

**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 list 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 hologist or an audiologist from the State Board of Education;
- creates an alternative path for licensure as an audiologist and as a speech-language hologist;
- aligns the unprofessional conduct standards of a hearing instrument specialist with the professional conduct standards of audiologists; and
- 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

31       **53F-2-405 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 165  
32       **53F-5-217 (Effective 05/06/26)**, as enacted by Laws of Utah 2020, Chapter 362  
33       **53G-11-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 484  
34       **53G-11-512 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 484  
35       **58-1-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapter 181  
36       **58-46a-102 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah  
37       2020, Chapter 154  
38       **58-46a-302 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah  
39       2020, Chapter 339  
40       **58-46a-302.5 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of  
41       Utah 2023, Chapter 303  
42       **58-46a-303 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah  
43       2023, Chapter 303  
44       **58-46a-305 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah  
45       2019, Chapter 349  
46       **58-46a-401 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994,  
47       Chapter 28  
48       **58-46a-501 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah  
49       2020, Chapter 154  
50       **58-46a-502 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah  
51       2020, Chapter 154  
52       **58-46a-503 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1998,  
53       Chapter 249  
54       **63I-2-258 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 277  
55       **76-3-203.2 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 181

56       ENACTS:

57       **58-41-501 (Effective 05/06/26)**, Utah Code Annotated 1953

58       RENUMBERS AND AMENDS:

59       **58-41-101 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-2, as last  
60       amended by Laws of Utah 2020, Chapter 424)

61       **58-41-102 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-13, as  
62       last amended by Laws of Utah 2009, Chapter 183)

63       **58-41-103 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-16, as  
64       last amended by Laws of Utah 2025, Chapter 302)

65       **58-41-201 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-6, as last  
66        amended by Laws of Utah 1993, Chapter 297)

67        **58-41-301 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-5, as last  
68        amended by Laws of Utah 2024, Chapter 137)

69        **58-41-302 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-8, as last  
70        amended by Laws of Utah 1993, Chapter 297)

71        **58-41-303 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-12, as  
72        repealed and reenacted by Laws of Utah 1993, Chapter 297)

73        **58-41-304 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-5.5, as  
74        enacted by Laws of Utah 2010, Chapter 397)

75        **58-41-305 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-4, as last  
76        amended by Laws of Utah 2023, Chapter 329)

77        **58-41-306 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-17, as  
78        last amended by Laws of Utah 2017, Chapter 43)

79        **58-41-307 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-14, as  
80        last amended by Laws of Utah 1989, Chapter 207)

81        **58-41-401 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-9, as  
82        repealed and reenacted by Laws of Utah 1993, Chapter 297)

83        **58-41-502 (Effective 05/06/26) (Repealed 07/01/29)**, (Renumbered from 58-41-15, as  
84        last amended by Laws of Utah 1989, Chapter 207)

85        REPEALS:

86        **58-41-1 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah  
87        1989, Chapter 207

88        **58-41-3 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah  
89        2020, Chapter 424

90        **58-46a-101 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994,  
91        Chapter 28

92        **58-46a-304 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994,  
93        Chapter 28

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

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

97           **53E-6-102 (Effective 05/06/26). Definitions.**

98           As used in this chapter:

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

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

101 (3) "Educator" means:

102 (a) a person who holds a license;

103 (b) a teacher, counselor, administrator, librarian, or other person required, under rules of

104 the state board, to hold a license; [or]

105 (c) for an audiologist or a speech language pathologist, an individual who an LEA

106 employs and holds a credential from the Division of Professional Licensing in

107 accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology

108 Licensing Act; or

109 [(e)] (d) a person who is the subject of an allegation which has been received by an LEA,

110 the state board, or UPPAC and was, at the time noted in the allegation, a license

111 holder or a person employed in a position requiring licensure.

112 (4) "License" means an authorization issued by the state board that permits the holder to

113 serve in a professional capacity in the public schools.

114 (5) "National Board certification" means a current certificate issued by the National Board

115 for Professional Teaching Standards.

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

117 child.

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

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

120 **53E-6-702 (Effective 05/06/26). Reimbursement of legal fees and costs to**

121 **educators.**

122 (1) As used in this section:

123 (a) "Action" means any action, except those referred to in Section 52-6-201, brought

124 against an educator by an individual or entity other than:

125 (i) the entity who licenses the educator; and

126 (ii) the LEA that employs the educator or employed the educator at the time of the

127 alleged act or omission.

128 (b) "Educator" means:

129 (i) an individual who holds or is required to hold a license as defined by the state

130 board and is employed by an LEA located within the state[.] ; or

131 (ii) for an audiologist or a speech language pathologist, an individual who an LEA

132 employs and holds a credential from the Division of Professional Licensing in

133 accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology  
134 Licensing Act.

135 (2) Except as otherwise provided in Section 52-6-201, an educator is entitled to recover [  
136 ~~reasonable attorneys' fees~~] reasonable attorney fees and costs incurred in the educator's  
137 defense against an individual or entity who initiates an action against the educator if:  
138 (a) the action is brought for any act or omission of the educator during the performance  
139 of the educator's duties within the scope of the educator's employment; and  
140 (b) it is dismissed or results in findings favorable to the educator.  
141 (3) An educator who recovers under this section is also entitled to recover reasonable [  
142 ~~attorneys' fees~~] attorney fees and costs necessarily incurred by the educator in recovering  
143 the [~~attorneys' fees~~] attorney fees and costs allowed under Subsection (2).

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

145 **53F-2-310 (Effective 05/06/26). Stipends for special educators for additional days  
146 of work.**

147 (1) As used in this section:  
148 (a) "Special education teacher" means a teacher whose primary assignment is the  
149 instruction of students with disabilities who are eligible for special education services.  
150 (b) "Special educator" means a person employed by a school district, charter school, or  
151 the Utah Schools for the Deaf and the Blind who holds:  
152 (i) a license issued by the state board or, for a speech language pathologist, an  
153 individual who an LEA employs and holds a credential from the Division of  
154 Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language  
155 Pathology and Audiology Licensing Act; and  
156 (ii) a position as a:  
157 (A) special education teacher;  
158 (B) speech-language pathologist; or  
159 (C) teacher of the deaf or hard of hearing;  
160 (2) The Legislature shall annually appropriate money for stipends to special educators for  
161 additional days of work:  
162 (a) in recognition of the added duties and responsibilities assumed by special educators  
163 to comply with federal law regulating the education of students with disabilities and  
164 the need to attract and retain qualified special educators; and  
165 (b) subject to future budget constraints.  
166 (3)(a) The state board shall distribute money appropriated under this section to school

167 districts, charter schools, and the Utah Schools for the Deaf and the Blind for  
168 stipends for special educators in the amount of \$200 per day for up to 10 additional  
169 working days.

170 (b) Money distributed under this section shall include, in addition to the \$200 per day  
171 stipend, money for the following employer-paid benefits:  
172 (i) retirement;  
173 (ii) workers' compensation;  
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  
178 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,  
181 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  
191 partial stipend equal to the percentage of a full-time special educator position the person  
192 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,  
196 charter school,] an LEA or regional education service agency[, or the Utah Schools for  
197 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;

- [B] speech pathologist;
- [C] librarian or media specialist;
- [D] preschool teacher;
- [E] mentor teacher;
- [F] teacher specialist or teacher leader;
- [G] guidance counselor;
- [H] audiologist;
- [I] psychologist; or
- [J] social worker; or

(b)(i) a license issued by the Division of Professional Licensing; and

(ii) a position as:

(A) a social worker[.];

(B) audiologist; or

(C) speech language pathologist.

(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.

(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.

(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.

