

HB0374S01 compared with HB0374

~~{Omitted text}~~ shows text that was in HB0374 but was omitted in HB0374S01

inserted text shows text that was not in HB0374 but was inserted into HB0374S01

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Speech, Language, and Hearing Occupations Licensing Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill modifies the regulations for hearing professionals.

Highlighted Provisions:

This bill:

- defines terms;
- allows the division to create temporary working groups when no board is available to assist the division;
- allows an audiologist to supervise a hearing instrument specialist intern;
- ~~{requires a speech-language pathologist to receive training for invasive procedures;}~~
- repeals the creation of the Speech-language Pathologist and Audiologist Licensing Board;
- repeals the exemption permitting an individual to receive licensure as a speech-language pathologist or an audiologist from the State Board of Education;
- creates an alternative path for licensure as an audiologist and as a speech-language pathologist;
- aligns the unprofessional conduct standards of a hearing instrument specialist with the unprofessional conduct standards of audiologists; and

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- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-6-102 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

53E-6-702 (Effective 05/06/26), as last amended by Laws of Utah 2019, Chapter 186

53F-2-310 (Effective 05/06/26), as last amended by Laws of Utah 2019, Chapter 186

53F-2-405 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 165

53F-5-217 (Effective 05/06/26), as enacted by Laws of Utah 2020, Chapter 362

53G-11-501 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 484

53G-11-512 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 484

58-1-203 (Effective 05/06/26), as last amended by Laws of Utah 2011, Chapter 181

58-46a-102 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah 2020, Chapter 154

58-46a-302 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah 2020, Chapter 339

58-46a-302.5 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah 2023, Chapter 303

58-46a-303 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah 2023, Chapter 303

58-46a-305 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah 2019, Chapter 349

58-46a-401 (Effective 05/06/26) (Repealed 07/01/33), as enacted by Laws of Utah 1994, Chapter 28

58-46a-501 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah 2020, Chapter 154

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58-46a-502 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah 2020, Chapter 154

58-46a-503 (Effective 05/06/26) (Repealed 07/01/33), as enacted by Laws of Utah 1998, Chapter 249

63I-1-258 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 236

63I-2-258 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 277

76-3-203.2 (Effective 05/06/26), as last amended by Laws of Utah 2022, Chapter 181

ENACTS:

58-41-501 (Effective 05/06/26), Utah Code Annotated 1953

RENUMBERS AND AMENDS:

58-41-101 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-2, as last amended by Laws of Utah 2020, Chapter 424)

58-41-102 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-13, as last amended by Laws of Utah 2009, Chapter 183)

58-41-103 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-16, as last amended by Laws of Utah 2025, Chapter 302)

58-41-201 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-6, as last amended by Laws of Utah 1993, Chapter 297)

58-41-301 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-5, as last amended by Laws of Utah 2024, Chapter 137)

58-41-302 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-8, as last amended by Laws of Utah 1993, Chapter 297)

58-41-303 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-12, as repealed and reenacted by Laws of Utah 1993, Chapter 297)

58-41-304 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-5.5, as enacted by Laws of Utah 2010, Chapter 397)

58-41-305 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-4, as last amended by Laws of Utah 2023, Chapter 329)

58-41-306 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-17, as last amended by Laws of Utah 2017, Chapter 43)

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58-41-307 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-14, as last amended by Laws of Utah 1989, Chapter 207)

58-41-401 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-9, as repealed and reenacted by Laws of Utah 1993, Chapter 297)

58-41-502 (Effective 05/06/26) (Repealed 07/01/29), (Renumbered from 58-41-15, as last amended by Laws of Utah 1989, Chapter 207)

REPEALS:

58-41-1 (Effective 05/06/26) (Repealed 07/01/29), as last amended by Laws of Utah 1989, Chapter 207

58-41-3 (Effective 05/06/26) (Repealed 07/01/29), as last amended by Laws of Utah 2020, Chapter 424

58-46a-101 (Effective 05/06/26) (Repealed 07/01/33), as enacted by Laws of Utah 1994, Chapter 28

58-46a-304 (Effective 05/06/26) (Repealed 07/01/33), as enacted by Laws of Utah 1994, Chapter 28

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

Section 1. Section **53E-6-102** is amended to read:

53E-6-102. (Effective 05/06/26)Definitions.

As used in this chapter:

(1) "Certificate" means a license issued by a governmental jurisdiction outside the state.

(2) "DOD civilian" means the same as that term is defined in Section 53H-11-202.

(3) "Educator" means:

(a) a person who holds a license;

(b) a teacher, counselor, administrator, librarian, or other person required, under rules of the state board, to hold a license; [or]

(c) for an audiologist or a speech language pathologist, an individual who an LEA employs and holds a credential from the Division of Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act; or

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[(e)] (d) a person who is the subject of an allegation which has been received by an LEA, the state board, or UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a position requiring licensure.

(4) "License" means an authorization issued by the state board that permits the holder to serve in a professional capacity in the public schools.

(5) "National Board certification" means a current certificate issued by the National Board for Professional Teaching Standards.

(6) "School" means a public or private entity that provides educational services to a minor child.

(7) "UPPAC" means the Utah Professional Practices Advisory Commission.

Section 2. Section **53E-6-702** is amended to read:

53E-6-702. (Effective 05/06/26)Reimbursement of legal fees and costs to educators.

(1) As used in this section:

(a) "Action" means any action, except those referred to in Section 52-6-201, brought against an educator by an individual or entity other than:

(i) the entity who licenses the educator; and

(ii) the LEA that employs the educator or employed the educator at the time of the alleged act or omission.

(b) "Educator" means:

(i) an individual who holds or is required to hold a license as defined by the state board and is employed by an LEA located within the state[-] ; or

(ii) for an audiologist or a speech language pathologist, an individual who an LEA employs and holds a credential from the Division of Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act.

(2) Except as otherwise provided in Section 52-6-201, an educator is entitled to recover [reasonable attorneys' fees] reasonable attorney fees and costs incurred in the educator's defense against an individual or entity who initiates an action against the educator if:

(a) the action is brought for any act or omission of the educator during the performance of the educator's duties within the scope of the educator's employment; and

(b) it is dismissed or results in findings favorable to the educator.

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- (3) An educator who recovers under this section is also entitled to recover reasonable [~~attorneys' fees~~] attorney fees and costs necessarily incurred by the educator in recovering the [~~attorneys' fees~~] attorney fees and costs allowed under Subsection (2).

Section 3. Section **53F-2-310** is amended to read:

53F-2-310. (Effective 05/06/26) Stipends for special educators for additional days of work.

(1) As used in this section:

(a) "Special education teacher" means a teacher whose primary assignment is the instruction of students with disabilities who are eligible for special education services.

(b) "Special educator" means a person employed by a school district, charter school, or the Utah Schools for the Deaf and the Blind who holds:

(i) a license issued by the state board or, for a speech language pathologist, an individual who an LEA employs and holds a credential from the Division of Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act; and

(ii) a position as a:

(A) special education teacher;

(B) speech-language pathologist; or

(C) teacher of the deaf or hard of hearing;

(2) The Legislature shall annually appropriate money for stipends to special educators for additional days of work:

(a) in recognition of the added duties and responsibilities assumed by special educators to comply with federal law regulating the education of students with disabilities and the need to attract and retain qualified special educators; and

(b) subject to future budget constraints.

(3)

(a) The state board shall distribute money appropriated under this section to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for stipends for special educators in the amount of \$200 per day for up to 10 additional working days.

(b) Money distributed under this section shall include, in addition to the \$200 per day stipend, money for the following employer-paid benefits:

(i) retirement;

(ii) workers' compensation;

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- 174 (iii) Social Security; and
175 (iv) Medicare.
- 176 (4) A special educator receiving a stipend shall:
177 (a) work an additional day beyond the number of days contracted with the special educator's school
district or school for each daily stipend;
179 (b) schedule the additional days of work before or after the school year; and
180 (c) use the additional days of work to perform duties related to the IEP process, including:
182 (i) administering student assessments;
183 (ii) conducting IEP meetings;
184 (iii) writing IEPs;
185 (iv) conferring with parents; and
186 (v) maintaining records and preparing reports.
- 187 (5) A special educator may:
188 (a) elect to receive a stipend for one to 10 days of additional work; or
189 (b) elect to not receive a stipend.
- 190 (6) A person who does not hold a full-time position as a special educator is eligible for a partial stipend
equal to the percentage of a full-time special educator position the person assumes.
- 193 Section 4. Section **53F-2-405** is amended to read:
194 **53F-2-405. (Effective 05/06/26)Educator salary adjustments.**
- 195 (1) As used in this section, "educator" means a person employed by [~~a school district, charter~~
school,] an LEA or regional education service agency[~~, or the Utah Schools for the Deaf and the~~
Blind] who holds:
198 (a)
(i) a license issued by the state board; and
199 (ii) a position as a:
200 (A) classroom teacher;
201 [~~(B) speech pathologist;~~]
202 [~~(C)~~] (B) librarian or media specialist;
203 [~~(D)~~] (C) preschool teacher;
204 [~~(E)~~] (D) mentor teacher;
205 [~~(F)~~] (E) teacher specialist or teacher leader;

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- 206 ~~[(G)]~~ (F) guidance counselor;
207 ~~[(H)]~~ audiologist;
208 ~~[(I)]~~ (G) psychologist; or
209 ~~[(J)]~~ (H) social worker; or
210 (b)
 (i) a license issued by the Division of Professional Licensing; and
211 (ii) a position as:
212 (A) a social worker[:];
213 (B) audiologist; or
214 (C) speech language pathologist.
215 (2) In recognition of the need to attract and retain highly skilled and dedicated educators, the
 Legislature shall annually appropriate money for educator salary adjustments, subject to future
 budget constraints.
218 (3)
 (a) The state board shall distribute to each school district, each charter school, each regional education
 service agency, and the Utah Schools for the Deaf and the Blind money that the Legislature
 appropriates for educator salary adjustments based on the number of educator positions described in
 Subsection (1) in the school district, the charter school, each regional education service agency, or
 the Utah Schools for the Deaf and the Blind.
224 (b) Notwithstanding Subsection (3)(a), if appropriations are insufficient to provide the full amount
 of educator salary adjustments described in this section, the state board shall distribute money
 appropriated for educator salary adjustments to school districts, charter schools, each regional
 education service agency, and the Utah Schools for the Deaf and the Blind in proportion to the
 number of full-time-equivalent educator positions in a school district, a charter school, each regional
 education service agency, or the Utah Schools for the Deaf and the Blind as compared to the total
 number of full-time-equivalent educator positions in school districts, charter schools, each regional
 education service agency, and the Utah Schools for the Deaf and the Blind.
234 (4) A school district, a charter school, each regional education service agency, or the Utah Schools for
 the Deaf and the Blind shall award bonuses to educators as follows:
236 (a) for fiscal year 2026, the amount of the salary adjustment for each full-time-equivalent educator is:
238 (i) if Chapter 6, Part 4, Utah Fits All Scholarship Program, is funded and in effect, \$10,350; or

