

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1352 Session of  
2011INTRODUCED BY GORDNER, BAKER, FARNESE, FERLO, FONTANA, SOLOBAY,  
TARTAGLIONE, RAFFERTY AND PILEGGI, DECEMBER 13, 2011SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
SEPTEMBER 25, 2012

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

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

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

1 devices;

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

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

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

9 (10) conducting otoscopic examinations;

10 (11) nonmedical treatment of persons with tinnitus using  
11 techniques including biofeedback, masking, hearing aids,  
12 education and 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, preoperative and postoperative  
18 evaluation of neural function, neurophysiologic  
19 intraoperative monitoring of the central nervous system,  
20 spinal cord and cranial nerve function; and

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

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

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

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

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

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

1 Pennsylvania for a three-year period immediately prior to  
2 appointment. The Commissioner of Professional and Occupational  
3 Affairs shall serve in his official capacity as the [tenth] ←  
4 EIGHTH 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, OR ←  
28 audiologists [or teachers of the hearing impaired], however, ←  
29 each profession shall not be represented by more than two board  
30 members, [two members who are physicians] one member who is a

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

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

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

30 (f) Meetings of board.--The board shall hold a meeting



1 within 150 days after the effective date of this act and  
2 annually thereafter in the month prescribed by the board and  
3 elect a chairman, vice chairman and secretary who shall be  
4 members of the board. The board shall meet at such other times  
5 as deemed necessary and advisable by the chairman or by a  
6 majority of its members. Reasonable notice of all meetings shall  
7 be given in the manner prescribed by the board. A majority of  
8 the board shall constitute a quorum at any meeting or hearing.

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

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

17 Section 5. Powers and duties of board.

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

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

24 (2) To adopt and revise rules and regulations consistent  
25 with the law as may be necessary to implement the provisions  
26 of this act. [These rules and regulations shall include, but  
27 not be limited to, codes of ethics for speech-language  
28 pathologists, audiologists and teachers of the hearing  
29 impaired. The codes of ethics shall provide further that,  
30 whereas speech-language pathologists, audiologists and

1 teachers of the hearing impaired provide nonmedical and  
2 nonsurgical services, medical diagnosis and medical treatment  
3 by these persons are specifically to be considered unethical  
4 and illegal.]

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

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

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

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

19 (7) To establish standards of eligibility for license  
20 renewal. These standards shall include, but not be limited  
21 to, the demonstration of satisfactory completion of 20 clock  
22 hours of continuing education related to the practice of  
23 speech-language pathology[, audiology or teaching the hearing  
24 impaired] AND AUDIOLOGY in accordance with board regulations.

25 No credit may be given for courses in office management or  
26 practice building. The board may waive all or part of the  
27 continuing education requirement to a licensee who shows to  
28 the satisfaction of the board that the licensee was unable to  
29 complete the requirement due to illness, emergency or  
30 hardship. The request for a waiver must be made in writing,

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

11 (8) To promulgate rules and regulations regarding  
12 persons functioning under the direction of ~~audiologists,~~ ←  
13 AUDIOLOGISTS[,] OR speech-language pathologists and [AND ←  
14 teachers of the hearing ~~impaired~~ IMPAIRED]. ←

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

26 (10) To recognize national accrediting agencies which  
27 accredit programs of audiology as specified in section  
28 7(a)(2).

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

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

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

~~Except as provided in subsection (b), no person may practice or hold himself out as being able to practice as an audiologist or may engage in the practice of audiology in this Commonwealth unless he holds a current, unsuspended, unrevoked license issued by the board. Licensure shall be granted in audiology. Terminology that approximates audiology without a current, unsuspended, unrevoked license issued by the board that may confuse the public or falsify the credentials of the individual or company shall constitute a violation of this act.~~

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

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

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

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

(iii) A hearing aid fitter engaged in the business

1 of selling and fitting hearing aids, and a hearing aid  
2 dealer engaged in the sale of 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 or institutions chartered by the Commonwealth, or a  
9 person who is employed by the Commonwealth or the Federal  
10 Government as a speech-language ~~pathologist, audiologist or~~ ←  
11 ~~teacher of the hearing impaired~~ PATHOLOGIST[,]  
12 OR AUDIOLOGIST ←  
13 [OR TEACHER OF THE HEARING IMPAIRED] from engaging in his  
14 profession or occupation, if the person performs his services  
15 solely within the scope of his employment, or a person  
16 performing hearing testing under section 1402 of the act of  
17 March 10, 1949 (P.L.30, No.14), known as the Public School  
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~~ AUDIOLOGY[, teaching the hearing ←  
22 impaired] or speech-language pathology ~~at~~ [at] FROM ←  
23 accredited college or university, if such individual is  
24 designated by a title clearly indicating his student or  
25 training status.

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

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

9 (5) A corporation, partnership, trust, association,  
10 company or other similar form of organization from engaging  
11 in the practice of speech-language ~~pathology, audiology or~~ ←  
12 ~~teaching the hearing impaired~~ PATHOLOGY[,]  
13 TEACHING THE HEARING IMPAIRED] without a license if it ←  
14 employs licensed individuals in the direct practice of  
15 speech-language ~~pathology, audiology or teaching the hearing~~ ←  
16 ~~impaired~~. PATHOLOGY[,]  
17 IMPAIRED]. ←

18 Section 7. Requirements for licensure.

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

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

1 language pathology.

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

14 ~~+(3)~~ [(3) For licensure as a teacher of the hearing ←  
15 impaired, possess a master's degree in education of the  
16 hearing impaired or its equivalent from an accredited  
17 academic institution. In addition, the applicant must have at  
18 least one year of supervised professional experience in the  
19 field of teaching the hearing ~~impaired.~~ IMPAIRED.] ←

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

22 (1) Applicants who present proof of [current  
23 certification or licensure] a currently valid license to  
24 practice audiology in a state which has standards determined  
25 by the board to be at least equal to those for licensure in  
26 this Commonwealth.