(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:

- (a) for fiscal year 2026, the amount of the salary adjustment for each full-time-equivalent educator is:
  - (i) if Chapter 6, Part 4, Utah Fits All Scholarship Program, is funded and in effect, \$10,350; or
  - (ii) if Chapter 6, Part 4, Utah Fits All Scholarship Program, is not funded and in effect, \$5,175;
- (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;
- (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
- (d) for a fiscal year beginning on or after July 1, 2024, the amount of the salary adjustment is equal to:
  - (i) the amount of salary adjustment in the preceding fiscal year; and
  - (ii) a percentage increase that is equal to the percentage increase in the value of the WPU in the preceding fiscal year.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board:

- (a) shall make rules to ensure that the LEAs do not:
  - (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
  - (ii) reduce or artificially limit a teacher's salary to convert the salary supplement in this section into a windfall to the LEA; and
- (b) may make rules as necessary to administer this section.

(6)(a) Subject to future budget constraints, the Legislature shall appropriate sufficient money each year to:

- (i) maintain educator salary adjustments provided in prior years; and
- (ii) provide educator salary adjustments to new employees.

(b) Money appropriated for educator salary adjustments shall include money for the following employer-paid benefits:

- (i) retirement;
- (ii) worker's compensation;
- (iii) social security; and
- (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  
271 school year; and

272 (ii) provide salary adjustments for new school administrators in the same amount as  
273 provided for existing school administrators.

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

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

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

283 **53F-5-217 (Effective 05/06/26). Grants for new and aspiring principals.**

284 (1) As used in this section:

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

286 (i) employed by an LEA; and

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

289 (b) "Educator" means:

290 (i) an individual who holds a professional educator license described in Section  
291 53E-6-201[.] ; or

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

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

299 (i) a single LEA;

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

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

302 (d) "Internship" means an extended supervised experience for an aspiring principal to

303 engage in the work of a principal, designed to build and demonstrate the  
304 competencies required for a school leadership license or license area of concentration.

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

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  
318 leadership license or license area of concentration.

319 (2)(a) An eligible applicant may apply to the state board for a grant to provide  
320 professional learning and training activities for a new principal or an aspiring  
321 principal.

322 (b) Subject to legislative appropriations, the state board shall award a grant to an eligible  
323 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  
326 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  
330 aspiring principal to help the aspiring principal meet school leader standards and  
331 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  
335 leadership standards and competencies for principal licensure established by  
336 the state board; and

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  
340 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  
342 board on the performance measures and reporting requirements described in Subsection  
343 (6).

344 (5) On or before the November 2026 meeting, the state board shall report to the Education  
345 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  
350 training activities described in Subsection (3);  
351 (iii) survey data collected from participating new principals and aspiring principals  
352 regarding the quality and effectiveness of the professional learning and training  
353 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  
356 receiving the professional learning and training activities described in Subsection  
357 (3); and  
358 (vi) school accountability data described in Title 53E, Chapter 5, Accountability, for  
359 each year the grant recipient uses the grant award to provide new and aspiring  
360 principals with the professional learning and training activities described in  
361 Subsection (3).

362 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
363 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  
366 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

371 recipient may use a grant award.

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

373 **53G-11-501 (Effective 05/06/26). Definitions.**

374 As used in this part:

375 (1) "Administrator" means an individual who supervises educators and holds an appropriate  
376 license.

377 (2) "Career educator" means a licensed employee who has a reasonable expectation of  
378 continued employment under the policies of a local school board.

379 (3) "Career employee" means an employee of a school district who has obtained a  
380 reasonable expectation of continued employment based upon Section 53G-11-503 and  
381 an agreement with the employee or the employee's association, district practice, or  
382 policy.

383 (4) "Chronically absent" means a student who:

384 (a) was enrolled in an LEA for at least 60 calendar days; and

385 (b) missed 10% or more days of instruction, whether the absence was excused or not.

386 (5) "Contract term" or "term of employment" means the period of time during which an  
387 employee is engaged by the school district under a contract of employment, whether oral  
388 or written.

389 (6) "Dismissal" or "termination" means:

390 (a) termination of the status of employment of an employee;

391 (b) failure to renew or continue the employment contract of a career employee beyond  
392 the then-current school year;

393 (c) reduction in salary of an employee not generally applied to all employees of the same  
394 category employed by the school district during the employee's contract term; or

395 (d) change of assignment of an employee with an accompanying reduction in pay, unless  
396 the assignment change and salary reduction are agreed to in writing.

397 (7) "Educator" means an individual employed by a school district who is required to hold a  
398 professional license issued by the state board or, for an audiologist or a speech language  
399 pathologist, an individual who an LEA employs and holds a credential from the Division  
400 of Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language  
401 Pathology and Audiology Licensing Act, except:

402 (a) a superintendent; or

403 (b) an individual who works less than three hours per day or is hired for less than half of  
404 a school year.

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

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

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

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

413 (iii) a temporary employee.

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

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

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

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

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

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

427 (a) a public school district; or

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

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

430 (a) a supervisor conducts;

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

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

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

439 employment.

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

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

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

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

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

453 **53G-11-512 (Effective 05/06/26). Local school board to establish dismissal  
454 procedures.**

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

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

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

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

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

469 (4) If a career employee exhibits both unsatisfactory performance as described in  
470 Subsection [53G-11-501(16)(a)] 53G-11-501(17)(a) and conduct described in Subsection [  
471 53G-11-501(16)(b)] 53G-11-501(17)(b), an employer:

472 (a) may:

473 (i) attempt to remediate the conduct of the career employee; or  
474 (ii) terminate the career employee for cause if the conduct merits dismissal consistent  
475 with procedures established by the local school board; and  
476 (b) is not required to develop and implement a plan of assistance for the career  
477 employee, as provided in Section 53G-11-514.

478 (5) If the conduct of a career employee described in Subsection (4) is satisfactorily  
479 remediated, and unsatisfactory performance issues remain, an employer shall develop  
480 and implement a plan of assistance for the career employee, as provided in Section  
481 53G-11-514.

482 (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily  
483 remediated, an employer:  
484 (a) may dismiss the career employee for cause in accordance with procedures  
485 established by the local school board that include standards of due process and causes  
486 for dismissal; and  
487 (b) is not required to develop and implement a plan of assistance for the career  
488 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**  
**491 collaboration with board -- Construction Services Commission.**

492 (1) ~~[The following duties, functions, and responsibilities of the division shall be performed~~  
493 ~~by the division with the collaboration and assistance of the appropriate board:] The~~  
494 ~~division shall perform the following duties, functions, and responsibilities with the~~  
495 ~~collaboration and assistance of the appropriate board:~~

496 (a) defining which schools, colleges, universities, departments of universities, military  
497 educational and training programs, or other institutions of learning are reputable and  
498 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  
503 chapter or other licensing chapters;  
504 (f) establishing advisory peer committees to the board and prescribing their scope of  
505 authority; and  
506 (g) establishing conditions for reinstatement and renewal of licenses.

507 (2) Notwithstanding Subsection (1), the duties, functions, and responsibilities of the  
508 division outlined in Subsection (1) shall, instead, be performed by the Construction  
509 Services Commission for all purposes of Title 58, Chapter 55, Utah Construction Trades  
510 Licensing Act.

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

515 Section 9. Section **58-41-101**, which is renumbered from Section 58-41-2 is renumbered  
516 and amended to read:

## 517 **CHAPTER 41. Speech-Language Pathology and Audiology Licensing Act**

### 518 **Part 1. General Provisions**

#### 519 **[58-41-2] 58-41-101 (Effective 05/06/26) (Repealed 07/01/29). Definitions.**

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

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

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

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

524 [({2}) "Association" means the Utah Speech-Language-Hearing Association.]

525 [({3})] (4) "Audiologist" means [a person who practices audiology or who holds himself out to

526 the public directly or indirectly by any means, act, title, identification, performance,

527 method, or procedure as one who nonmedically examines, measures, tests, interprets,

528 evaluates, assesses, diagnoses, directs, instructs, treats, counsels, prescribes, and

529 recommends for persons affected by or suspected of having disorders of or conditions of

530 hearing loss, or assists persons in achieving the reception, communication, and

531 perception of sound and determines the range, nature, and degree of hearing function

532 related to communication needs, or provides audiology services and uses audio

533 electronic equipment and provides audiology services and consultation regarding noise

534 control and hearing conservation, conducts tests and interpretation of vestibular function

535 and nystagmus, prepares ear impressions and provides ear molds, aids, accessories,

536 prescriptions, and prostheses for hearing, evaluates sound environment and equipment,

537 and calibrates instruments used in testing and supplementing auditory function. A

538 person is deemed to be an audiologist if the person directly or indirectly provides or

539 offers to provide these services or functions set forth in Subsection (4) or any related

540 function.] an independent hearing and balance healthcare practitioner with the education  
541 to assess, diagnose, manage, and non-medically treat disorders of the auditory and  
542 vestibular systems across the lifespan.