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- 240 (ii) if Chapter 6, Part 4, Utah Fits All Scholarship Program, is not funded and in effect, \$5,175;
- 242 (b) an individual who is not a full-time educator shall receive a partial salary adjustment based on the
number of hours the individual works as an educator;
- 244 (c) a salary adjustment may not be awarded if an educator has received an unsatisfactory rating on the
educator's three most recent evaluations; and
- 246 (d) for a fiscal year beginning on or after July 1, 2024, the amount of the salary adjustment is equal to:
- 248 (i) the amount of salary adjustment in the preceding fiscal year; and
- 249 (ii) a percentage increase that is equal to the percentage increase in the value of the WPU in the
preceding fiscal year.
- 251 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board:
- 253 (a) shall make rules to ensure that the LEAs do not:
- 254 (i) reduce or supplant a compensation increase from an increase in the WPU value with an increase
from the salary supplement in this section; or
- 256 (ii) reduce or artificially limit a teacher's salary to convert the salary supplement in this section into a
windfall to the LEA; and
- 258 (b) may make rules as necessary to administer this section.
- 259 (6)
- (a) Subject to future budget constraints, the Legislature shall appropriate sufficient money each year to:
- 261 (i) maintain educator salary adjustments provided in prior years; and
- 262 (ii) provide educator salary adjustments to new employees.
- 263 (b) Money appropriated for educator salary adjustments shall include money for the following
employer-paid benefits:
- 265 (i) retirement;
- 266 (ii) worker's compensation;
- 267 (iii) social security; and
- 268 (iv) Medicare.
- 269 (7)
- (a) Subject to future budget constraints, the Legislature shall:
- 270 (i) maintain the salary adjustments provided to school administrators in the 2007-08 school year;
and
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(ii) provide salary adjustments for new school administrators in the same amount as provided for existing school administrators.

(b) The appropriation provided for educator salary adjustments described in this section shall include salary adjustments for school administrators as specified in Subsection (7)(a).

(c) In distributing and awarding salary adjustments for school administrators, the state board, a school district, a charter school, each regional education service agency, or the Utah Schools for the Deaf and the Blind shall comply with the requirements for the distribution and award of educator salary adjustments as provided in Subsections (3) and (4).

Section 5. Section **53F-5-217** is amended to read:

53F-5-217. (Effective 05/06/26) Grants for new and aspiring principals.

(1) As used in this section:

(a) "Aspiring principal" means an educator who is:

(i) employed by an LEA; and

(ii) pursuing a school leadership license or license area of concentration through enrollment in a state board approved school leadership program.

(b) "Educator" means:

(i) an individual who holds a professional educator license described in Section 53E-6-201[-] ; or

(ii) for an audiologist or a speech language pathologist, an individual who an LEA employs and holds a credential from the Division of Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act.

(c) "Eligible applicant" means one of the following that has established a mentoring program for new principals, or agrees to establish a mentoring program during the first year of funding, that meets the requirements as described in Subsection (6):

(i) a single LEA;

(ii) a group of more than one LEA that submits a joint application; or

(iii) a regional education service agency as described in Section 53G-4-410.

(d) "Internship" means an extended supervised experience for an aspiring principal to engage in the work of a principal, designed to build and demonstrate the competencies required for a school leadership license or license area of concentration.

(e) "New principal" means a principal hired by an LEA within the previous three years who has not been previously employed as a principal by the LEA.

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- 307 (f)
- (i) "Principal" means a school-level leader with executive authority, including:
- 308 (A) a principal;
- 309 (B) an assistant principal;
- 310 (C) a charter school director; or
- 311 (D) another school-based administrator.
- 312 (ii) "Principal" does not include:
- 313 (A) a school district administrator; or
- 314 (B) a director of two or more charter schools.
- 315 (g) "Residency" means a clinical experience for an aspiring principal that:
- 316 (i) takes place in a new setting, other than the aspiring principal's current position; and
- 317 (ii) that is designed to build and demonstrate the competencies required for a school leadership license or license area of concentration.
- 319 (2)
- (a) An eligible applicant may apply to the state board for a grant to provide professional learning and training activities for a new principal or an aspiring principal.
- 322 (b) Subject to legislative appropriations, the state board shall award a grant to an eligible applicant on a qualifying or competitive basis.
- 324 (c) The state board may award a grant to an eligible applicant for up to five years.
- 325 (d) The state board shall determine an eligible applicant's grant amount based on a formula determined by the state board as described Subsection (6).
- 327 (3)
- (a) A grant recipient that receives a grant under this section may use the grant award:
- 328 (i) to provide mentoring activities to a new principal;
- 329 (ii) to provide job-embedded experiences such as an internship or residency to an aspiring principal to help the aspiring principal meet school leader standards and competencies required for licensure as a principal;
- 332 (iii) for activities designed to improve principal leadership, including:
- 333 (A) hiring a principal supervisor or a principal coach;
- 334 (B) providing professional learning activities to help a principal meet school leadership standards and competencies for principal licensure established by the state board; and

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- 337 (C) other activities determined by the state board in Subsection (6); and
338 (iv) for planning purposes during the first year of the grant award.
- 339 (b) A grant recipient that receives a grant award under this section shall use the grant award for
activities that are evidenced-based.
- 341 (4) A grant recipient that receives a grant award under this section shall report to the state board on the
performance measures and reporting requirements described in Subsection (6).
- 344 (5) On or before the November 2026 meeting, the state board shall report to the Education Interim
Committee on:
- 346 (a) the information described in Subsection (4); and
347 (b) for each grant recipient:
- 348 (i) how the grant recipient used the grant award;
349 (ii) the number and percent of principals receiving the professional learning and training activities
described in Subsection (3);
351 (iii) survey data collected from participating new principals and aspiring principals regarding the quality
and effectiveness of the professional learning and training activities described in Subsection (3);
354 (iv) retention rates for all principals;
355 (v) teacher retention rates in each school with a new principal or aspiring principal receiving the
professional learning and training activities described in Subsection (3); and
358 (vi) school accountability data described in Title 53E, Chapter 5, Accountability, for each year the grant
recipient uses the grant award to provide new and aspiring principals with the professional learning
and training activities described in Subsection (3).
- 362 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall
make rules establishing:
- 364 (a) mentoring program requirements for new principals;
365 (b) grant application and award procedures including a formula for determining an eligible applicant's
grant award amount;
367 (c) performance measures and reporting requirements for a grant recipient;
368 (d) principal leadership standards and competencies;
369 (e) a grant award distribution schedule; and
370 (f) professional learning activities to improve principal leadership for which a grant recipient may use a
grant award.

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Section 6. Section **53G-11-501** is amended to read:

53G-11-501. (Effective 05/06/26)Definitions.

As used in this part:

- (1) "Administrator" means an individual who supervises educators and holds an appropriate license.
- (2) "Career educator" means a licensed employee who has a reasonable expectation of continued employment under the policies of a local school board.
- (3) "Career employee" means an employee of a school district who has obtained a reasonable expectation of continued employment based upon Section 53G-11-503 and an agreement with the employee or the employee's association, district practice, or policy.
- (4) "Chronically absent" means a student who:
 - (a) was enrolled in an LEA for at least 60 calendar days; and
 - (b) missed 10% or more days of instruction, whether the absence was excused or not.
- (5) "Contract term" or "term of employment" means the period of time during which an employee is engaged by the school district under a contract of employment, whether oral or written.
- (6) "Dismissal" or "termination" means:
 - (a) termination of the status of employment of an employee;
 - (b) failure to renew or continue the employment contract of a career employee beyond the then-current school year;
 - (c) reduction in salary of an employee not generally applied to all employees of the same category employed by the school district during the employee's contract term; or
 - (d) change of assignment of an employee with an accompanying reduction in pay, unless the assignment change and salary reduction are agreed to in writing.
- (7) "Educator" means an individual employed by a school district who is required to hold a professional license issued by the state board or, for an audiologist or a speech language pathologist, an individual who an LEA employs and holds a credential from the Division of Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, except:
 - (a) a superintendent; or
 - (b) an individual who works less than three hours per day or is hired for less than half of a school year.
- (8)

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(a) "Employee" means a career or provisional employee of a school district, except as provided in Subsection (7)(b).

(b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not include:

(i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the Blind;

(ii) a district business administrator or the equivalent at the Utah Schools for the Deaf and the Blind; or

(iii) a temporary employee.

(9) "Formative evaluation" means a planned, ongoing process which allows educators to engage in reflection and growth of professional skills as related to the Utah Effective Teaching Standards.

(10) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates the termination of an employee who started to work for a district most recently before terminating a more senior employee.

(11) "Provisional educator" means an educator employed by a school district who has not achieved status as a career educator within the school district.

(12) "Provisional employee" means an individual, other than a career employee or a temporary employee, who is employed by a school district.

(13) "School board" means a local school board or, for the Utah Schools for the Deaf and the Blind, the state board.

(14) "School district" or "district" means:

(a) a public school district; or

(b) the Utah Schools for the Deaf and the Blind.

(15) "Summative evaluation" means an evaluation that:

(a) a supervisor conducts;

(b) summarizes an educator's performance during an evaluation cycle; and

(c) a supervisor or school district may use to make decisions related to an educator's employment.

(16) "Temporary employee" means an individual who is employed on a temporary basis as defined by policies adopted by the school board. If the class of employees in question is represented by an employee organization recognized by the school board, the school board shall adopt the school board's policies based upon an agreement with that organization. Temporary employees serve at will and have no expectation of continued employment.

(17)

(a) "Unsatisfactory performance" means a deficiency in performing work tasks that may be:

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- (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
- (ii) remediated through training, study, mentoring, or practice.

(b) "Unsatisfactory performance" does not include the following conduct that is designated as a cause for termination under Section 53G-11-512 or a reason for license discipline by the state board or Utah Professional Practices Advisory Commission:

- (i) a violation of work policies;
- (ii) a violation of school board policies, state board rules, or law;
- (iii) a violation of standards of ethical, moral, or professional conduct; or
- (iv) insubordination.

Section 7. Section **53G-11-512** is amended to read:

53G-11-512. (Effective 05/06/26)Local school board to establish dismissal procedures.

