SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

LICENSING ACT AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

Senate Sponsor: ____________

LONG TITLE

General Description:

This bill modifies provisions of Title 58, Chapter 41, Speech-language Pathology and Audiology Licensing Act, related to licensing requirements, exemptions from licensure, and temporary licenses.

Highlighted Provisions:

This bill:

- clarifies and modifies licensing requirements for speech-language pathologists and audiologists;
- provides for the issuance of temporary licenses to individuals who have completed licensing requirements for an audiologist or speech-language pathologist, except for the clinical experience;
- provides a grandfathering provision; and
- makes certain technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 58-41-4 is amended to read:

58-41-4. Exemptions from chapter.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in the practice of speech-language pathology and audiology subject to the stated circumstances and limitations without being licensed under this chapter:

(a) a qualified person licensed in this state under any law existing in this state prior to May 13, 1975, from engaging in the profession for which [he] the person is licensed;

(b) a medical doctor, physician, or surgeon licensed in this state, from engaging in [his] the person's specialty in the practice of medicine;

(c) a hearing aid dealer or salesman from selling, fitting, adjusting, and repairing hearing aids, and conducting hearing tests solely for that purpose[; However], but a hearing aid dealer may not conduct audologic testing on persons under [the] age [of] 18 [years], except under the direct supervision of an audiologist licensed under this chapter;

(d) a person who has obtained a valid and current credential issued by the Utah State Office of Education while performing specifically the functions of a speech-language pathologist or audiologist, in no way in [his] the person's own interest, solely within the confines of and under the direction and jurisdiction of and only in the academic interest of the schools by which employed in this state;

(e) a person employed as a speech-language pathologist or audiologist by federal government agencies or subdivisions or, prior to July 1, 1989, by state or local government agencies or subdivisions, while specifically performing speech-language pathology or audiology services in no way in [his] the person's own interest, solely within the confines of and under the direction and jurisdiction of and in the specific interest of that agency or
subdivision;

(f) a person identified in Subsections (d) and (e) may offer lectures for a fee, or
monetary or other compensation, without being licensed[, however[such] the person may
elect to be subject to the requirements of this chapter;

(g) a person employed by an accredited [colleges] college or [universities] university as
a speech-language pathologist or audiologist from performing the services or functions
described in this chapter when they are:

(i) performed solely as an assigned teaching function of employment;
(ii) solely in academic interest and pursuit as a function of that employment;
(iii) in no way for their own interest; and
(iv) provided for no fee, monetary or otherwise, other than their agreed institutional
salary;

[(h) a person pursuing a course of study leading to a degree in speech-language
pathology or audiology while enrolled in an accredited college or university, provided those
activities constitute an assigned, directed, and supervised part of his curricular study, and in no
other interest, and that all examinations, tests, histories, charts, progress notes, reports,
correspondence, and all documents and records which he produces be identified clearly as
having been conducted and prepared by a student in training and that such a person is
obviously identified and designated by appropriate title clearly indicating the training status
and provided that he does not hold himself out directly or indirectly as being qualified to
practice independently;]

[(i) a person trained in elementary audiometry and qualified to perform basic
audiometric tests while employed by a licensed medical doctor to perform solely for [him] the
doctor while under [his] the doctor's direct supervision, the elementary conventional
audiometric tests of air conduction screening, air conduction threshold testing, and
tympanometry;

[(j) a person while performing as a speech-language pathologist or audiologist for
the purpose of obtaining required professional experience under the provisions of this chapter,
if he meets all training requirements and is professionally responsible to and under the
supervision of a speech-language pathologist or audiologist who holds the CCC or a state
license in speech-language pathology or audiology. This provision is applicable only during]
the time that person is obtaining the required professional experience;

[(k)] (j) a corporation, partnership, trust, association, group practice, or like organization engaging in speech-language pathology or audiology services without certification or license, if it acts only through employees or consists only of persons who are licensed under this chapter;

[(l)] (k) performance of speech-language pathology or audiology services in this state by a speech-language pathologist or audiologist who is not a resident of this state and is not licensed under this chapter if those services are performed for no more than one month in any calendar year in association with a speech-language pathologist or audiologist licensed under this chapter, and if that person meets the qualifications and requirements for application for licensure described in Section 58-41-5; and

[(m)] (l) a person certified under Title 53A, State System of Public Education, as a teacher of the deaf, from providing the services or performing the functions [he] the person is certified to perform.

(2) No person is exempt from the requirements of this chapter who:

(a) performs or provides any services as a speech-language pathologist or audiologist for which a fee, salary, bonus, gratuity, or compensation of any kind paid by the recipient of the service; or [who]

(b) engages any part of [his] the person's professional work for a fee practicing in conjunction with, by permission of, or apart from [his] the person's position of employment as speech-language pathologist or audiologist in any branch or subdivision of local, state, or federal government or as otherwise identified in this section.