543 [(4)] (5)(a) ["Audiology" means the application of principles, methods, and procedures,  
544 and measuring, testing, examining, interpreting, diagnosing, predicting, evaluating,  
545 prescribing, consulting, treating, instructing, and researching, which is related to  
546 hearing, vestibular function, and the disorders of hearing, to related language and  
547 speech disorders and to aberrant behavior related to hearing loss or vestibular  
548 function, for the purpose of preventing and modifying disorders related to hearing  
549 loss or vestibular function, and planning, directing, managing, conducting, and  
550 participating in hearing conservation, evoked potentials evaluation, nonmedical  
551 tinnitus evaluation or treatment, noise control, habilitation, and rehabilitation  
552 programs, including hearing aid evaluation, assistive listening device evaluation,  
553 prescription, preparation, and dispensing, and auditory training and lip reading.]  
554 "Audiology" means the prevention, diagnosis, and treatment of a disorder related to  
555 hearing or vestibular function.

556 (b) "Audiology" includes:

- 557 (i) hearing instrument evaluation;
- 558 (ii) assistive listening device evaluation;
- 559 (iii) providing a prescription; and
- 560 (iv) auditory training and lip reading.

561 [(5)] (6) ["Audiology aide"] "Audiology assistant" means an individual who:

- 562 (a) meets the minimum qualifications [established by the board for audiology aides.  
563 Those qualifications shall be substantial but less than those established by this  
564 chapter for licensing an audiologist] the division makes by rule in accordance with  
565 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 566 (b) does not act independently; and
- 567 (c) works under the personal direction and direct supervision of a licensed audiologist  
568 who accepts responsibility for the acts and performance of that audiology [aide]  
569 assistant under this chapter.

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

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

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

575 (i) licensed under this chapter; or

576 (ii) licensed in accordance with Chapter 41a, Audiology and Speech-language

577 Pathology Interstate Compact, if the license is not expired, suspended, or revoked.

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

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

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

581 (b) ability to communicate or swallow.

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

583 (11) "Hearing [aid] instrument dealer" means [one] a person who sells, repairs, and adjusts [

584 hearing aids] a hearing instrument.

585 [(11) "Licensed audiologist" means any individual to whom a license has been issued under

586 this chapter or Chapter 41a, Audiology and Speech-language Pathology Interstate

587 Compact, if the license is in force and has not been suspended or revoked.]

588 [(12) "Licensed speech-language pathologist" means any individual licensed under this

589 chapter or Chapter 41a, Audiology and Speech-language Pathology Interstate Compact,

590 if the license is in force and has not been suspended or revoked.]

591 [(13) "Person" means any individual, group, organization, partnership, or corporate body,

592 except that only an individual may be licensed under this chapter.]

593 [(14)] (12)(a) "Invasive procedure" means a procedure that penetrates, traverses, or

594 contacts internal anatomical structures, tissues, cavities, or organs beyond the

595 external skin or mucosal surface.

596 (b) "Invasive procedure" includes:

597 (i) endoscopy;

598 (ii) fiberoptic endoscopic evaluation of swallowing;

599 (iii) pharyngeal electrical stimulation; and

600 (iv) tracheostomy management.

601 (13)(a) "Over-the-counter hearing aid" means an air-conduction hearing aid, as defined

602 in 21 C.F.R. Sec. 800.30(b), that is intended for use by a person that is at least 18

603 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,

605 without the supervision, prescription, or other order, involvement, or intervention of a

606 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

608                   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.

610                   (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.

611                   (16) "Prescribe" means to:

- 612                   (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
- 613                   (b) determine or designate a remedy for [a person] an individual.

614                   (17) "Prescription" means a written or oral order for the delivery or execution of that which has been prescribed.

615                   (18) "Speech-language pathologist" means:

- 616                   (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
- 617                   (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.

618                   (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

642 effects in individuals or groups of individuals] the measuring, testing, evaluating,  
643 predicting, counseling, treating, instructing, habilitating, or rehabilitating for speech,  
644 voice, language, communication, cognitive-communication, or the ability to swallow.

645 (20) ["Speech-language pathology aide"] "Speech-language pathology assistant" means an  
646 individual who:

647 (a) meets the minimum qualifications [established by the board for speech-language  
648 pathology aides. Those qualifications shall be substantial but less than those  
649 established by this chapter for licensing a speech-language pathologist] the division  
650 makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
651 Rulemaking Act;

652 (b) does not act independently; and

653 (c) works under the personal direction and direct supervision of a licensed  
654 speech-language pathologist who accepts the responsibility for the acts and  
655 performances of that speech-language pathology [aide] assistant while working under  
656 this chapter.

657 (21) "Treatment" means [the services of a speech-language pathologist or audiologist to  
658 examine, diagnose, correct, or ameliorate] the examination, diagnosis, correction, or  
659 amelioration of a speech or hearing [disorders, abnormalities] disorder, abnormality, or  
660 behavior[, or their effects].

661 (22) "Unprofessional conduct" [as defined in] means the same as that term is defined in  
662 Section 58-1-501 and as [may be further defined by rule includes:] the division may  
663 further define by rule the division makes in accordance with Title 63G, Chapter 3, Utah  
664 Administrative Rulemaking Act.

665 [(a) failing to maintain a level of professional practice consistent with all initial and  
666 subsequent requirements by which a license is achieved or maintained under this  
667 chapter;]

668 [(b) utilizing substandard or inappropriate facilities or equipment;]

669 [(e) treating any disorder for which the licensee has not had the necessary training and  
670 experience; or]

671 [(d) failing to comply with the requirements of Section 58-41-17.]

672 Section 10. Section **58-41-102**, which is renumbered from Section 58-41-13 is renumbered  
673 and amended to read:

674 **[58-41-13] 58-41-102 (Effective 05/06/26) (Repealed 07/01/29). Fees.**

675 The department shall set fees [in cooperation with the board and] in accordance with

676 Section 63J-1-504 and shall collect all fees.

677 Section 11. Section **58-41-103**, which is renumbered from Section 58-41-16 is renumbered  
678 and amended to read:

679 **[58-41-16] 58-41-103 (Effective 05/06/26) (Repealed 07/01/29). Privileged  
680 communication.**

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

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

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

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

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

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

697 Section 12. Section **58-41-201**, which is renumbered from Section 58-41-6 is renumbered  
698 and amended to read:

699 **Part 2. Board**

700 **[58-41-6] 58-41-201 (Effective 05/06/26) (Repealed 07/01/29). Board.**

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

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

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

710 (ii) one member shall be from a nonschool clinic setting which provides ongoing  
711 speech-language pathology or audiology services;  
712 (iii) one member shall be a provider of speech-language pathology and audiology  
713 services in the elementary or secondary schools; and  
714 (iv) one member shall be a provider of a speech-language pathology and audiology  
715 college or university training program.

716 (b) At no time may the board consist of more than two members who represent  
717 speech-language pathology or more than two members who represent audiology.

718 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

719 (3) The duties and responsibilities of the board shall be in accordance with Sections  
720 58-1-202 and 58-1-203.