(1) A local school board shall, by contract with its employees or their associations, or by resolution of the local school board, establish procedures for dismissal of employees in an orderly manner without discrimination.

(2) The local school board shall ensure that the procedures described in Subsection (1) include:

- (a) standards of due process;
- (b) causes for dismissal; and
- (c) procedures and standards related to developing and implementing a plan of assistance for a career employee whose performance is unsatisfactory.

(3) The local school board shall ensure that the procedures and standards for a plan of assistance adopted under Subsection (2)(c) require a plan of assistance to identify:

- (a) specific, measurable, and actionable deficiencies;
- (b) the available resources provided for improvement; and
- (c) a course of action to improve employee performance.

(4) If a career employee exhibits both unsatisfactory performance as described in Subsection ~~[53G-11-501(16)(a)]~~ 53G-11-501(17)(a) and conduct described in Subsection ~~[53G-11-501(16)(b)]~~ 53G-11-501(17)(b), an employer:

- (a) may:
 - (i) attempt to remediate the conduct of the career employee; or
 - (ii) terminate the career employee for cause if the conduct merits dismissal consistent with procedures established by the local school board; and

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- 476 (b) is not required to develop and implement a plan of assistance for the career employee, as provided in
477 Section 53G-11-514.
- 478 (5) If the conduct of a career employee described in Subsection (4) is satisfactorily remediated, and
unsatisfactory performance issues remain, an employer shall develop and implement a plan of
481 assistance for the career employee, as provided in Section 53G-11-514.
- 482 (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily remediated, an
employer:
- 484 (a) may dismiss the career employee for cause in accordance with procedures established by the local
school board that include standards of due process and causes for dismissal; and
- 487 (b) is not required to develop and implement a plan of assistance for the career employee, as provided in
Section 53G-11-514.
- 489 Section 8. Section **58-1-203** is amended to read:
- 490 **58-1-203. (Effective 05/06/26) Duties, functions, and responsibilities of division in
collaboration with board -- Construction Services Commission.**
- 492 (1) ~~[The following duties, functions, and responsibilities of the division shall be performed by the
division with the collaboration and assistance of the appropriate board:]~~ The division shall perform
the following duties, functions, and responsibilities with the collaboration and assistance of the
appropriate board:
- 496 (a) defining which schools, colleges, universities, departments of universities, military educational
and training programs, or other institutions of learning are reputable and in good standing with the
division;
- 499 (b) prescribing license qualifications;
- 500 (c) prescribing rules governing applications for licenses;
- 501 (d) providing for a fair and impartial method of examination of applicants;
- 502 (e) defining unprofessional conduct, by rule, to supplement the definitions under this chapter or other
licensing chapters;
- 504 (f) establishing advisory peer committees to the board and prescribing their scope of authority; and
- 506 (g) establishing conditions for reinstatement and renewal of licenses.
- 507 (2) Notwithstanding Subsection (1), the duties, functions, and responsibilities of the division outlined
in Subsection (1) shall, instead, be performed by the Construction Services Commission for all
purposes of Title 58, Chapter 55, Utah Construction Trades Licensing Act.

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(3) If no appropriate board is available to advise the division, the division may create temporary working groups with members of the relevant occupation and the public to assist the division in executing the duties, functions, and responsibilities described in Subsection (1).

Section 9. Section **58-41-101** is renumbered and amended to read:

CHAPTER 41. Speech-Language Pathology and Audiology Licensing Act

Part 1. General Provisions

~~[58-41-2]~~ 58-41-101. Definitions.

~~[In addition to the definitions in Section 58-1-102, as]~~ As used in this chapter:

(1) "AAA" means the American Academy of Audiology.

(2) "ABA" means the American Board of Audiology.

(3) "ASHA" means the American Speech-Language-Hearing Association.

~~[(2) "Association" means the Utah Speech-Language-Hearing Association.]~~

~~[(3)] (4) "Audiologist" means [a person who practices audiology or who holds himself out to the public directly or indirectly by any means, act, title, identification, performance, method, or procedure as one who nonmedically examines, measures, tests, interprets, evaluates, assesses, diagnoses, directs, instructs, treats, counsels, prescribes, and recommends for persons affected by or suspected of having disorders of or conditions of hearing loss, or assists persons in achieving the reception, communication, and perception of sound and determines the range, nature, and degree of hearing function related to communication needs, or provides audiology services and uses audio-electronic equipment and provides audiology services and consultation regarding noise control and hearing conservation, conducts tests and interpretation of vestibular function and nystagmus, prepares ear impressions and provides ear molds, aids, accessories, prescriptions, and prostheses for hearing, evaluates sound environment and equipment, and calibrates instruments used in testing and supplementing auditory function. A person is deemed to be an audiologist if the person directly or indirectly provides or offers to provide these services or functions set forth in Subsection (4) or any related function.] an independent hearing and balance healthcare practitioner with the education to assess, diagnose, manage, and non-medically treat disorders of the auditory and vestibular systems across the lifespan.~~

~~[(4)] (5)~~

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(a) [~~"Audiology" means the application of principles, methods, and procedures, and measuring, testing, examining, interpreting, diagnosing, predicting, evaluating, prescribing, consulting, treating, instructing, and researching, which is related to hearing, vestibular function, and the disorders of hearing, to related language and speech disorders and to aberrant behavior related to hearing loss or vestibular function, for the purpose of preventing and modifying disorders related to hearing loss or vestibular function, and planning, directing, managing, conducting, and participating in hearing conservation, evoked potentials evaluation, nonmedical tinnitus evaluation or treatment, noise control, habilitation, and rehabilitation programs, including hearing aid evaluation, assistive listening device evaluation, prescription, preparation, and dispensing, and auditory training and lip reading.~~] "Audiology" means the prevention, diagnosis, and treatment of a disorder related to hearing or vestibular function.

(b) "Audiology" includes{~~:~~} administering and interpreting electrophysiologic measurements of neural function.

[~~(5)~~] (6) [

{~~(i)~~} {hearing instrument evaluation;}
{assistive listening device evaluation;}

{~~(iii)~~} {providing a prescription; and}

{~~(iv)~~} {auditory training and lip reading.}

{~~[(5)] (6)~~} { "Audiology aide" "Audiology assistant" means an individual who:

(a) meets the minimum qualifications [~~established by the board for audiology aides. Those qualifications shall be substantial but less than those established by this chapter for licensing an audiologist~~] the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(b) does not act independently; and

(c) works under the personal direction and direct supervision of a licensed audiologist who accepts responsibility for the acts and performance of that audiology [~~aide~~] assistant under this chapter.

[~~(6)~~ "Board" means the Speech-language Pathology and Audiology Licensing Board created under Section 58-41-6.]

(7) "CCC" means the [~~certificate of clinical competence~~] Certificate of Clinical Competence awarded by [~~the American Speech-Language-Hearing Association~~] ASHA.

(8)

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(a) "Licensed individual" means an individual who is:

(i) licensed under this chapter; or

(ii) licensed in accordance with Chapter 41a, Audiology and Speech-language Pathology Interstate Compact, if the license is not expired, suspended, or revoked.

~~[(8) "CFY" means the clinical fellowship year prescribed by ASHA.]~~

(9) "Disorder" means the condition of decreased, absent, or impaired:

(a) auditory, speech, voice, or language function; or

(b) ability to communicate or swallow.

(10) "Hearing instrument" means the same as that term is defined in Section 58-46a-102.

~~(11) "Hearing [aid-] instrument dealer" means [one-] a person who sells, repairs, and adjusts [hearing aids] a hearing instrument.~~

~~[(11) "Licensed audiologist" means any individual to whom a license has been issued under this chapter or Chapter 41a, Audiology and Speech-language Pathology Interstate Compact, if the license is in force and has not been suspended or revoked.]~~

~~[(12) "Licensed speech-language pathologist" means any individual licensed under this chapter or Chapter 41a, Audiology and Speech-language Pathology Interstate Compact, if the license is in force and has not been suspended or revoked.]~~

~~[(13) "Person" means any individual, group, organization, partnership, or corporate body, except that only an individual may be licensed under this chapter.]~~

~~[(14)] (12)~~

(a) "Invasive procedure" means a procedure that { ~~penetrates, traverses, or contacts internal anatomical structures~~ } the division determines by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, presents a high-risk to a patient and impacts the essential functions of communication, { ~~tissues, cavities~~ } breathing, feeding, or { ~~organs beyond the external skin or mucosal surface~~ } swallowing.

(b) "Invasive procedure" includes:

(i) endoscopy;

(ii) fiberoptic endoscopic evaluation of swallowing;

(iii) pharyngeal electrical stimulation; and

(iv) tracheostomy management.

(13)

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- (a) "Over-the-counter hearing aid" means an air-conduction hearing aid, as defined in 21 C.F.R. Sec. 800.30(b), that is intended for use by a person that is at least 18 years old to compensate for mild to moderate hearing impairment.
- 604 (b) "Over-the-counter hearing aid" includes a device that is available over-the-counter, without the supervision, prescription, or other order, involvement, or intervention of a licensed person, to consumers through in-person transactions, by mail, or online.
- 607 (c) "Over-the-counter hearing aid" does not include a device that requires implantation or other surgical intervention.
- 609 (14) "Practice of audiology" means rendering or offering to render to [individuals, groups, agencies, organizations, industries] an individual, a group, an agency, an organization, an industry, or the public [any performance or] a service in audiology.
- 612 (15) "Practice of speech-language pathology" [means rendering, prescribing, or offering to render to individuals, groups, agencies, organizations, industries or the public any service in speech-language pathology] means applying speech-language pathology to identify, prevent, ameliorate, or modify a disorder of speech, voice, language, cognitive communication, or swallowing.
- 617 (16) "Prescribe" means to:
- 618 (a) determine, specify, and give the directions, procedures, or rules for [a person] an individual to follow in determining and ordering the preparation, delivery, and use of specific mechanical, acoustic, or electronic aids to hearing or speech; and
- 621 (b) determine or designate a remedy for [a person] an individual.
- 622 (17) "Prescription" means a written or oral order for the delivery or execution of that which has been prescribed.
- 624 (18) "Speech-language pathologist" means:
- 625 (a) [a person] an individual who practices speech-language pathology or who [holds himself out to] represents to the public as a speech-language pathologist by [any means, or by any] a service or function the [person] individual performs, directly or indirectly, or by using the terms "speech-language pathologist," "speech-language therapist," "language disability specialist," or [any] a variation, derivation, synonym, coinage, or [whatever expresses, employs, or implies] expression or implication of these terms, names, or functions; or
- 632 (b) [a person] an individual who performs [any of the functions] a function described in Subsection[(19)-] (19) or [any related functions] a related function.