27 (2) Applicants who hold a currently valid and  
28 appropriate Certificate of Clinical Competence from the  
29 Council [of Professional Standards] for Clinical  
30 Certification of the American [Speech-Language and Hearing]

Speech-Language-Hearing Association or certification from a national credentialing organization that is recognized by the board from standards pursuant to this act. Notice of standards shall be published in the Pennsylvania Bulletin.

~~(3)~~ [(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~~. 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[, ] OR A MASTER'S DEGREE IN 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~~ PATHOLOGIST[, ] OR 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.

(d) Provisional licenses.--

(1) The board may, in accordance with the provisions of this section, issue a provisional license in audiology to applicants who have met all of the requirements for licensure



1 under this act except for the completion of the clinical  
2 fellowship necessary to receive either the Certificate of  
3 Clinical Competence from the Council For Clinical  
4 Certification of the American Speech-Language-Hearing  
5 Association or certification from another national  
6 credentialing organization as recognized by the board  
7 pursuant to section 7(b)(2). In order to receive the license,  
8 the applicant must submit an application for the provisional  
9 license to the board on a form prescribed by the board. The  
10 form must indicate the applicant's plans for completing the  
11 clinical fellowship and must be accompanied by an application  
12 fee determined by the board. A provisional license issued  
13 under this section shall be valid for a maximum of 18 months  
14 and may be renewed one time. The purpose of the provisional  
15 license is solely to allow individuals to practice audiology  
16 under appropriate supervision while completing the  
17 postgraduate professional experience required for  
18 certification under section 7(b)(2). A person holding a  
19 provisional license is authorized to practice audiology only  
20 while working under the supervision of a person fully  
21 licensed in this Commonwealth in accordance with this act.

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

28 (3) A person holding a valid license in another state to  
29 practice audiology and who has applied for a license in this  
30 Commonwealth under the provisions of this act may practice

audiology while working under the supervision of a person  
fully licensed in this Commonwealth for not more than 90 days  
while awaiting approval of the license application.

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 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 his application shall be subject to prosecution for perjury.

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

(d) Record of examination scores.--The board shall maintain

1 a permanent record of all examination scores.

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

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

9 [Section 9. Examinations.

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

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

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

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

28 The board may refuse to issue and may suspend or revoke a  
29 license of any person or applicant by a vote of at least a  
30 majority of the members of the board for any of the following

1 reasons:

2 \* \* \*

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

21 Section 6. Sections 12 and 14 of the act are amended to  
22 read:

23 Section 12. Requirement of a medical examination.

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

28 (b) Waiver.--This section does not apply if an individual  
29 signs a written waiver as set forth in this section. The waiver  
30 must be read and explained in such a manner that the individual

1 will be thoroughly aware of the consequences of signing the  
2 waiver. The waiver form shall read as follows:

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

9 \_\_\_\_\_  
10 Signature Date]

11 An audiologist shall refer patients who present with  
12 suspected medical conditions beyond the scope of practice under  
13 this act for medical evaluation to an appropriate physician  
14 within 30 days.

15 Section 14. [Limitation of renewal time; new license] Continued  
16 competency.

17 [Any person who fails to renew his license within five years  
18 after the date of its expiration may not renew it, and it may  
19 not be restored, reissued or reinstated thereafter, but the  
20 person may apply for and obtain a new license if he meets the  
21 requirements of this act] A renewal of a license shall not be  
22 granted more than five years after its expiration. A license  
23 shall be renewed after the five-year period only after a  
24 licensee has assured continued competency to practice audiology  
25 in accordance with regulations established by the board.

26 Section 7. The act is amended by adding a section to read:  
27 Section 16.1. Title.

28 A licensed audiologist who holds a doctoral degree in  
29 audiology or a related field may use the title "Doctor" or "Dr."  
30 on written materials only if the earned doctoral designation

abbreviation accompanies the licensee's name. A licensee who is not also licensed to practice medicine or osteopathy in this Commonwealth may not attach to his name or use as a title the words or abbreviations "Doctor" or "Dr." in contravention of this section, "M.D.," "physician," "surgeon," "D.O." or any word or abbreviation that suggests that the licensee practices medicine or osteopathy.

Section 8. Sections 18 and 19 of the act are amended to read:

Section 18. Penalties.

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

(b) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the 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).

1 Section 19. Injunction against unlawful practice.

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

17 Section 9. Section 20 of the act is repealed:

18 [Section 20. Appropriation.

19 The sum of \$75,000, or as much thereof as may be necessary,  
20 is hereby appropriated from the Professional Licensure  
21 Augmentation Account within the General Fund to the Bureau of  
22 Professional and Occupational Affairs in the Department of State  
23 for the establishment and operation of the State Board of  
24 Examiners in Speech-Language and Hearing. The appropriation  
25 granted shall be repaid by the board within three years of the  
26 beginning of issuance of licenses by the board.]

27 SECTION 10. WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS  
28 SECTION, THE STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE  
29 PATHOLOGY AND AUDIOLOGY SHALL MEET AND REORGANIZE IN SUCH A  
30 MANNER THAT THE BOARD POSITION OF TEACHER OF THE HEARING



1 IMPAIRED AND THE BOARD POSITION OF PHYSICIAN WHO IS NOT AN  
2 OTOLARYNGOLOGIST ARE ABOLISHED.

3 Section ~~10~~ 11. This act shall take effect in 60 days.