721 Section 13. Section **58-41-301**, which is renumbered from Section 58-41-5 is renumbered  
722 and amended to read:

### 723 **Part 3. Licensure**

#### 724 **[58-41-5] 58-41-301 (Effective 05/06/26) (Repealed 07/01/29). Licensure 725 requirements.**

726 [(f) To obtain and maintain a license as an audiologist beginning July 1, 2010, an applicant  
727 must:]

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

730 [(b) provide the committee with verification that the applicant is the legal holder of a  
731 clinical doctor's degree or AuD, in audiology, from an accredited university or  
732 college, based on a program of studies primarily in the field of audiology;]

733 [(e) be in compliance with the regulations of conduct and codes of ethics for the  
734 profession of audiology;]

735 [(d) submit to the board certified evidence of having completed at least one academic  
736 year of professional experience, at least 30 hours per week, of direct clinical  
737 experience in treatment and management of patients, supervised and attested to by  
738 one holding an audiologist license under this chapter, the CCC, or their full  
739 equivalent; and]

740 [(e) pass a nationally standardized examination in audiology which is the same as or  
741 equivalent to the examination required for the CCC and with pass-fail criteria  
742 equivalent to current ASHA standards, and the board may require the applicant to  
743 pass an acceptable practical demonstration of clinical skills to an examining

744 committee of licensed audiologists appointed by the board.]

745 (1) An individual may not engage in the practice of audiology or the practice of  
746 speech-language pathology without being a licensed individual.

747 (2) To obtain a license as an audiologist an applicant shall:

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  
751 Competence, an ABA Certification, or an equivalent as the division approves by  
752 rule the division makes in accordance with Title 63G, Chapter 3, Utah  
753 Administrative Rulemaking Act; or

754 (ii)(A) submit evidence that the applicant holds a clinical doctorate degree in  
755 audiology from an accredited university or college;

756 (B) comply with the regulations of conduct and the codes of ethics for the  
757 profession of audiology;

758 (C) submit evidence of having completed at least one academic year of  
759 professional experience, consisting of at least 30 hours per week of direct  
760 clinical experience in treatment and management of patients supervised and  
761 attested to by a licensed audiologist or an audiologist certified by a national  
762 organization as the division approves by rule made in accordance with Title  
763 63G, Chapter 3, Utah Administrative Rulemaking Act; and

764 (D) pass a nationally standardized examination in audiology that is the same as, or  
765 equivalent to, the examination required for the CCC, with pass-fail criteria  
766 equivalent to current ASHA standards.

767 [(2) To obtain and maintain a license as an audiologist prior to July 1, 2010, an applicant  
768 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  
771 master's degree in the area of audiology from an accredited university or college,  
772 based on a program of studies primarily in the field of audiology, and holds the CCC  
773 or its full equivalent.]

774 (3)(a) An individual who, [prior to July 1, 2010] before May 6, 2026, is licensed as an  
775 audiologist under this chapter[ is, on or after July 1, 2010], is considered to hold a  
776 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

778 Board of Education on or after July 1, 2020, and before May 6, 2026, and performs  
779 the functions of a speech-language pathologist or audiologist, shall apply to the  
780 division for licensure as a speech-language pathologist or audiologist and renew the  
781 credential in accordance with Section 58-41-303.

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

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

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

790 (c) An audiology assistant shall work within the audiology assistant scope of practice, as  
791 the division defines by rule the division makes in accordance with Title 63G, Chapter  
792 3, Utah Administrative Rulemaking Act.

793 [(4)] (5) To obtain [and maintain] a license as a speech-language pathologist[;] an applicant [  
794 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  
799 Competence or an equivalent as the division approves by rule the division makes  
800 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

801 (ii)(A) provide the [ecommittee] division with verification that the applicant has  
802 received at least a master's degree in speech-language pathology from an  
803 accredited university or college, based on a program of studies primarily in the  
804 field of speech-language pathology;

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

807 [(d)] (C) [comply with Subsection (1)(b), except that the supervision and  
808 attestation requirement shall be from a licensed speech-language pathologist  
809 rather than a licensed audiologist; and] submit to the division certified evidence  
810 of having completed at least one academic year of professional experience,  
811 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 approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
and

(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.

[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.]

(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.

Section 14. Section **58-41-302**, which is renumbered from Section 58-41-8 is renumbe

and amended to read:

**[58-41-8] 58-41-302 (Effective 05/06/26) (Repealed 07/01/29). 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.

Section 15. Section **58-41-303**, which is renumbered from Section 58-41-12 is renumbered and amended to read:

**[58-41-12] 58-41-303 (Effective 05/06/26) (Repealed 07/01/29). Term of license --  
Expiration -- Renewal.**

(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.

(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.

(c) The division shall make rules in accordance with Title 63G, Chapter 3, Utah

846       Administrative Rulemaking Act, to determine the first renewal period of an  
847       individual described in Subsection 58-41-301(3)(b).

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

853       (a) completing 20 hours of continuing education that the division approves by rule made  
854       in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
855       within the preceding two-year renewal cycle, consistent with standards for  
856       maintaining professional competency in audiology or speech-language pathology; or  
857       (b) possessing an active certification in good standing from a nationally recognized  
858       professional organization that requires continuing education equivalent to or  
859       exceeding 20 hours per two-year cycle.

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

862       Section 16. Section **58-41-304**, which is renumbered from Section 58-41-5.5 is renumbered  
863       and amended to read:

864       **[58-41-5.5] 58-41-304 (Effective 05/06/26) (Repealed 07/01/29). Temporary**  
865       **licenses.**

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

868       [(i) has obtained a master's or doctorate degree in audiology prior to July 1, 2010, or  
869       a clinical doctorate degree in audiology or AuD, after June 30, 2010; and]  
870       [(ii) is practicing audiology in a year of clinical fellowship.]

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

872       [(2)(a) The division may issue a temporary license to an applicant for a  
873       speech-language pathology license who:]

874       [(i) has completed all requirements for licensure as a speech-language pathologist  
875       under this chapter, except for Subsection 58-41-5(4)(d); and]  
876       [(ii) is practicing speech-language pathology in a year of clinical fellowship.]

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

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

879       (a) obtains a master's or doctorate degree in audiology before July 1, 2010, or obtains a

880                   clinical doctorate degree in audiology after June 30, 2010; and  
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  
883                   who:  
884                   (a) completes all requirements for licensure as a speech-language pathologist, except for  
885                   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  
888                   division issues the temporary license.

889                   Section 17. Section **58-41-305**, which is renumbered from Section 58-41-4 is renumbered  
890 and amended to read:

891                   **[58-41-4] 58-41-305 (Effective 05/06/26) (Repealed 07/01/29). Exemptions from**  
892 **chapter.**

893                   (1) [In addition to the exemptions from licensure in Section 58-1-307, the] The following [  
894                   persons may engage in the practice of] individuals may engage in the practice of  
895                   speech-language pathology [and] or the practice of audiology subject to the stated  
896                   circumstances and limitations without being [licensed under this chapter] a licensed  
897                   individual:

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

901                   (b) [a medical doctor, physician, physician assistant, or surgeon licensed in this state,  
902                   engaging in his or her specialty in the practice of medicine] a physician or a  
903                   physician's assistant;

904                   (c) [a hearing aid] except as provided in Subsection (2), a hearing instrument dealer or  
905                   salesperson selling, fitting, adjusting, and repairing [hearing aids] a hearing instrument,  
906                   and conducting hearing tests solely for that purpose[. However, a hearing aid dealer  
907                   may not conduct audiology testing on persons younger than 18 years old except  
908                   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  
910                   Education while specifically performing the functions of a speech-language  
911                   pathologist or audiologist solely within the confines of, under the direction and  
912                   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

914 government agencies or subdivisions or, prior to July 1, 1989, by state or local  
915 government agencies or subdivisions, while specifically performing speech-language  
916 pathology or audiology services solely within the confines of, under the direction and  
917 jurisdiction of, and in the specific interest of the agency or subdivision;] an individual  
918 that a federal government agency or subdivision or, before July 1, 1989, a state or  
919 local government agency or subdivision, employs as a speech-language pathologist or  
920 audiologist while performing a speech-language pathology or audiology service  
921 within the confines of, under the direction and jurisdiction of, and in the specific  
922 interest of the agency or subdivision;

923 (f) [a person] an individual identified in Subsections (1)(d) and (e) may offer lectures for [  
924 a fee, or monetary or other] compensation[,] without being [licensed] a licensed  
925 individual;