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- 634 (19) "Speech-language pathology" means the application of principles, methods, and procedures for
[the examination, measurement, prevention, testing, identification, evaluation, diagnosis, treatment,
instruction, modification, prescription, restoration, counseling, habilitation, prediction, management,
and research related to the development and the disorders or disabilities of human communication,
speech, voice, language, cognitive communication, or oral, pharyngeal, or laryngeal sensorimotor
competencies, for the purpose of identifying, evaluating, diagnosing, prescribing, preventing,
managing, correcting, ameliorating, or modifying those disorders and their effects in individuals
or groups of individuals] the measuring, testing, evaluating, predicting, counseling, treating,
instructing, habilitating, or rehabilitating for speech, voice, language, communication, cognitive-
communication, or the ability to swallow.
- 645 (20) ["Speech-language pathology aide"] "Speech-language pathology assistant" means an individual
who:
- 647 (a) meets the minimum qualifications [established by the board for speech-language pathology aides.
Those qualifications shall be substantial but less than those established by this chapter for licensing
a speech-language pathologist] the division makes by rule in accordance with Title 63G, Chapter 3,
Utah Administrative Rulemaking Act;
- 652 (b) does not act independently; and
- 653 (c) works under the personal direction and direct supervision of a licensed speech-language pathologist
who accepts the responsibility for the acts and performances of that speech-language pathology
[aide] assistant while working under this chapter.
- 657 (21) "Treatment" means [the services of a speech-language pathologist or audiologist to examine,
diagnose, correct, or ameliorate] the examination, diagnosis, correction, or amelioration of a speech
or hearing [disorders, abnormalities] disorder, abnormality, or behavior[, or their effects].
- 661 (22) "Unprofessional conduct" [as defined in] means the same as that term is defined in Section
58-1-501 and as [may be further defined by rule includes:] the division may further define by rule
the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 665 [(a) failing to maintain a level of professional practice consistent with all initial and subsequent
requirements by which a license is achieved or maintained under this chapter;]
- 668 [(b) utilizing substandard or inappropriate facilities or equipment;]
- 669 [(c) treating any disorder for which the licensee has not had the necessary training and experience; or]
- 671 [(d) failing to comply with the requirements of Section 58-41-17.]

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Section 10. Section **58-41-102** is renumbered and amended to read:

~~[58-41-13]~~ 58-41-102. Fees.

The department shall set fees ~~[in cooperation with the board and]~~in accordance with Section 63J-1-504 and shall collect all fees.

Section 11. Section **58-41-103** is renumbered and amended to read:

~~[58-41-16]~~ 58-41-103. Privileged communication.

~~[—A person licensed under this chapter may not be examined or required to reveal any findings, examinations, or representation made to the licensed person by the licensed person's client, or any advice or treatment given to the client in the course of professional practice, without the consent of the client or the client's representative.—]~~

(1) A licensed individual may not be examined or required to reveal, without the consent of the client or the client's representative:

(a) a finding, an examination, or a representation made to the licensed individual by the client;

(b) advice the licensed individual provides to the client in the course of the practice of audiology or the practice of speech-language pathology; or

(c) treatment the licensed individual provides to the client in the course of the practice of audiology or the practice of speech-language pathology.

(2) ~~[A person employed by a person licensed under this chapter]~~ An individual that a licensed individual employs may not be examined without the consent of the employer concerning [any] a fact of which the employee has acquired knowledge in the employee's professional capacity.

Section 12. Section **58-41-201** is renumbered and amended to read:

Part 2. Board

~~[58-41-6]~~ 58-41-201. Board.

(1) There is created the Speech-language Pathologist and Audiologist Licensing Board, consisting of four speech-language pathologists or audiologists and one member of the general public.

(a) The nonpublic members of the board shall be licensed to provide and shall be engaged in providing speech-language pathology or audiology services to the public as a major interest as follows:

(i) one member shall be in private practice as a primary professional interest and activity or shall be a provider or speech-language pathology or audiology services at large;

(ii) one member shall be from a nonschool clinic setting which provides ongoing speech-language pathology or audiology services;

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- (iii) one member shall be a provider of speech-language pathology and audiology services in the elementary or secondary schools; and
- (iv) one member shall be a provider of a speech-language pathology and audiology college or university training program.
- (b) At no time may the board consist of more than two members who represent speech-language pathology or more than two members who represent audiology.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.

Section 13. Section **58-41-301** is renumbered and amended to read:

Part 3. Licensure

~~[58-41-5]~~ **58-41-301. Licensure requirements.**

- ~~[(1) To obtain and maintain a license as an audiologist beginning July 1, 2010, an applicant must:]~~
- ~~[(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;]~~
- ~~[(b) provide the committee with verification that the applicant is the legal holder of a clinical doctor's degree or AuD, in audiology, from an accredited university or college, based on a program of studies primarily in the field of audiology;]~~
- ~~[(c) be in compliance with the regulations of conduct and codes of ethics for the profession of audiology;]~~
- ~~[(d) submit to the board certified evidence of having completed at least one academic year of professional experience, at least 30 hours per week, of direct clinical experience in treatment and management of patients, supervised and attested to by one holding an audiologist license under this chapter, the CCC, or their full equivalent; and]~~
- ~~[(e) pass a nationally standardized examination in 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, and the board may require the applicant to pass an acceptable practical demonstration of clinical skills to an examining committee of licensed audiologists appointed by the board.]~~
- (1) An individual may not engage in the practice of audiology or the practice of speech-language pathology without being a licensed individual.
- (2) To obtain a license as an audiologist an applicant shall:

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- 748 (a) submit a completed application in a form the division approves;
749 (b) pay a fee to the department in accordance with Section 63J-1-504;
750 (c)
(i) submit evidence of a current and unrestricted ASHA Certificate of Clinical Competence, an ABA
Certification, or an equivalent as the division approves by rule the division makes in accordance
with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
754 (ii)
(A) submit evidence that the applicant holds a clinical doctorate degree in audiology from an accredited
university or college;
756 (B) comply with the regulations of conduct and the codes of ethics for the profession of audiology;
758 (C) submit evidence of having completed at least one academic year of professional experience,
consisting of at least 30 hours per week of direct clinical experience in treatment and management
of patients supervised and attested to by a licensed audiologist or an audiologist certified by a
national organization as the division approves by rule made in accordance with Title 63G, Chapter
3, Utah Administrative Rulemaking Act; and
764 (D) pass a nationally standardized examination in audiology that is the same as, or equivalent to, the
examination required for the CCC, with pass-fail criteria equivalent to current ASHA standards.
767 [~~(2) To obtain and maintain a license as an audiologist prior to July 1, 2010, an applicant shall:~~]
769 [~~(a) comply with Subsections (1)(a), (c), (d), and (e); and~~]
770 [~~(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 program of studies~~
~~primarily in the field of audiology, and holds the CCC or its full equivalent.]~~
774 (3)
(a) An individual who, [~~prior to July 1, 2010~~] before May 6, 2026, is licensed as an audiologist under
this chapter[~~is, on or after July 1, 2010~~], is considered to hold a current license under this chapter as
an audiologist and is subject to this chapter.
777 (b) Beginning on May 6, 2026, an individual who holds a credential issued by the State Board of
Education on or after July 1, 2020, and before May 6, 2026, and performs the functions of a speech-
language pathologist or audiologist, shall apply to the division for licensure as a speech-language
pathologist or audiologist and renew the credential in accordance with Section 58-41-303.
782 (4)

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(a)

(i) An audiology assistant shall meet the minimum qualifications the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

785 (ii) The division shall make the minimum qualifications substantial but less than those established by this chapter for licensure as an audiologist.

787 (b) An audiology assistant shall work under the personal direction and direct supervision of a licensed audiologist who accepts the responsibility for the acts and performances of the audiology assistant.

790 (c) An audiology assistant shall work within the audiology assistant scope of practice, as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

793 [(4)] (5) To obtain [and maintain] a license as a speech-language pathologist[;] an applicant [must] shall:

795 [(a) comply with Subsection (1)(a);]

796 (a) submit a completed application in a form the division approves;

797 (b) pay a fee to the department in accordance with Section 63J-1-504; and

798 [(b)] (c)

(i) submit evidence of a current and unrestricted ASHA Certificate of Clinical Competence or an equivalent as the division approves by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

801 (ii)

(A) provide the [committee] division 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;

805 [(e)] (B) [be in compliance] comply with the regulations of conduct and code of ethics for the profession of speech-language pathology;

807 [(d)] (C) [comply with Subsection (1)(b), except that the supervision and attestation requirement shall be from a licensed speech-language pathologist rather than a licensed audiologist; and] submit to the division certified evidence of having completed at least one academic year of professional experience, consisting of at least 30 hours per week of direct clinical experience in treatment and management of patients supervised and attested to by a licensed speech-language pathologist, or a speech-language pathologist certified by the CCC, or an equivalent organization as the division

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approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

817 (D) pass a nationally standardized examination in speech-language pathology that is the same as, or
equivalent to, the examination required for the CCC, with pass-fail criteria equivalent to current
ASHA standards.

820 ~~[(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.]~~

826 (6) To perform an invasive procedure, a speech-language pathologist shall comply with the standards
the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act.

827 Section 14. Section **58-41-302** is renumbered and amended to read:

829 ~~[58-41-8]~~ **58-41-302. Issuance of license.**

~~[Upon the recommendation of the board the division shall issue licenses in accordance~~
~~with Section 58-1-301.]~~ After the division reviews and approves the application, the division
shall issue a license in accordance with Section 58-1-301.

833 Section 15. Section **58-41-303** is renumbered and amended to read:

835 ~~[58-41-12]~~ **58-41-303. Term of license -- Expiration -- Renewal.**

839 (1)

(a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle
established by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act.

842 (b) ~~[A renewal period may be extended or shortened.]~~ The division may extend or shorten the renewal
period by as much as one year to maintain established renewal cycles or to change an established
renewal cycle.

845 (c) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, to determine the first renewal period of an individual described in Subsection
58-41-301(3)(b).

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(2) ~~[At the time of renewal the licensee shall show satisfactory evidence of completion of scheduled graduate-level professional training, related clinically to the profession of speech-language pathology or audiology, as may be established by the division by rule, in cooperation with the board.]~~ At the time of renewal the licensee shall show satisfactory evidence of:

(a) completing 20 hours of continuing education that the division approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, within the preceding two-year renewal cycle, consistent with standards for maintaining professional competency in audiology or speech-language pathology; or

(b) possessing an active certification in good standing from a nationally recognized professional organization that requires continuing education equivalent to or exceeding 20 hours per two-year cycle.