Section 2. Section 58-41-5 is amended to read:

58-41-5. Licensure requirements.

(1) To obtain and maintain a license as [a speech-language pathologist or] an audiologist beginning July 1, 2010, [the] an applicant must:

[(1)] (a) submit a completed application in the form and content prescribed by the division and pay a fee to the department in accordance with Section 63J-1-504;

[(2)] (b) be of good moral character;

[(3)] (c) provide the committee with verification[(a) from the educational institutions involved:] that the applicant is the legal holder of a doctor's [or master's] degree [or its
equivalent in the area of speech-language pathology, speech science, or] in audiology, from an accredited university or college, based on a program of studies primarily in the field of speech-language pathology, speech sciences, or] audiology; [and]

[(b) that the applicant has had training and experience in treating and managing the major communication disabilities identified in speech-language pathology or audiology;]

[(4) (d) be in compliance with the regulations of conduct and codes of ethics for the profession of speech-language pathology and] audiology;

[(5) (e) submit to the board certified evidence of having completed at least one year of professional experience [(e), at least 30 hours per week for an academic year[], of direct clinical experience in treatment and management of patients[], That treatment and management shall be, supervised and attested to by one holding [a] an audiologist license under this chapter, the CCC, or their full equivalent; and]

[(6) submit transcripts to the board from the educational institutions involved, indicating a doctor's or master's degree from an accredited program or satisfactory completion of at least 90 quarter hours in speech or hearing disorders, of which at least 50 shall be for graduate level credit. No less than nine and no more than 12 quarter hours shall be in basic and clinical audiology for persons applying for the license in speech-language pathology. No less than nine and no more than 12 quarter hours shall be in basic and functional speech-language pathology for persons applying for a license in audiology. No more than three-quarter hours shall be in thesis or student research; and]

[(7) (f) pass a nationally standardized examination in speech-language pathology or] audiology which is the same as or equivalent to the examination required for the CCC and with pass-fail criteria equivalent to current ASHA standards[]. The, and the board may[] in its discretion[,] require [an] the applicant to pass an acceptable practical demonstration of clinical skills to an examining committee of licensed [speech-language pathologists] audiologists appointed by the board.

(2) To obtain and maintain a license as an audiologist prior to July 1, 2010, an applicant shall:

(a) comply with Subsections (1)(a), (b), (d), (e), and (f); and

(b) provide the committee with verification that the applicant has received at least a master's degree in the area of audiology from an accredited university or college, based on a
An individual who, prior to July 1, 2010, is licensed as an audiologist under this chapter is, on or after July 1, 2010, considered to hold a current license under this chapter as an audiologist and is subject to this chapter.

(4) To obtain and maintain a license as a speech-language pathologist, an applicant must:

(a) comply with Subsections (1)(a) and (b);

(b) provide the committee with verification that the applicant has received at least a master's degree in speech-language pathology from an accredited university or college, based on a program of studies primarily in the field of speech-language pathology;

(c) be in compliance with the regulations of conduct and code of ethics for the profession of speech-language pathology;

(d) comply with Subsection (1)(e), except that the supervision and attestation requirement shall be from a licensed speech-language pathologist rather than a licensed audiologist; and

(e) pass a nationally standardized examination in speech-language pathology which is the same as or equivalent to the examination required for the CCC and with pass-fail criteria equivalent to current ASHA standards, and the board may require the applicant to pass an acceptable practical demonstration of clinical skills to an examining committee of licensed speech-language pathologists appointed by the board.

Section 3. Section 58-41-5.5 is enacted to read:

58-41-5.5. Temporary licenses.

(1) (a) The division may issue a temporary license to an applicant for an audiology license who:

(i) has obtained a master's or doctorate degree in audiology prior to July 1, 2010, or a doctorate degree in audiology after June 30, 2010; and

(ii) is practicing audiology in a year of clinical fellowship.

(b) The temporary license is valid for up to 12 months.

(2) (a) The division may issue a temporary license to an applicant for a speech-language pathology license who has completed all requirements for licensure as a speech-language pathologist under this chapter, except for the clinical experience.
(b) The temporary license is valid for up to 12 months.

Section 4. **Repealer.**

This bill repeals:

Section **58-41-7, Waiver of specified licensure requirements -- Conditions.**

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**Legislative Review Note**

*as of 2-24-10 3:08 PM*

Office of Legislative Research and General Counsel
Fiscal Note

H.B. 396 - Speech-language Pathology and Audiology Licensing Act Amendment
2010 General Session
State of Utah

State Impact
The bill will generate $6,600 in annual license revenues against expenses of $1,000. Commerce Service Fund revenues and expenditures affect the annual transfer to the General Fund.

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Individual, Business and/or Local Impact
Enacting this bill will not likely result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.


Office of the Legislative Fiscal Analyst