926 (g) [a person employed by] an individual an accredited college or university employs as  
927 a speech-language pathologist or audiologist performing [the services or functions  
928 described in] a service or function this chapter describes if the [services or functions  
929 are] individual provides the service or function:

930 (i) [performed] solely as an assigned teaching function of the [person's] individual's  
931 employment;

932 (ii) solely in academic interest and pursuit as a function of the [person's] individual's  
933 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 [  
936 person's agreed] individual's institutional salary;

937 (h) [a person] an individual pursuing a course of study leading to a degree in  
938 speech-language pathology or audiology while enrolled in an accredited college or  
939 university, provided:

940 (i) those activities constitute an assigned, directed, and supervised part of the [  
941 person's curricular] individual's study, and in no other interest;

942 (ii) that [all] examinations, tests, histories, charts, progress notes, reports,  
943 correspondence, documents, and records the [person] individual produces [be  
944 identified clearly] are clearly identified as having been conducted and prepared by  
945 a student in training;

946 (iii) that the [person] individual is obviously identified and designated by appropriate  
947 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  
949 otherwise represent that the [person] individual is qualified to practice  
950 independently;

951 (i) [a person] an individual trained in elementary audiology and qualified to perform  
952 basic audiometric tests while employed by and under the direct supervision of a  
953 licensed medical doctor to perform solely for the licensed medical doctor, the  
954 elementary conventional audiometric tests of air conduction screening, air conduction  
955 threshold testing, and tympanometry;

956 (j) [a person] an individual performing the functions of a speech-language pathologist or  
957 audiologist for the sole purpose of obtaining required professional experience under  
958 the provisions of this chapter and only during the period the [person] individual is  
959 obtaining the required professional experience, if the [person:] individual meets the  
960 training requirements;

961 [(i) meets all training requirements; and]  
962 [(ii) is professionally responsible to and under the supervision of a speech-language  
963 pathologist or audiologist who holds the CCC or a state license in  
964 speech-language pathology or audiology;]

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

970 (l) [a person] an individual who is not a resident of this state performing a  
971 speech-language pathology or audiology [servicees] service in this state if:  
972 (i) the [servicees are performed] individual performs the service for no more than one  
973 month in any calendar year in [association] connection with a licensed  
974 speech-language pathologist or a licensed audiologist[licensed under this chapter];  
975 and  
976 (ii) the [person] individual meets the qualifications and examination requirements for  
977 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  
979 Administration, as a teacher of the deaf, [from providing the services or performing  
980 the functions the person] providing a service or performing a function that the  
981 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  
984 Department of Health and Human Services describes in rules made in accordance  
985 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and  
986 (ii) working under the indirect supervision of a licensed audiologist responsible for a  
987 newborn hearing screening program [established by ]the Department of Health  
988 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,  
991 or test the individual's hearing if the individual is less than 18 years old unless the  
992 hearing instrument specialist receives a written statement that the individual's  
993 hearing loss has received a medical evaluation and that the individual may be  
994 considered a candidate for a hearing aid.

995 (ii) A hearing instrument specialist may not fit or test an individual's hearing aid, or  
996 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  
998 six months before the day on which the hearing instrument specialist fits or tests the  
999 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  
1002 Act;  
1003 (ii) an osteopathic physician licensed under Title 58, Chapter 68, Utah Osteopathic  
1004 Medical Practice Act;  
1005 (iii) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
1006 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  
1009 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  
1012 a speech-language pathologist or an audiologist in a branch or subdivision of local,  
1013 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  
1015 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  
1017 any services as a speech-language pathologist or audiologist for which a fee, salary,  
1018 bonus, gratuity, or compensation of any kind paid by the recipient of the service; or who  
1019 engages any part of his professional work for a fee practicing in conjunction with, by  
1020 permission of, or apart from his position of employment as speech-language pathologist  
1021 or audiologist in any branch or subdivision of local, state, or federal government or as  
1022 otherwise identified in this section.]

1023 Section 18. Section **58-41-306**, which is renumbered from Section 58-41-17 is renumbered  
1024 and amended to read:

1025 **[58-41-17] 58-41-306 (Effective 05/06/26) (Repealed 07/01/29). Requirements for  
1026 selling a hearing instrument.**

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

1028 [(a) "Hearing aid" means a wearable instrument or device designed or offered for the  
1029 purpose of aiding or compensating for human hearing loss, including its parts,  
1030 attachments, or accessories.]

1031 [(b) "Hearing aid" does not include a device that is surgically implanted in the cochlea or  
1032 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]  
1034 instrument to a consumer shall inform the consumer about [hearing aids] hearing  
1035 instruments that work with assistive listening systems that are compliant with the ADA  
1036 Standards for Accessible Design adopted by the United States Department of Justice in  
1037 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]  
1039 hearing instrument to a consumer shall provide a written receipt or written contract to  
1040 the consumer that provides the consumer with a 30-day right to cancel the purchase and  
1041 to obtain a refund if the consumer returns [the hearing aid] a hearing instrument to the  
1042 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  
1044 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  
1046 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  
1051 possesses or controls the hearing instrument after the hearing instrument's original  
1052 delivery.

1053 [(6) The 30-day period shall be tolled for any period during which the hearing aid seller,  
1054 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  
1056 purchase, the seller of the [hearing aid is entitled to] hearing instrument may collect from  
1057 the purchaser a cancellation fee equal to the actual cost [that will be incurred by the  
1058 seller in order to return the hearing aid] the seller incurs returning the hearing instrument  
1059 to the manufacturer, [provided that] if the written receipt or contract states the exact  
1060 amount that [will be retained by] the seller will retain as a cancellation fee.

1061 Section 19. Section **58-41-307**, which is renumbered from Section 58-41-14 is renumbered  
1062 and amended to read:

1063 **[58-41-14] 58-41-307 (Effective 05/06/26) (Repealed 07/01/29). Single license for**  
1064 **speech-language pathologist and audiologist -- Single fee.**

1065 (1) An applicant who qualifies to be licensed as both a speech-language pathologist  
1066 and audiologist shall receive a single license reflecting licensure in both classifications.

1067 (2) [A fee may only be assessed for a single license] The division may assess a fee only for  
1068 a single license.

1069 Section 20. Section **58-41-401**, which is renumbered from Section 58-41-9 is renumbered  
1070 and amended to read:

1071 **Part 4. License Denial and Discipline**

1072 **[58-41-9] 58-41-401 (Effective 05/06/26) (Repealed 07/01/29). Grounds for denial**  
1073 **of license -- Resumption of practice.**

1074 [(1) Grounds for refusal to issue a license to an applicant, for refusal to renew the license of  
1075 a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to  
1076 issue a public or private reprimand to a licensee, and to issue cease and desist orders  
1077 shall be in accordance with Section 58-1-401.]

1078 [(2)] (1) The division may:

1079 (a) refuse to issue a license to an applicant;  
1080 (b) refuse to renew a license;  
1081 (c) revoke, suspend, or restrict a license;  
1082 (d) place a licensed individual on probation;  
1083 (e) issue a public or private reprimand to a licensed individual; or

1084 (f) issue a cease and desist order.

1085 (2) [After one year from the date of revocation of a license, application may be made to the  
1086 board for relicensing.] A licensed individual who has a license revoked may submit an  
1087 application for licensure to the division after one year from the day after the day on  
1088 which the division revoked the licensed individual's license.

1089 (3) The division shall perform an act listed in Subsection (1) in accordance with Section  
1090 58-1-401.