(3) Each license automatically expires on the expiration date shown on the ~~[license unless renewed by the licensee in accordance with Section 58-1-308]~~ license.

Section 16. Section **58-41-304** is renumbered and amended to read:

[58-41-5.5] 58-41-304. 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 clinical doctorate degree in audiology or AuD, 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:]~~

~~[(i) has completed all requirements for licensure as a speech-language pathologist under this chapter, except for Subsection 58-41-5(4)(d); and]~~

~~[(ii) is practicing speech-language pathology in a year of clinical fellowship.]~~

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

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

(a) obtains a master's or doctorate degree in audiology before July 1, 2010, or obtains a clinical doctorate degree in audiology after June 30, 2010; and

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- 881 (b) is practicing audiology for a year of clinical fellowship that the division approves.
882 (2) The division may issue a temporary speech-language pathology license to an applicant who:
884 (a) completes all requirements for licensure as a speech-language pathologist, except for Subsection
58-41-301(5)(c)(ii)(A); and
886 (b) is practicing speech-language pathology for a year of clinical fellowship.
887 (3) A temporary license is valid for up to 12 months from the day after the day on which the division
issues the temporary license.
- 887 Section 17. Section **58-41-305** is renumbered and amended to read:
889 **[58-41-4] 58-41-305. Exemptions from chapter.**
- 893 (1) ~~[In addition to the exemptions from licensure in Section 58-1-307, the]~~ The following [persons may
engage in the practice of] individuals may engage in the practice of speech-language pathology
[and] or the practice of audiology subject to the stated circumstances and limitations without being
~~[licensed under this chapter]~~ a licensed individual:
- 898 (a) a qualified ~~[person]~~ individual licensed in this state under ~~[any]~~ law existing in this state ~~[prior~~
~~to]~~ before May 13, 1975, engaging in the profession for which the ~~[person]~~ individual is licensed;
- 901 (b) ~~[a medical doctor, physician, physician assistant, or surgeon licensed in this state, engaging in his or~~
~~her specialty in the practice of medicine]~~ a physician or a physician's assistant;
- 904 (c) ~~[a hearing aid]~~ except as provided in Subsection (2), a hearing instrument dealer or salesperson
selling, fitting, adjusting, and repairing ~~[hearing aids]~~ a hearing instrument, and conducting hearing
tests solely for that purpose~~[. However, a hearing aid dealer may not conduct audiologic testing on~~
~~persons younger than 18 years old except under the direct supervision of an audiologist licensed~~
~~under this chapter;]~~ ;
- 909 (d) a person who has obtained a valid and current credential issued by the State Board of Education
while specifically performing the functions of a speech-language pathologist or audiologist solely
within the confines of, under the direction and jurisdiction of, and in the academic interest of the
school employing the person;
- 913 (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 solely within the~~
~~confines of, under the direction and jurisdiction of, and in the specific interest of the agency or~~
~~subdivision;]~~ an individual that a federal government agency or subdivision or, before July 1, 1989,

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a state or local government agency or subdivision, employs as a speech-language pathologist or audiologist while performing a speech-language pathology or audiology service within the confines of, under the direction and jurisdiction of, and in the specific interest of the agency or subdivision;

- 923 (f) ~~[a person]~~ an individual identified in Subsections (1)(d) and (e) may offer lectures for ~~[a fee, or~~
monetary or other]~~]~~ compensation~~;~~ without being ~~[licensed]~~ a licensed individual;
- 926 (g) ~~[a person employed by]~~ an individual an accredited college or university employs as a speech-
language pathologist or audiologist performing ~~[the services or functions described in]~~ a service or
function this chapter describes if the ~~[services or functions are]~~ individual provides the service or
function:
- 930 (i) ~~[performed]~~ solely as an assigned teaching function of the ~~[person's]~~ individual's employment;
- 932 (ii) solely in academic interest and pursuit as a function of the ~~[person's]~~ individual's employment;
- 934 (iii) in no way for the ~~[person's]~~ individual's own interest; and
- 935 (iv) ~~[provided]~~ for no ~~[fee, monetary or otherwise,]~~ compensation other than the ~~[person's agreed~~
] individual's institutional salary;
- 937 (h) ~~[a person]~~ an individual pursuing a course of study leading to a degree in speech-language
pathology or audiology while enrolled in an accredited college or university, provided:
- 940 (i) those activities constitute an assigned, directed, and supervised part of the ~~[person's curricular~~
] individual's study, and in no other interest;
- 942 (ii) that ~~[all]~~ examinations, tests, histories, charts, progress notes, reports, correspondence, documents,
and records the ~~[person]~~ individual produces ~~[be identified clearly]~~ are clearly identified as having
been conducted and prepared by a student in training;
- 946 (iii) that the ~~[person]~~ individual is obviously identified and designated by appropriate title clearly
indicating the ~~[person's]~~ individual's training status; and
- 948 (iv) that the ~~[person]~~ individual does not hold out directly or indirectly to the public or otherwise
represent that the ~~[person]~~ individual is qualified to practice independently;
- 951 (i) ~~[a person]~~ an individual trained in elementary audiometry and qualified to perform basic audiometric
tests while employed by and under the direct supervision of a licensed medical doctor to perform
solely for the licensed medical doctor, the elementary conventional audiometric tests of air
conduction screening, air conduction threshold testing, and tympanometry;
- 956 (j) ~~[a person]~~ an individual performing the functions of a speech-language pathologist or audiologist for
the sole purpose of obtaining required professional experience under the provisions of this chapter

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and only during the period the [person] individual is obtaining the required professional experience,
if the [person:] individual meets the training requirements;

961 [(i) ~~meets all training requirements; and~~]

962 [(ii) ~~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;~~]

965 (k) ~~[a corporation, partnership, trust, association, group practice, or similar organization-]~~ a person
engaging in speech-language pathology or audiology services without certification or license, if
acting only through ~~[employees]~~ an employee who is a licensed individual or consisting only of
~~[persons who are licensed under this chapter]~~ licensed individuals;

970 (l) ~~[a person]~~ an individual who is not a resident of this state performing a speech-language pathology
or audiology ~~[services]~~ service in this state if:

972 (i) ~~the [services are performed-]~~ individual performs the service for no more than one month in any
calendar year in ~~[association]~~ connection with a licensed speech-language pathologist or a licensed
audiologist~~[- licensed under this chapter]~~; and

976 (ii) the [person] individual meets the qualifications and examination requirements for application for
licensure described in Section ~~[58-41-5]~~ 58-41-301;

978 (m) ~~[a person]~~ an individual certified under Title 53E, Public Education System -- State Administration,
as a teacher of the deaf, ~~[from providing the services or performing the functions the~~
person] providing a service or performing a function that the individual is certified to perform;~~[-and]~~

982 (n) ~~[a person]~~ an individual who is:

983 (i) trained in newborn hearing screening as ~~[described in rules made by-]~~the Department of Health
and Human Services describes in rules made in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act; and

986 (ii) working under the indirect supervision of a licensed audiologist responsible for a newborn hearing
screening program ~~[established by-]~~the Department of Health and Human Services makes under
Section 26B-4-319~~[-]~~ ; and

989 (o) an individual who is exempt under Section 58-1-307.

990 (2)

(a)

(i) A hearing instrument specialist may not fit or test an individual's hearing aid, or test the
individual's hearing if the individual is less than 18 years old unless the hearing instrument

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specialist receives a written statement that the individual's hearing loss has received a medical evaluation and that the individual may be considered a candidate for a hearing aid.

995 (ii) A hearing instrument specialist may not fit or test an individual's hearing aid, or test the individual's hearing if the individual is less than six years old.

997 (b) The medical evaluation in Subsection (2)(a)(i) shall have taken place no more than six months before the day on which the hearing instrument specialist fits or tests the hearing aid or the hearing of the individual.

1000 (c) The written statement in Subsection (2)(a)(i) shall be signed by:

1001 (i) a physician or surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act;

1003 (ii) an osteopathic physician licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

1005 (iii) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act; or

1007 (iv) an audiologist licensed under this chapter.

1008 (3) No individual is exempt from this chapter if the individual performs or provides a service as a speech-language pathologist or an audiologist:

1010 (a) for compensation that the recipient of the service pays; or

1011 (b) for compensation that is outside the scope of the individual's employment position as a speech-language pathologist or an audiologist in a branch or subdivision of local, state, or federal government, or as otherwise identified in this section.

1014 (4) The State Board of Education may not issue a credential to a person performing the functions of a speech-language pathologist or audiologist on or after May 6, 2026.

1016 [~~(2) No person is exempt from the requirements of this chapter who 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 engages any part of his professional work for a fee practicing in conjunction with, by permission of, or apart from his 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.~~]

1021 Section 18. Section **58-41-306** is renumbered and amended to read:

1023 **[~~58-41-17~~] 58-41-306. Requirements for selling a hearing instrument.**

1027 [~~(1) As used in this section:~~]

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- [(a) "Hearing aid" means a wearable instrument or device designed or offered for the purpose of aiding or compensating for human hearing loss, including its parts, attachments, or accessories.]
- 1031 [(b) "Hearing aid" does not include a device that is surgically implanted in the cochlea or under the skin near the ear.]
- 1033 [(2)] (1) ~~[A person licensed under this chapter who]~~ A person that offers to sell a hearing ~~[aid]~~ instrument to a consumer shall inform the consumer about ~~[hearing aids]~~ hearing instruments that work with assistive listening systems that are compliant with the ADA Standards for Accessible Design adopted by the United States Department of Justice in accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.
- 1038 [(3)] (2) ~~[A person licensed under this chapter who]~~ A person that sells a ~~[hearing aid]~~ hearing instrument to a consumer shall provide a written receipt or written contract to the consumer that provides the consumer with a 30-day right to cancel the purchase and to obtain a refund if the consumer returns ~~[the hearing aid]~~ a hearing instrument to the seller in the same condition as when purchased, excluding ordinary wear and tear.
- 1043 [(4)] (3) The written receipt or contract shall notify the consumer of the 30-day right to cancel in at least 12-point font.
- 1045 [(5)] (4) The 30-day right to cancel period shall commence from the ~~[date]~~ later of the day after the day on which:
- 1047 (a) the ~~[hearing aid]~~ hearing instrument is originally delivered to the consumer~~[or]~~ ;
- 1048 (b) ~~[the date the written receipt]~~ the written receipt is dated; or
- 1049 (c) the contract is delivered to the consumer~~[, whichever is later]~~.
- 1050 (5) The 30-day right to cancel period is paused while the hearing instrument dealer possesses or controls the hearing instrument after the hearing instrument's original delivery.
- 1053 [(6) The 30-day period shall be tolled for any period during which the hearing aid seller, dealer, or fitter has possession or control of the hearing aid after its original delivery.]
- 1055 [(7)] (6) Upon exercise of the 30-day right to cancel a ~~[hearing aid]~~ hearing instrument purchase, the seller of the ~~[hearing aid is entitled to]~~ hearing instrument may collect from the purchaser a cancellation fee equal to the actual cost ~~[that will be incurred by the seller in order to return the hearing aid]~~ the seller incurs returning the hearing instrument to the manufacturer, [provided that] if the written receipt or contract states the exact amount that ~~[will be retained by]~~ the seller will retain as a cancellation fee.

