21 (d) Provisional licenses.--

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

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

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

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

30 Section 8. Application and fees.

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

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

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

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

28 (e) Disposition and use of fees.--Fees shall be collected by
29 the board through the Bureau of Professional and Occupational
30 Affairs and shall be paid into the Professional Licensure

1 Augmentation Account established pursuant to and for use in
2 accordance with the act of July 1, 1978 (P.L.700, No.124), known
3 as the Bureau of Professional and Occupational Affairs Fee Act.

4 Section 4. Section 9 of the act is repealed:

5 [Section 9. Examinations.

6 (a) Preparation of examinations.--All written examinations
7 shall be prepared and administered by a qualified professional
8 testing organization under contract with the Bureau of
9 Professional and Occupational Affairs and approved by the board,
10 except that national uniform examinations or grading services or
11 both shall be used if available. No board member shall have a
12 financial interest in a professional testing organization. This
13 section shall not apply to any oral, practical or other
14 nonwritten examination which may be required by the board.

15 (b) Cost of examinations.--The purpose of the examination
16 fee which is to be established in accordance with section 8(a)
17 is to insure that the applicant's fees cover the entire cost of
18 the examination and administration. Cost is all contractual
19 charges relating to the preparing, administering, grading and
20 recording of the examination.]

21 Section 5. Section 10 of the act is amended by adding a
22 paragraph to read:

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

24 The board may refuse to issue and may suspend or revoke a
25 license of any person or applicant by a vote of at least a
26 majority of the members of the board for any of the following
27 reasons:

28 * * *

29 (7) The speech-language pathologist or audiologist is
30 unable to practice his profession with reasonable skill and

safety because of illness, drunkenness, excessive use of
controlled substances, chemicals or other types of materials
or as the result of a mental or physical condition. In
enforcing this paragraph, the board shall, upon probable
cause, have the authority to compel a licensee to submit to a
mental or physical examination as designated by the board.
After notice, hearing, adjudication and appeal as provided
for in section 11, failure of a licensee to submit to such
examination when directed shall constitute an admission of
the allegations against him unless failure is due to
circumstances beyond his control, consequent upon which a
default and final order may be entered without the taking of
testimony or presentation of evidence. A licensee affected
under this paragraph shall at reasonable intervals be
afforded an opportunity to demonstrate that he or she can
resume a competent practice of speech-language pathology or
audiology with reasonable skill and safety to patients.

Section 6. Sections 12, 13, 14 and 16 of the act are amended
to read:

Section 12. Requirement of a medical examination.

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

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

I have been advised by (audiologist's name) that the

1 Commonwealth of Pennsylvania has determined that my best health
2 interest would be served if I had a medical examination by a
3 licensed physician before the initiation of aural
4 rehabilitation. I do not wish a medical examination before the
5 initiation of aural rehabilitation.

6 _____
7 Signature

Date]

8 A speech-language pathologist or audiologist shall refer
9 patients who present with suspected medical conditions which may
10 require surgery or other medical services beyond the scopes of
11 practice under this act for medical evaluation.

12 Section 13. Renewal fees; records.

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

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

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] A renewal of a license shall not be
28 granted more than five years after its expiration. A license
29 shall be renewed after the five-year period only after a
30 licensee has assured continued competency to practice speech-

1 language pathology or audiology in accordance with regulations
2 established by the board.

3 Section 16. Certification to the board.

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

12 Section 7. The act is amended by adding a section to read:

13 Section 16.1. Title.

14 A licensed audiologist who holds a doctoral degree in
15 audiology or a related field may use the title "Doctor" or "Dr."
16 on written materials only if the earned doctoral designation
17 abbreviation accompanies the licensee's name. A licensee who is
18 not also licensed to practice medicine or osteopathy in this
19 Commonwealth may not attach to his name or use as a title the
20 words or abbreviations "Doctor" or "Dr." in contravention of
21 this section, "M.D.," "physician," "surgeon," "D.O." or any word
22 or abbreviation that suggests that the licensee practices
23 medicine or osteopathy.

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

25 Section 17. Enforcement of certification to board.

26 No license or renewal of license shall be issued by the board
27 to any individual engaging in the practice of speech-language
28 pathology[,] or audiology [or teaching of the hearing impaired]
29 with a corporation, partnership, trust, association, company or
30 other similar forms of organization which have failed to comply

1 with section 16.

2 Section 9. Section 17.1(f)(2) of the act, added October 18,
3 2000 (P.L.536, No.71), is amended to read:

4 Section 17.1. Impaired professionals.

5 * * *

6 (f) Mandatory reporting to board.--

7 * * *

8 (2) Any person or facility who acts in a treatment
9 capacity to an impaired speech-language pathologist[, or
10 audiologist [or as a teacher of the hearing impaired] in an
11 approved treatment program shall be exempt from the mandatory
12 reporting requirements of this subsection. Any person or
13 facility who reports under this subsection in good faith and
14 without malice shall be immune from any civil or criminal
15 liability arising from the report.

16 * * *

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

19 Section 18. Penalties.

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

28 (b) In addition to any other civil remedy or criminal
29 penalty provided for in this act, the board, by a vote of the
30 majority of the maximum number of the authorized membership of

the board as provided by law, may levy a civil penalty of up to
\$10,000 on any current licensee who violates any provision of
this act, or on any person who practices as a speech-language
pathologist or audiologist or holds himself forth as a speech-
language pathologist or audiologist without being properly
licensed to do so under this act. The board shall levy this
penalty only after affording the accused party the opportunity
for a hearing as provided in 2 Pa.C.S. (relating to
administrative law and procedure).

Section 19. Injunction against unlawful practice.

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

Section 11. Section 20 of the act is repealed:

[Section 20. Appropriation.

The sum of \$75,000, or as much thereof as may be necessary,
is hereby appropriated from the Professional Licensure
Augmentation Account within the General Fund to the Bureau of

1 Professional and Occupational Affairs in the Department of State
2 for the establishment and operation of the State Board of
3 Examiners in Speech-Language and Hearing. The appropriation
4 granted shall be repaid by the board within three years of the
5 beginning of issuance of licenses by the board.]

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