1091 Section 21. Section **58-41-501** is enacted to read:

1092 **Part 5. Unlawful and Unprofessional Conduct - Penalties**

1093 **58-41-501 (Effective 05/06/26). Unprofessional conduct.**

1094 A licensed individual engages in unprofessional conduct if the individual:

1095 (1) fails to make an appropriate referral to a qualified health care provider with respect to a  
1096 condition the licensed individual detects in a patient if the condition is generally  
1097 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  
1099 improved to justify prescribing and selling the hearing instrument;

1100 (3) makes false, misleading, deceptive, fraudulent, or exaggerated claims with respect to the  
1101 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  
1103 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  
1105 whom the individual prescribed and sold a hearing instrument after being informed by  
1106 the patient that the hearing instrument does not produce the results represented by the  
1107 licensed individual;

1108 (6) fails to disclose in writing to the patient the charge for all services and hearing  
1109 instruments prescribed and sold to a patient before providing the services or hearing  
1110 instrument;

1111 (7) fails to refund fees paid by a patient for a hearing instrument and all accessories, upon a  
1112 determination by the division that the patient has not obtained the recovery of hearing  
1113 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  
1116 audiologist, to provide supervision and training;

1117 (10) fails to describe in any advertisement, presentation, purchase, or trial agreement, the

1118 circuitry of a hearing instrument as being either "digital" or "analog" or other acceptable  
1119 terms as the division determines by rule the division makes in accordance with Title  
1120 63G, Chapter 3, Utah Administrative Rulemaking Act;

1121 (11) fails to follow the guidelines or policies of the United States Federal Trade  
1122 Commission in any advertisement;

1123 (12) fails to adhere to the rules and regulations prescribed by the United States Food and  
1124 Drug Administration as pertaining to a hearing instrument;

1125 (13) fails to keep the equipment used in the practice of speech-language pathology and  
1126 audiology properly calibrated and in good working condition;

1127 (14) fails to comply with Section 58-41-306;

1128 (15) fails to provide as part of each transaction between a licensed individual and a patient  
1129 related to testing for hearing loss and selling of a hearing instrument, written  
1130 documentation that includes:

1131 (a) identification of services and products provided to a patient and the charges for each  
1132 service or product; and

1133 (b) a statement whether any hearing instrument provided to a patient is "new," "used," or  
1134 "reconditioned" and the terms and conditions of any warranty or guarantee that  
1135 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,  
1139 products, and the expected results of the services and products in a form the division  
1140 approves;

1141 (17) fails to obtain the patient's informed consent and agreement to purchase the hearing  
1142 instrument before designating an appropriate hearing instrument;

1143 (18) if a hearing instrument does not substantially enhance the patient's hearing consistent  
1144 with the representations of the licensed individual at the time informed consent was  
1145 given before the sale and fitting of the hearing instrument, fails to provide:

1146 (a) necessary intervention to produce satisfactory hearing recovery results consistent  
1147 with representations made; or

1148 (b) for the refund of fees the patient paid for the hearing instrument to the licensed  
1149 individual within a reasonable time after finding that the hearing instrument does not  
1150 substantially enhance the patient's hearing;

1151 (19) fails to maintain a level of professional practice consistent with all initial and

1152       subsequent requirements by which licensure is achieved or maintained under this  
1153       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  
1156       and experience.

1157       Section 22. Section **58-41-502**, which is renumbered from Section 58-41-15 is renumbered  
1158       and amended to read:

1159       **[58-41-15] 58-41-502 (Effective 05/06/26) (Repealed 07/01/29). Violation of**  
1160       **chapter -- Penalties.**

1161       [A person who violates any provision of this chapter is, upon conviction, guilty of a  
- 1162       class A misdemeanor. Whenever any person other than a licensed speech-language  
- 1163       pathologist or audiologist has engaged in any practice that constitutes an offense under this  
- 1164       chapter, a court of appropriate jurisdiction may issue an injunction or other appropriate order  
- 1165       restraining that conduct.]

1166       (1) An individual who violates a provision of this chapter is guilty of a class A  
1167       misdemeanor.  
1168       (2) If an individual other than a licensed individual engages in conduct that violates this  
1169       chapter, a court with jurisdiction may issue an injunction or other appropriate order to  
1170       restrain the conduct.

1171       Section 23. Section **58-46a-102** is amended to read:

1172       **58-46a-102 (Effective 05/06/26) (Repealed 07/01/33). Definitions.**

1173       [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  
1175       supervising hearing instrument specialist is present in the same facility as is the [person]  
1176       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  
1178       on or by an individual to enhance human hearing, including the device's specialized  
1179       parts, attachments, or accessories.]  
1180       (2)(a) "Hearing instrument" means a wearable device offered to compensate for human  
1181       hearing loss, including the device's parts, attachments, or accessories.  
1182       (b) "Hearing instrument" includes an acoustic-air conduction amplification device that  
1183       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  
1185       cochlea or under the skin near the ear.

1186 (3) "Hearing instrument intern" means [a person licensed] an individual licensed under this  
1187 chapter who is obtaining education and experience in the practice of a hearing  
1188 instrument specialist under the supervision of a supervising hearing instrument specialist  
1189 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  
1193 determining whether the use of a hearing instrument will improve hearing loss  
1194 sufficiently to justify prescribing and selling the hearing instrument and whether that  
1195 hearing instrument will be in the best interest of the patient;  
1196 (c) provides the patient a written statement of prognosis regarding the need for or  
1197 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  
1202 evaluates the hearing recovery against the representations the hearing instrument  
1203 specialist made to the patient;  
1204 (h) intervenes to produce satisfactory hearing recovery results from a hearing  
1205 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  
1208 instrument specialist or supervising audiologist is not required to be present in the same  
1209 facility as [is the person] the individual being supervised, but is available for voice to  
1210 voice contact by telephone, radio, or other means at the initiation of the [person being]  
1211 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  
1215 determining whether a hearing loss will be sufficiently improved by the use of a  
1216 hearing instrument to justify prescribing and selling the hearing instrument and  
1217 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  
1219 usefulness of a hearing instrument for the patient's condition;  
1220 ]

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  
1224 and evaluating the hearing recovery against the representations made to the patient by  
1225 the hearing instrument specialist; ]  
1226 [ (h) necessary intervention to produce satisfactory hearing recovery results from a  
1227 hearing instrument; or ]  
1228 [ (i) instructing the patient on the use and care of the hearing instrument.]

1229 (6)(a) "Licensed individual" means an individual who is:

1230 (i) licensed under this chapter; or  
1231 (ii) licensed under this chapter before May 6, 2026, if the license is not expired,  
1232 suspended, or revoked.

1233 (b) "Licensed individual" means the same as a licensed individual for purposes of  
1234 credentialing, paneling, insurance, reimbursement, portability, and compacts.

1235 (7) "Supervising audiologist" means an audiologist who:

1236 (a) holds a license and maintains good standing with the division;  
1237 (b) practices full-time as an audiologist and has done so for at least two years; and  
1238 (c) submits a request to the division on a form the division approves and receives  
1239 approval from the division to supervise a hearing instrument intern.

1240 [(6)] (8) "Supervising hearing instrument specialist" means a hearing instrument specialist  
1241 who:

1242 [(a) is licensed by and in good standing with the division;]  
1243 [(b) has practiced full-time as a hearing instrument specialist for not less than two years;  
1244 and]  
1245 [(c) is approved as a supervisor by the division.]  
1246 (a) holds a license issued in accordance with this chapter and maintains good standing  
1247 with the division;  
1248 (b) practices full-time as a hearing instrument specialist and has done so for at least two  
1249 years; and  
1250 (c) submits a request to the division on a form the division approves and receives  
1251 approval from the division to supervise a hearing instrument intern.

1252 [(7)] (9) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.

1253 [(8)] (10) "Unprofessional conduct" means the same as that term is defined in Sections

1254 58-1-501 and 58-46a-501.