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Section 19. Section **58-41-307** is renumbered and amended to read:

[58-41-14] 58-41-307. Single license for speech-language pathologist and audiologist -- Single fee.

(1) An applicant who qualifies to be licensed as both a speech-language pathologist and audiologist shall receive a single license reflecting licensure in both classifications.

(2) ~~[A fee may only be assessed for a single license]~~ The division may assess a fee only for a single license.

Section 20. Section **58-41-401** is renumbered and amended to read:

Part 4. License Denial and Discipline

[58-41-9] 58-41-401. Grounds for denial of license -- Resumption of practice.

~~[(1) Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.]~~

~~[(2)]~~ (1) The division may:

(a) refuse to issue a license to an applicant;

(b) refuse to renew a license;

(c) revoke, suspend, or restrict a license;

(d) place a licensed individual on probation;

(e) issue a public or private reprimand to a licensed individual; or

(f) issue a cease and desist order.

(2) ~~[After one year from the date of revocation of a license, application may be made to the board for relicensing.]~~ A licensed individual who has a license revoked may submit an application for licensure to the division after one year from the day after the day on which the division revoked the licensed individual's license.

(3) The division shall perform an act listed in Subsection (1) in accordance with Section 58-1-401.

Section 21. Section **21** is enacted to read:

58-41-501. Unprofessional conduct.

5. Unlawful and Unprofessional Conduct - Penalties

A licensed individual engages in unprofessional conduct if the individual:

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- (1) fails to make an appropriate referral to a qualified health care provider with respect to a condition the licensed individual detects in a patient if the condition is generally recognized in the profession as one the licensed individual should refer;
- 1098 (2) designates a hearing instrument for a patient whose hearing will not be sufficiently improved to justify prescribing and selling the hearing instrument;
- 1100 (3) makes false, misleading, deceptive, fraudulent, or exaggerated claims with respect to the practice of audiology or the practice of speech-language pathology;
- 1102 (4) fails to exercise caution in providing a patient a prognosis to ensure the patient is not led to expect results that the individual cannot accurately predict;
- 1104 (5) fails to provide appropriate follow-up care and consultation with respect to a patient to whom the individual prescribed and sold a hearing instrument after being informed by the patient that the hearing instrument does not produce the results represented by the licensed individual;
- 1108 (6) fails to disclose in writing to the patient the charge for all services and hearing instruments prescribed and sold to a patient before providing the services or hearing instrument;
- 1111 (7) fails to refund fees paid by a patient for a hearing instrument and all accessories, upon a determination by the division that the patient has not obtained the recovery of hearing the licensed individual represented in writing before sale of the hearing instrument;
- 1114 (8) pays a professional individual consideration for referral of a patient;
- 1115 (9) fails, when acting as a supervising speech-language pathologist or a supervising audiologist, to provide supervision and training;
- 1117 (10) fails to describe in any advertisement, presentation, purchase, or trial agreement, the circuitry of a hearing instrument as being either "digital" or "analog" or other acceptable terms as the division determines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1121 (11) fails to follow the guidelines or policies of the United States Federal Trade Commission in any advertisement;
- 1123 (12) fails to adhere to the rules and regulations prescribed by the United States Food and Drug Administration as pertaining to a hearing instrument;
- 1125 (13) fails to keep the equipment used in the practice of speech-language pathology and audiology properly calibrated and in good working condition;
- 1127 (14) fails to comply with Section 58-41-306;

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- 1128 (15) fails to provide as part of each transaction between a licensed individual and a patient related to
1131 testing for hearing loss and selling of a hearing instrument, written documentation that includes:
1133 (a) identification of services and products provided to a patient and the charges for each service or
product; and
(b) a statement whether any hearing instrument provided to a patient is "new," "used," or
"reconditioned" and the terms and conditions of any warranty or guarantee that applies to each
instrument;
- 1136 (16) before providing services or products to a patient, fails to:
1137 (a) advise the patient about the expected results of the services and products; or
1138 (b) obtain written informed consent from the patient regarding offered services, products, and the
expected results of the services and products in a form the division approves;
- 1141 (17) fails to obtain the patient's informed consent and agreement to purchase the hearing instrument
before designating an appropriate hearing instrument;
- 1143 (18) if a hearing instrument does not substantially enhance the patient's hearing consistent with the
representations of the licensed individual at the time informed consent was given before the sale and
fitting of the hearing instrument, fails to provide:
- 1146 (a) necessary intervention to produce satisfactory hearing recovery results consistent with
representations made; or
1148 (b) for the refund of fees the patient paid for the hearing instrument to the licensed individual within a
reasonable time after finding that the hearing instrument does not substantially enhance the patient's
hearing;
- 1151 (19) fails to maintain a level of professional practice consistent with all initial and subsequent
requirements by which licensure is achieved or maintained under this chapter;
- 1154 (20) utilizes substandard or inappropriate facilities or equipment; or
1155 (21) treats a disorder for which the licensed individual has not had the necessary training and
experience.

1155 Section 22. Section **58-41-502** is renumbered and amended to read:

1157 **[58-41-15] 58-41-502. Violation of chapter -- Penalties.**

[A person who violates any provision of this chapter is, upon conviction, guilty of a class A misdemeanor. Whenever any person other than a licensed speech-language pathologist or audiologist has engaged in any practice that constitutes an offense under this

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~~chapter, a court of appropriate jurisdiction may issue an injunction or other appropriate order restraining that conduct.]~~

1166 (1) An individual who violates a provision of this chapter is guilty of a class A misdemeanor.

1168 (2) If an individual other than a licensed individual engages in conduct that violates this chapter, a court with jurisdiction may issue an injunction or other appropriate order to restrain the conduct.

1169 Section 23. Section **58-46a-102** is amended to read:

1170 **58-46a-102. Definitions.**

~~[In addition to the definitions in Section 58-1-102, as]~~ As used in this chapter:

1174 (1) "Direct supervision" means ~~[that]~~ supervision where the supervising audiologist or supervising hearing instrument specialist is present in the same facility as is the ~~[person]~~ individual being supervised and is available for immediate in person consultation.

1177 ~~[(2) "Hearing instrument" or "hearing aid" means any device designed or offered to be worn on or by an individual to enhance human hearing, including the device's specialized parts, attachments, or accessories.]~~

1180 (2)

(a) "Hearing instrument" means a wearable device offered to compensate for human hearing loss, including the device's parts, attachments, or accessories.

1182 (b) "Hearing instrument" includes an acoustic-air conduction amplification device that the United States Food and Drug Administration regulates as hearing aids.

1184 (c) "Hearing instrument" does not include a device that is surgically implanted in the cochlea or under the skin near the ear.

1186 (3) "Hearing instrument intern" means ~~[a person licensed]~~ an individual licensed under this chapter who is obtaining education and experience in the practice of a hearing instrument specialist under the supervision of a supervising hearing instrument specialist ~~or supervising audiologist.~~

1190 (4) "Hearing instrument specialist" means an individual who:

1191 (a) establishes a place of business to practice as a hearing instrument specialist;

1192 (b) tests the hearing of a human patient over five years old for the sole purpose of determining whether the use of a hearing instrument will improve hearing loss sufficiently to justify prescribing and selling the hearing instrument and whether that hearing instrument will be in the best interest of the patient;

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- (c) provides the patient a written statement of prognosis regarding the need for or usefulness of a hearing instrument for the patient's condition;
- 1198 (d) prescribes an appropriate hearing instrument;
- 1199 (e) makes impressions or ear molds for the fitting of a hearing instrument;
- 1200 (f) sells and professionally places the hearing instrument on a patient;
- 1201 (g) evaluates the hearing loss overcome by the installation of the hearing instrument and evaluates the hearing recovery against the representations the hearing instrument specialist made to the patient;
- 1204 (h) intervenes to produce satisfactory hearing recovery results from a hearing instrument; or
- 1206 (i) instructs the patient on the use and care of the hearing instrument.
- 1207 [(4)] (5) "Indirect supervision" means [that] supervision where the supervising hearing instrument specialist or supervising audiologist is not required to be present in the same facility as [is the person] the individual being supervised, but is available for voice to voice contact by telephone, radio, or other means at the initiation of the [person-being-]supervised individual.
- 1212 [(5) "Practice of a hearing instrument specialist" means:]
- 1213 [(a) establishing a place of business to practice as a hearing instrument specialist;]
- 1214 [(b) testing the hearing of a human patient over the age of 17 for the sole purpose of determining whether a hearing loss will be sufficiently improved by the use of a hearing instrument to justify prescribing and selling the hearing instrument and whether that hearing instrument will be in the best interest of the patient;]
- 1218 [(c) providing the patient a written statement of prognosis regarding the need for or usefulness of a hearing instrument for the patient's condition;]
- 1220 [(d) prescribing an appropriate hearing instrument;]
- 1221 [(e) making impressions or earmolds for the fitting of a hearing instrument;]
- 1222 [(f) sale and professional placement of the hearing instrument on a patient;]
- 1223 [(g) evaluating the hearing loss overcome by the installation of the hearing instrument and evaluating the hearing recovery against the representations made to the patient by the hearing instrument specialist;]
- 1226 [(h) necessary intervention to produce satisfactory hearing recovery results from a hearing instrument; or]
- 1228 [(i) instructing the patient on the use and care of the hearing instrument.]
- 1229 (6)

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(a) "Licensed individual" means an individual who is:

(i) licensed under this chapter; or

(ii) licensed under this chapter before May 6, 2026, if the license is not expired, suspended, or revoked.

(b) "Licensed individual" means the same as a licensed individual for purposes of credentialing, paneling, insurance, reimbursement, portability, and compacts.