1255 Section 24. Section **58-46a-302** is amended to read:

1256 **58-46a-302 (Effective 05/06/26) (Repealed 07/01/33). Qualifications for licensure.**

1257 (1) Each applicant for licensure as a hearing instrument specialist shall:

1258 (a) ~~submit to the division an application in a form prescribed by the division~~ submit an  
1259 application to the division on a form the division approves;

1260 (b) ~~pay a fee as determined by the division pursuant to Section 63J-1-504~~ pay a fee to  
1261 the division as determined under Section 63J-1-504;

1262 (c) pass an appropriate entry-level examination the division approves by rule in  
1263 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1264 (d) complete at least six months of training with a supervising hearing instrument  
1265 specialist or supervising audiologist;

1266 ~~(e) have qualified for and currently hold board certification by the National Board for~~  
1267 ~~Certification - Hearing Instrument Sciences, or an equivalent certification approved~~  
1268 ~~by the division;~~]

1269 ~~(d)~~ (e) ~~[have passed]~~ pass the Utah Law and Rules Examination for Hearing  
1270 Instrument Specialists] Utah Hearing Instrument Specialists Law and Rule  
1271 Examination; and

1272 ~~(e)~~ (f) if the applicant holds a hearing instrument intern license, surrender the hearing  
1273 instrument 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  
1276 application to 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  
1278 the division as determined under Section 63J-1-504;

1279 (c) ~~[have passed]~~ pass the Utah Law and Rules Examination for Hearing Instrument  
1280 Specialists; and

1281 (d) present evidence acceptable to the division that the applicant, when licensed, will  
1282 practice as a hearing instrument intern~~[only]~~ under the supervision of a supervising  
1283 hearing instrument specialistor supervising audiologist in accordance with~~[:]~~ Section  
1284 58-46a-302.5.

1285 ~~(i) Section 58-46a-302.5; and]~~

1286 ~~(ii) the supervision requirements for obtaining board certification by the National~~  
1287 ~~Board for Certification - Hearing Instrument Sciences, or an equivalent~~

1288 certification approved by the division.]

1289 Section 25. Section **58-46a-302.5** is amended to read:

1290 **58-46a-302.5 (Effective 05/06/26) (Repealed 07/01/33). Supervision requirements**

1291 **-- Hearing instrument interns.**

1292 (1) Except as provided in Subsection (2), a hearing instrument intern may[~~only~~] practice as  
1293 a hearing instrument intern only under the direct supervision of a [~~licensed~~] supervising  
1294 hearing instrument specialist or supervising audiologist.

1295 (2) A hearing instrument intern may practice under the indirect supervision of a [~~licensed~~]  
1296 supervising hearing instrument specialist if the hearing instrument [~~specialist~~] intern:

1297 (a) receives a passing score on a practical examination demonstrating acceptable skills in  
1298 the area of hearing testing [~~as approved by the division~~] the division requires by rule  
1299 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
1300 and

1301 (b) completes [~~the National Institute for Hearing instrument studies~~] an education and  
1302 examination program[;] or an equivalent college level program [~~as approved by~~] that  
1303 the [~~division~~] division approves by rule made in accordance with Title 63G, Chapter  
1304 3, Utah Administrative Rulemaking Act.

1305 Section 26. Section **58-46a-303** is amended to read:

1306 **58-46a-303 (Effective 05/06/26) (Repealed 07/01/33). Term of license --**

1307 **Expiration -- Renewal of specialist and intern licenses.**

1308 (1)(a)(i) [~~The division shall issue a license for a hearing instrument specialist in~~  
1309 ~~accordance with a two-year renewal cycle established by rule made in accordance~~  
1310 ~~with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~] Each license  
1311 issued under this chapter shall be issued in accordance with a two-year renewal  
1312 cycle established by rule the division makes in accordance with Title 63G,  
1313 Chapter 3, Utah Administrative Rulemaking Act.

1314 (ii) The division may extend or shorten the renewal period by as much as one year to  
1315 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~~  
1317 ~~Administrative Rulemaking Act, extend or shorten a renewal period by as much as~~  
1318 ~~one year to stagger the renewal cycles the division administers.~~]

1319 [(b) ~~At the time of renewal, the licensed hearing instrument specialist shall demonstrate~~  
1320 ~~satisfactory evidence of each of the following:~~]

1321 [(i) ~~current certification by the National Board for Certification Hearing Instrument~~

1322 Sciences, or other acceptable certification approved by the division by rule made  
1323 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  
1327 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,  
1330 Chapter 3, Utah Administrative Rulemaking Act, documenting competence at the  
1331 division's request.  
1332 (c) A hearing instrument specialist license automatically expires on the expiration date  
1333 shown on the [license unless renewed by the licensee in accordance with Section  
1334 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  
1336 three years.  
1337 (b) The division may renew a license for a hearing instrument intern for a term of three  
1338 years for good cause shown, as determined by rule made in accordance with Title  
1339 63G, Chapter 3, Utah Administrative Rulemaking Act.

1340 Section 27. Section **58-46a-305** is amended to read:

1341 **58-46a-305 (Effective 05/06/26) (Repealed 07/01/33). Exemptions from licensure.**

1342 In addition to the exemptions [from licensure] in Section 58-1-307, the following [  
- 1343 persons] individuals may engage in [acts and practices] an act or practice included within the  
1344 definition of [practitioner as a] hearing instrument specialist or hearing instrument intern[, subject  
- 1345 to their professional licensure authorization and restrictions,] without being licensed under this  
1346 chapter:

1347 (1) an audiologist licensed under the provisions of Chapter 41, Speech-Language Pathology  
1348 and Audiology Licensing Act;  
1349 (2) a physician and surgeon licensed under the provisions of Chapter 67, Utah Medical  
1350 Practice Act, or osteopathic physician licensed under the provisions of Chapter 68, Utah  
1351 Osteopathic Medical Practice Act; and  
1352 (3) a physician assistant licensed under the provisions of Chapter 70a, Utah Physician  
1353 Assistant Act.

1354 Section 28. Section **58-46a-401** is amended to read:

1355 **58-46a-401 (Effective 05/06/26) (Repealed 07/01/33). Grounds for denial of**

1356 **license -- Disciplinary proceedings.**

1357 [Grounds for refusing to issue a license to an applicant, for refusing to renew the license  
- 1358 of a licensee, for revoking, suspending, restricting, or placing on probation the license of a  
- 1359 licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and  
- 1360 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;
- 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  
1369 58-1-401.

1370 Section 29. Section **58-46a-501** is amended to read:

1371 **58-46a-501 (Effective 05/06/26) (Repealed 07/01/33). Unprofessional conduct.**

1372 "Unprofessional conduct" includes:

- 1373 (1) testing the hearing of a patient for any purpose other than to determine whether a  
1374 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  
1376 a condition [detected] a licensed individual detects in a patient [examined by a licensee  
1377 under this chapter] if the condition is generally recognized in the profession as one [that  
1378 should be referred] the licensed individual should refer;
- 1379 (3) designating a hearing instrument for a patient whose hearing will not be sufficiently  
1380 improved to justify prescribing and selling [of] the hearing instrument;
- 1381 (4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect to  
1382 practice under this chapter and specifically with respect to the benefits of a hearing  
1383 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  
1385 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  
1387 to whom a hearing instrument has been prescribed and sold upon being informed by the  
1388 patient that the hearing instrument does not produce the results [represented by the  
1389 licensee] the licensed individual represented;

1390 (7) failing to disclose in writing to the patient the charge for all services and hearing  
1391 instruments prescribed and sold to a patient [prior to] before providing the services or  
1392 hearing instrument;

1393 (8) failing to refund fees paid by a patient for a hearing instrument and all accessories, upon  
1394 a determination by the division that the patient has not obtained the recovery of hearing [  
1395 represented by the licensee] the licensed individual represented in writing [prior to  
1396 designation and] before the sale of the hearing instrument;

1397 (9) paying [any] a professional [person] individual any consideration of any kind for referral  
1398 of a patient;

1399 (10) failing, when acting as a supervising hearing instrument specialist or supervising  
1400 audiologist, to provide supervision and training in hearing instrument sciences in  
1401 accordance with Section 58-46a-302.5;

1402 (11) engaging in the practice as a hearing instrument intern when not under the supervision  
1403 of a supervising hearing instrument specialist or supervising audiologist in accordance  
1404 with Section 58-46a-302.5;

1405 (12) failing to describe [the circuitry] in any advertisement, presentation, purchase, or trial  
1406 agreement, the circuitry of a hearing instrument as being either "digital" or "analog"[:] or  
1407 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  
1409 Commission in any advertisement;

1410 (14) failing to adhere to the rules and regulations prescribed by the United States Food and  
1411 Drug Administration as [they] the rules and regulations pertain to the hearing instrument  
1412 specialist;

1413 (15) failing to maintain all equipment used in the practice of a hearing instrument specialist  
1414 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  
1416 58-46a-503[:] ;

1417 (17) fitting or testing an individual's hearing aid, or testing an individual's hearing if the  
1418 individual is less than 18 years old unless the hearing instrument specialist receives a  
1419 written statement that the individual's hearing loss has received a medical evaluation and  
1420 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  
1422 individual is less than six years old.

1423 Section 30. Section **58-46a-502** is amended to read:

1424       **58-46a-502 (Effective 05/06/26) (Repealed 07/01/33). Additional requirements**  
1425       **for practicing as a hearing instrument specialist.**

1426       [~~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  
1428           business as a hearing instrument specialist and the place or places of business shall be  
1429           represented to a patient and others with whom business is conducted by the street  
1430           address at which the place of business is located;
- 1431       (2) include in all advertising or other representation the street address at which the business  
1432           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  
1434           related to testing for hearing loss and selling of a hearing instrument written  
1435           documentation provided to the patient that includes:
  - 1436           (a) identification of [~~all services and products~~] a service or a product provided to the  
1437              patient by the hearing instrument specialist and the charges for each service or  
1438              product;
  - 1439           (b) a statement whether [~~any~~] a hearing instrument provided to a patient is "new," "used,"  
1440              or "reconditioned" and the terms and conditions of any warranty or guarantee that  
1441              applies to each instrument; and
  - 1442           (c) the identity and license number of each hearing instrument specialist or hearing  
1443              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  
1446              the expected results of the services and products;
  - 1447           (b) inform each patient who is being offered a hearing instrument about hearing  
1448              instruments that work with assistive listening systems that are compliant with the  
1449              ADA Standards for Accessible Design adopted by the United States Department of  
1450              Justice in accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101  
1451              et seq.; and
  - 1452           (c) obtain written informed consent from the patient regarding offered services,  
1453              products, and the expected results of the services and products in a form [~~approved~~  
1454              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  
1456           surgeon, osteopathic physician, physician assistant, or audiologist, licensed under the  
1457           provisions of this title, and shall dispense a hearing aid] [~~to that individual only on~~

1458       prescription of a physician or surgeon, osteopathic physician, physician assistant, or  
1459       audiologist;]

1460       [(6) (5) obtain the patient's informed consent and agreement to purchase the hearing  
1461       instrument based on that informed consent either by the hearing instrument specialist or  
1462       the hearing instrument intern, before designating an appropriate hearing instrument; and  
1463       [(7) (6) if a hearing instrument does not substantially enhance the patient's hearing  
1464       consistent with the representations of the hearing instrument specialist at the time  
1465       informed consent was given [prior to] before the sale and fitting of the hearing  
1466       instrument, provide:

- 1467       (a) necessary intervention to produce satisfactory hearing recovery results consistent  
1468       with representations made; or
- 1469       (b) for the refund of fees paid by the patient for the hearing instrument to the hearing  
1470       instrument specialist within a reasonable time after finding that the hearing  
1471       instrument does not substantially enhance the patient's hearing.

1472       Section 31. Section **58-46a-503** is amended to read:

1473       **58-46a-503 (Effective 05/06/26) (Repealed 07/01/33). Testing period for a hearing  
1474       instrument.**

1475       (1)(a) [Any person licensed under this chapter who sells a hearing aid] A person that sells  
1476       a hearing instrument to a consumer shall provide a written receipt or a written  
1477       contract to the consumer.

1478       (b) The written receipt or the written contract shall provide the consumer with a 30-day  
1479       right to cancel the purchase if [the consumer finds that the hearing aid] the hearing  
1480       instrument does not function adequately for the consumer~~[and to]~~.

1481       (c) [obtain] A person that sells a hearing instrument shall provide a refund to the  
1482       consumer if the consumer returns the [hearing aid] hearing instrument to the [seller]  
1483       person in the same condition as when purchased, excluding ordinary wear and tear [  
1484       excluded, as when purchased] within the 30-day right to cancel described in  
1485       Subsection (1)(b).

1486       (d) The written receipt or the written contract shall notify the consumer of the 30-day  
1487       right to cancel in at least [10] 12 point [type] font.

1488       (e) The 30-day right to cancel period shall commence from [either] the later of the day on  
1489       which:

1490       (i) [the date the hearing aid] the hearing instrument is originally delivered to the  
1491       consumer~~[or]~~ ;

1492 (ii) [the date] the written receipt is dated; or  
1493 (iii) the contract is delivered to the consumer[, whichever is later].  
1494 (f) [The 30-day period shall be tolled for any period during which the hearing aid seller,  
1495 dealer, or fitter has possession or control of the hearing aid after its original delivery]  
1496 The 30-day period is paused while the hearing instrument specialist possesses or  
1497 controls the hearing instrument after the hearing instrument's original delivery.

1498 (2)(a) Upon exercise of the right to cancel a [hearing aid] hearing instrument purchase,  
1499 the [seller of the hearing aid is entitled to a] hearing instrument specialist may collect  
1500 from the purchaser a cancellation fee [not to exceed] of up to 15% of all fees charged  
1501 to the consumer, including testing, fitting, counseling, and the purchase price of the [  
1502 hearing aid] hearing instrument.

1503 (b) [The exact amount of the cancellation fee shall be stated in the] The written receipt  
1504 or the written contract provided to the consumer shall state the exact amount of the  
1505 cancellation fee.

1506 Section 32. Section **63I-2-258** is amended to read:

1507 **63I-2-258 (Effective 05/06/26). Repeal dates: Title 58.**

1508 [Reserved.]

1509 (1) Section 58-41-201, regarding the board, is repealed July 1, 2027.

1510 (2) Subsection 58-41-305(1)(d), regarding the State Board of Education issuing a person a  
1511 credential, is repealed July 1, 2031.

1512 Section 33. Section **76-3-203.2** is amended to read:

1513 **76-3-203.2 (Effective 05/06/26). Definitions -- Use of dangerous weapon in  
1514 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

1521 (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  
1525 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

1529 audiologist or a speech language pathologist, an individual who an LEA

1530 employs and holds a credential from the Division of Professional Licensing in

1531 accordance with Title 58, Chapter 41, Speech-Language Pathology and

1532 Audiology Certification Act, in order to perform duties of employment.

1533 (iii) "Within the course of employment" means that an educator is providing services

1534 or engaging in conduct required by the educator's employer to perform the duties

1535 of employment.

1536 (2) A person who, on or about school premises, commits an offense and uses or threatens to

1537 use a dangerous weapon, as defined in Section 76-1-101.5, in the commission of the

1538 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

1540 within the course of employment is subject to an enhanced degree of offense as

1541 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

1546 school premises, commits an offense and in the commission of the offense uses or

1547 threatens to use a dangerous weapon, or that the defendant committed an offense against

1548 an educator when the educator was acting within the course of the educator's

1549 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

1556 imposition or execution of the sentence may not be suspended unless the court finds

1557 that the interests of justice would be best served and states the specific circumstances

1558 justifying the disposition on the record; and

1559 (b) is subject also to the dangerous weapon enhancement provided in Section 76-3-203.8,

1560 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  
1562 upon the information or indictment that the defendant is subject to the enhanced degree  
1563 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)  
1565 for an offense committed under Subsection (2) that does not involve a firearm, the  
1566 convicted person is not subject to the dangerous weapon enhancement in Section  
1567 76-3-203.8.

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

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  
1575 lower maximum penalty than the penalty provided for under the section that  
1576 describes the offense for which the person is being sentenced.

1577 **Section 34. Repealer.**

1578 This bill repeals:

1579 **Section 58-41-1, Title of chapter.**

1580 **Section 58-41-3, Scope of licenses -- Practicing without license prohibited.**

1581 **Section 58-46a-101, Title.**

1582 **Section 58-46a-304, Continuing professional education.**

1583 **Section 35. Effective Date.**

1584 This bill takes effect on May 6, 2026.