(7) "Supervising audiologist" means an audiologist who:

(a) holds a license and maintains good standing with the division;

(b) practices full-time as an audiologist and has done so for at least two years; and

(c) submits a request to the division on a form the division approves and receives approval from the division to supervise a hearing instrument intern.

~~[(6)]~~ (8) "Supervising hearing instrument specialist" means a hearing instrument specialist who:

~~[(a) is licensed by and in good standing with the division;]~~

~~[(b) has practiced full-time as a hearing instrument specialist for not less than two years; and]~~

~~[(c) is approved as a supervisor by the division.]~~

(a) holds a license issued in accordance with this chapter and maintains good standing with the division;

(b) practices full-time as a hearing instrument specialist and has done so for at least two years; and

(c) submits a request to the division on a form the division approves and receives approval from the division to supervise a hearing instrument intern.

~~[(7)]~~ (9) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.

~~[(8)]~~ (10) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-46a-501.

Section 24. Section **58-46a-302** is amended to read:

58-46a-302. Qualifications for licensure.

(1) Each applicant for licensure as a hearing instrument specialist shall:

(a) ~~[submit to the division an application in a form prescribed by the division]~~ submit an application to the division on a form the division approves;

(b) ~~[pay a fee as determined by the division pursuant to Section 63J-1-504]~~ pay a fee to the division as determined under Section 63J-1-504;

(c) pass an appropriate entry-level examination the division approves by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

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- 1264 (d) complete at least six months of training with a supervising hearing instrument specialist or
1266 supervising audiologist;
- 1266 ~~[(e) have qualified for and currently hold board certification by the National Board for Certification-~~
1269 ~~Hearing Instrument Sciences, or an equivalent certification approved by the division;]~~
- 1269 ~~[(d)] (e) [have passed-] pass the [Utah Law and Rules Examination for Hearing Instrument~~
1272 ~~Specialists] Utah Hearing Instrument Specialists Law and Rule Examination; and~~
- 1272 ~~[(e)] (f) if the applicant holds a hearing instrument intern license, surrender the hearing instrument~~
1274 ~~intern license at the time of licensure as a hearing instrument specialist.~~
- 1274 (2) Each applicant for licensure as a hearing instrument intern shall:
- 1275 (a) ~~[submit to the division an application in a form prescribed by the division]~~ submit an application to
1277 the division on a form the division approves;
- 1277 (b) ~~[pay a fee as determined by the division pursuant to Section 63J-1-504;]~~ pay a fee to the division as
1279 determined under Section 63J-1-504;
- 1279 (c) ~~[have passed-] pass the Utah Law and Rules Examination for Hearing Instrument Specialists; and~~
- 1281 (d) present evidence acceptable to the division that the applicant, when licensed, will practice as a
1281 hearing instrument intern~~[-only]~~ under the supervision of a supervising hearing instrument specialist
1285 or supervising audiologist in accordance with~~[:]~~ Section 58-46a-302.5.
- 1285 ~~[(i) Section 58-46a-302.5; and]~~
- 1286 ~~[(ii) the supervision requirements for obtaining board certification by the National Board for~~
1287 ~~Certification - Hearing Instrument Sciences, or an equivalent certification approved by the division.]~~
- 1287 Section 25. Section **58-46a-302.5** is amended to read:
- 1288 **58-46a-302.5. Supervision requirements -- Hearing instrument interns.**
- 1292 (1) Except as provided in Subsection (2), a hearing instrument intern may~~[-only]~~ practice as a hearing
1295 instrument intern only under the direct supervision of a ~~[licensed]~~ supervising hearing instrument
1297 specialist or supervising audiologist.
- 1295 (2) A hearing instrument intern may practice under the indirect supervision of a ~~[licensed]~~ supervising
1297 hearing instrument specialist if the hearing instrument ~~[specialist]~~ intern:
- 1297 (a) receives a passing score on a practical examination demonstrating acceptable skills in the area of
1301 hearing testing ~~[as approved by the division]~~ the division requires by rule made in accordance with
Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

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- (b) completes [~~the National Institute for Hearing instrument studies~~] an education and examination program[~~;~~] or an equivalent college level program [~~as approved by~~] that the [~~division~~] division approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1303 Section 26. Section **58-46a-303** is amended to read:

1304 **58-46a-303. Term of license -- Expiration -- Renewal of specialist and intern licenses.**

1308 (1)

(a)

- (i) [~~The division shall issue a license for a hearing instrument specialist in accordance with a two-year renewal cycle established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~] Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1314 (ii) The division may extend or shorten the renewal period by as much as one year to maintain established renewal cycles or to change an established renewal cycle.

1316 [(ii) ~~The division may by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, extend or shorten a renewal period by as much as one year to stagger the renewal cycles the division administers.~~]

1319 [(b) ~~At the time of renewal, the licensed hearing instrument specialist shall demonstrate satisfactory evidence of each of the following:~~]

1321 [(i) ~~current certification by the National Board for Certification Hearing Instrument Sciences, or other acceptable certification approved by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;~~]

1324 [(ii) ~~calibration of all appropriate technical instruments used in practice; and~~]

1325 [(iii) ~~completion of continuing professional education required in Section 58-46a-304.~~]

1326 [(e)] (b) As a condition for renewal or reinstatement of licensure, the applicant shall attest that the applicant will:

1328 (i) maintain competence and safe practices; and

1329 (ii) provide evidence as the division determines by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, documenting competence at the division's request.

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(c) A hearing instrument specialist license automatically expires on the expiration date shown on the [license unless renewed by the licensee in accordance with Section 58-1-308 or surrendered in accordance with Section 58-1-306] license.

1335 (2)

(a) The division shall issue a license for a hearing instrument intern for a term of three years.

1337 (b) The division may renew a license for a hearing instrument intern for a term of three years for good cause shown, as determined by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1338 Section 27. Section **58-46a-305** is amended to read:

1339 **58-46a-305. Exemptions from licensure.**

In addition to the exemptions [~~from licensure~~] in Section 58-1-307, the following [persons] individuals may engage in [~~acts and practices~~] an act or practice included within the definition of [~~practice as a~~] hearing instrument specialist or hearing instrument intern[, ~~subject to their professional licensure authorization and restrictions,~~] without being licensed under this chapter:

1347 (1) an audiologist licensed under the provisions of Chapter 41, Speech-Language Pathology and Audiology Licensing Act;

1349 (2) a physician and surgeon licensed under the provisions of Chapter 67, Utah Medical Practice Act, or osteopathic physician licensed under the provisions of Chapter 68, Utah Osteopathic Medical Practice Act; and

1352 (3) a physician assistant licensed under the provisions of Chapter 70a, Utah Physician Assistant Act.

1352 Section 28. Section **58-46a-401** is amended to read:

1353 **58-46a-401. Grounds for denial of license -- Disciplinary proceedings.**

[Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.]

1361 (1) The division may:

1362 (a) refuse to issue a license to an applicant;

1363 (b) refuse to renew a license;

1364 (c) revoke, suspend, or restrict a license;

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- 1365 (d) place a licensed individual on probation;
1366 (e) issue a public or private reprimand to a licensed individual; or
1367 (f) issue a cease and desist order.
1368 (2) The division shall perform an act listed in Subsection (1) in accordance with Section 58-1-401.
1368 Section 29. Section **58-46a-501** is amended to read:
1369 **58-46a-501. Unprofessional conduct.**
"Unprofessional conduct" includes:
1373 (1) testing the hearing of a patient for any purpose other than to determine whether a hearing loss will
be improved by ~~[the use of]~~ using a hearing instrument;
1375 (2) failing to make an appropriate referral to a qualified health care provider with respect to a condition
~~[detected]~~ a licensed individual detects in a patient ~~[examined by a licensee under this chapter]~~ if
the condition is generally recognized in the profession as one ~~[that should be referred]~~ the licensed
individual should refer;
1379 (3) designating a hearing instrument for a patient whose hearing will not be sufficiently improved to
justify prescribing and selling ~~[of]~~ the hearing instrument;
1381 (4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect to practice under
this chapter and specifically with respect to the benefits of a hearing instrument or the degree to
which a hearing instrument will benefit a patient;
1384 (5) failing to exercise caution in providing a patient a prognosis to assure the patient is not led to expect
results that cannot be accurately predicted;
1386 (6) failing to provide appropriate follow-up care and consultation with respect to a patient to whom
a hearing instrument has been prescribed and sold upon being informed by the patient that the
hearing instrument does not produce the results ~~[represented by the licensee]~~ the licensed individual
represented;
1390 (7) failing to disclose in writing to the patient the charge for all services and hearing instruments
prescribed and sold to a patient ~~[prior to]~~ before providing the services or hearing instrument;
1393 (8) failing to refund fees paid by a patient for a hearing instrument and all accessories, upon a
determination by the division that the patient has not obtained the recovery of hearing ~~[represented~~
~~by the licensee]~~ the licensed individual represented in writing ~~[prior to designation and]~~ before the
sale of the hearing instrument;

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- (9) paying [any] a professional [person] individual any consideration of any kind for referral of a patient;
- 1399 (10) failing, when acting as a supervising hearing instrument specialist or supervising audiologist,
to provide supervision and training in hearing instrument sciences in accordance with Section
58-46a-302.5;
- 1402 (11) engaging in the practice as a hearing instrument intern when not under the supervision of a
supervising hearing instrument specialist or supervising audiologist in accordance with Section
58-46a-302.5;
- 1405 (12) failing to describe [~~the circuitry~~] in any advertisement, presentation, purchase, or trial agreement,
the circuitry of a hearing instrument as being either "digital" or "analog"[;] or other acceptable terms
[~~as determined by the division~~] the division determines;
- 1408 (13) failing to follow the guidelines or policies of the United States Federal Trade Commission in any
advertisement;
- 1410 (14) failing to adhere to the rules and regulations prescribed by the United States Food and Drug
Administration as [~~they~~] the rules and regulations pertain to the hearing instrument specialist;
- 1413 (15) failing to maintain all equipment used in the practice of a hearing instrument specialist properly
calibrated and in good working condition; [~~and~~]
- 1415 (16) failing to comply with any of the requirements set forth in Section 58-46a-502 or 58-46a-503[;] ;
- 1417 (17) fitting or testing an individual's hearing aid, or testing an individual's hearing if the individual
is less than 18 years old unless the hearing instrument specialist receives a written statement that
the individual's hearing loss has received a medical evaluation and that the individual may be
considered a candidate for a hearing aid; and
- 1421 (18) fitting or testing an individual's hearing aid, or testing an individual's hearing if the individual is
less than six years old.
- 1421 Section 30. Section **58-46a-502** is amended to read:
- 1422 **58-46a-502. Additional requirements for practicing as a hearing instrument specialist.**
[~~A person~~] An individual engaging in the practice of a hearing instrument specialist shall:
- 1427 (1) have a regular place or places of business from which the [person] individual conducts business as
a hearing instrument specialist and the place or places of business shall be represented to a patient
and others with whom business is conducted by the street address at which the place of business is
located;

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- 1431 (2) include in all advertising or other representation the street address at which the business is located
and the telephone number of the business at that street address;
- 1433 (3) provide as part of each transaction between a ~~[licensee]~~ licensed individual and a patient related to
testing for hearing loss and selling of a hearing instrument written documentation provided to the
patient that includes:
- 1436 (a) identification of ~~[all services and products]~~ a service or a product provided to the patient by the
hearing instrument specialist and the charges for each service or product;
- 1439 (b) a statement whether ~~[any]~~ a hearing instrument provided to a patient is "new," "used," or
"reconditioned" and the terms and conditions of any warranty or guarantee that applies to each
instrument; and
- 1442 (c) the identity and license number of each hearing instrument specialist or hearing instrument intern
who provided services or products to the patient;
- 1444 (4) before providing services or products to a patient:
- 1445 (a) advise the patient regarding services and products offered to the patient, including the expected
results of the services and products;
- 1447 (b) inform each patient who is being offered a hearing instrument about hearing instruments that
work with assistive listening systems that are compliant with the ADA Standards for Accessible
Design adopted by the United States Department of Justice in accordance with the Americans with
Disabilities Act, 42 U.S.C. Sec. 12101 et seq.; and
- 1452 (c) obtain written informed consent from the patient regarding offered services, products, and the
expected results of the services and products in a form ~~[approved by the division]~~ the division
approves;
- 1455 ~~[(5) refer all individuals under the age of 18 who seek testing of hearing to a physician or surgeon,
osteopathic physician, physician assistant, or audiologist, licensed under the provisions of this title,
and shall dispense a hearing aid] [to that individual only on prescription of a physician or surgeon,
osteopathic physician, physician assistant, or audiologist;]~~
- 1460 ~~[(6)]~~ (5) obtain the patient's informed consent and agreement to purchase the hearing instrument based
on that informed consent either by the hearing instrument specialist or the hearing instrument intern,
before designating an appropriate hearing instrument; and

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[~~(7)~~] (6) if a hearing instrument does not substantially enhance the patient's hearing consistent with the representations of the hearing instrument specialist at the time informed consent was given [~~prior to~~] before the sale and fitting of the hearing instrument, provide:

(a) necessary intervention to produce satisfactory hearing recovery results consistent with representations made; or

(b) for the refund of fees paid by the patient for the hearing instrument to the hearing instrument specialist within a reasonable time after finding that the hearing instrument does not substantially enhance the patient's hearing.

Section 31. Section **58-46a-503** is amended to read:

58-46a-503. Testing period for a hearing instrument.

(1)

~~(a) [Any person licensed under this chapter who sells a hearing aid]~~ A person that sells a hearing instrument to a consumer shall provide a written receipt or a written contract to the consumer.

~~(b) The written receipt or the written contract shall provide the consumer with a 30-day right to cancel the purchase if [the consumer finds that the hearing aid]~~ the hearing instrument does not function adequately for the consumer~~[-and to] .~~

~~(c) [obtain-]~~ A person that sells a hearing instrument shall provide a refund to the consumer if the consumer returns the ~~[hearing aid]~~ hearing instrument to the ~~[seller]~~ person in the same condition as when purchased, excluding ordinary wear and tear [excluded, as when purchased] within the 30-day right to cancel described in Subsection (1)(b).

~~(d) The written receipt or the written contract shall notify the consumer of the 30-day right to cancel in at least [10] 12 point [type] font.~~

~~(e) The 30-day right to cancel period shall commence from [either] the later of the day on which:~~

~~(i) [the date the hearing aid] the hearing instrument~~ is originally delivered to the consumer~~[-or] ;~~

~~(ii) [the date-]the written receipt is dated;~~ or

~~(iii) the contract is delivered to the consumer[-, whichever is later].~~

~~(f) [The 30-day period shall be tolled for any period during which the hearing aid seller, dealer, or fitter has possession or control of the hearing aid after its original delivery]~~ The 30-day period is paused while the hearing instrument specialist possesses or controls the hearing instrument after the hearing instrument's original delivery.

(2)

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(a) Upon exercise of the right to cancel a ~~[hearing aid]~~ hearing instrument purchase, the ~~[seller of the hearing aid is entitled to a]~~ hearing instrument specialist may collect from the purchaser a cancellation fee ~~[not to exceed]~~ of up to 15% of all fees charged to the consumer, including testing, fitting, counseling, and the purchase price of the ~~[hearing aid]~~ hearing instrument.

(b) ~~[The exact amount of the cancellation fee shall be stated in the]~~ The written receipt or the written contract provided to the consumer shall state the exact amount of the cancellation fee.

Section 32. Section **63I-1-258** is amended to read:

63I-1-258. Repeal dates: Title 58.

(1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2026.

(2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2035.

(3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.

(4) Section 58-37-3.5, Drugs for behavioral health treatment, is repealed July 1, 2027.

(5) Subsection 58-37-6(7)(f)(iii), regarding a seven-day opiate supply restriction, is repealed July 1, 2032.

(6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.

(7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, [2029] 2036.

(8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, [2033] 2036.

(9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.

(10) Subsection 58-47b-102(8), defining massage assistant, is repealed July 1, 2029.

(11) Subsection 58-47b-102(9), defining massage assistant-in-training, is repealed July 1, 2029.

(12) Subsection 58-47b-302(1), regarding applicant for a massage assistant-in-training, is repealed July 1, 2029.

(13) Subsection 58-47b-302(2), regarding applicant for a massage assistant, is repealed July 1, 2029.

(14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training license, is repealed July 1, 2029.

(15) Subsection 58-55-201(2), regarding the Alarm System and Security Licensing Advisory Board, is repealed July 1, 2027.

(16) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.

Section 33. Section **63I-2-258** is amended to read:

63I-2-258. Repeal dates: Title 58.

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[Reserved.]

- 1509 (1) Section 58-41-201, regarding the board, is repealed July 1, {2027} 2028.
- 1510 (2) Subsection 58-41-305(1)(d), regarding the State Board of Education issuing a person a credential, is
repealed July 1, 2031.
- 1537 Section 34. Section **76-3-203.2** is amended to read:
- 1538 **76-3-203.2. Definitions -- Use of dangerous weapon in offenses committed on or about school**
premises -- Enhanced penalties.
- 1515 (1)
- (a) As used in this section "on or about school premises" means:
- 1516 (i)
- (A) in a public or private elementary or secondary school; or
- 1517 (B) on the grounds of any of those schools;
- 1518 (ii)
- (A) in a public or private institution of higher education; or
- 1519 (B) on the grounds of a public or private institution of higher education;
- 1520 (iii) within 1,000 feet of any school, institution, or grounds included in Subsections (1)(a)(i) and
(ii); and
- 1522 (iv) in or on the grounds of a preschool or child care facility.
- 1523 (b) As used in this section:
- 1524 (i) "Dangerous weapon" [~~has the same definition as~~] means the same as that term is defined in Section
76-1-101.5.
- 1526 (ii) "Educator" means a person who is:
- 1527 (A) employed by a public school district; and
- 1528 (B) required to hold a certificate issued by the State Board of Education or, for an audiologist or a
speech language pathologist, an individual who an LEA employs and holds a credential from the
Division of Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language
Pathology and Audiology Certification Act, in order to perform duties of employment.
- 1533 (iii) "Within the course of employment" means that an educator is providing services or engaging in
conduct required by the educator's employer to perform the duties of employment.
- 1536

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(2) A person who, on or about school premises, commits an offense and uses or threatens to use a dangerous weapon, as defined in Section 76-1-101.5, in the commission of the offense is subject to an enhanced degree of offense as provided in Subsection (4).

1539 (3)

(a) A person who commits an offense against an educator when the educator is acting within the course of employment is subject to an enhanced degree of offense as provided in Subsection (4).

1542 (b) As used in Subsection (3)(a), "offense" means:

1543 (i) an offense under Chapter 5, Offenses Against the Individual; and

1544 (ii) an offense under Chapter 6, Part 3, Robbery.

1545 (4) If the trier of fact finds beyond a reasonable doubt that the defendant, while on or about school premises, commits an offense and in the commission of the offense uses or threatens to use a dangerous weapon, or that the defendant committed an offense against an educator when the educator was acting within the course of the educator's employment, the enhanced penalty for a:

1550 (a) class B misdemeanor is a class A misdemeanor;

1551 (b) class A misdemeanor is a third degree felony;

1552 (c) third degree felony is a second degree felony; or

1553 (d) second degree felony is a first degree felony.

1554 (5) The enhanced penalty for a first degree felony offense of a convicted person:

1555 (a) is imprisonment for a term of not less than five years and which may be for life, and imposition or execution of the sentence may not be suspended unless the court finds that the interests of justice would be best served and states the specific circumstances justifying the disposition on the record; and

1559 (b) is subject also to the dangerous weapon enhancement provided in Section 76-3-203.8, except for an offense committed under Subsection (3) that does not involve a firearm.

1561 (6) The prosecuting attorney, or grand jury if an indictment is returned, shall provide notice upon the information or indictment that the defendant is subject to the enhanced degree of offense or penalty under Subsection (4) or (5).

1564 (7) In cases where an offense is enhanced under Subsection (4), or under Subsection (5)(a) for an offense committed under Subsection (2) that does not involve a firearm, the convicted person is not subject to the dangerous weapon enhancement in Section 76-3-203.8.

1568 (8) The sentencing enhancement described in this section does not apply if:

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- 1569 (a) the offense for which the person is being sentenced is:
- 1570 (i) a grievous sexual offense;
- 1571 (ii) child kidnapping under Section 76-5-301.1;
- 1572 (iii) aggravated kidnapping under Section 76-5-302; or
- 1573 (iv) forcible sexual abuse under Section 76-5-404; and
- 1574 (b) applying the sentencing enhancement provided for in this section would result in a lower maximum
penalty than the penalty provided for under the section that describes the offense for which the
person is being sentenced.

1602 Section 35. **Repealer.**

This Bill Repeals:

1603 This bill repeals:

1604 Section **58-41-1, Title of chapter.**

1605 Section **58-41-3, Scope of licenses -- Practicing without license prohibited.**

1606 Section **58-46a-101, Title.**

1607 Section **58-46a-304, Continuing professional education.**

1608 Section 36. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

1-30-26 10:55 AM