

Chapter 41

Speech-Language Pathology and Audiology Licensing Act

58-41-1 Title of chapter.

This chapter is known as the "Speech-language Pathology and Audiology Licensing Act."

Amended by Chapter 207, 1989 General Session

58-41-2 Definitions.

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

- (1) "ASHA" means the American Speech-Language-Hearing Association.
- (2) "Association" means the Utah Speech-Language-Hearing Association.
- (3) "Audiologist" means a person who practices audiology or who holds himself out to the public directly or indirectly by any means, act, title, identification, performance, method, or procedure as one who nonmedically examines, measures, tests, interprets, evaluates, assesses, diagnoses, directs, instructs, treats, counsels, prescribes, and recommends for persons affected by or suspected of having disorders of or conditions of hearing loss, or assists persons in achieving the reception, communication, and perception of sound and determines the range, nature, and degree of hearing function related to communication needs, or provides audiology services and uses audio electronic equipment and provides audiology services and consultation regarding noise control and hearing conservation, conducts tests and interpretation of vestibular function and nystagmus, prepares ear impressions and provides ear molds, aids, accessories, prescriptions, and prostheses for hearing, evaluates sound environment and equipment, and calibrates instruments used in testing and supplementing auditory function. A person is deemed to be an audiologist if the person directly or indirectly provides or offers to provide these services or functions set forth in Subsection (4) or any related function.
- (4) "Audiology" means the application of principles, methods, and procedures, and measuring, testing, examining, interpreting, diagnosing, predicting, evaluating, prescribing, consulting, treating, instructing, and researching, which is related to hearing, vestibular function, and the disorders of hearing, to related language and speech disorders and to aberrant behavior related to hearing loss or vestibular function, for the purpose of preventing and modifying disorders related to hearing loss or vestibular function, and planning, directing, managing, conducting, and participating in hearing conservation, evoked potentials evaluation, nonmedical tinnitus evaluation or treatment, noise control, habilitation, and rehabilitation programs, including hearing aid evaluation, assistive listening device evaluation, prescription, preparation, and dispensing, and auditory training and lip reading.
- (5) "Audiology aide" means an individual who:
 - (a) meets the minimum qualifications established by the board for audiology aides. Those qualifications shall be substantial but less than those established by this chapter for licensing an audiologist;
 - (b) does not act independently; and
 - (c) works under the personal direction and direct supervision of a licensed audiologist who accepts responsibility for the acts and performance of that audiology aide under this chapter.
- (6) "Board" means the Speech-language Pathology and Audiology Licensing Board created under Section 58-41-6.
- (7) "CCC" means the certificate of clinical competence awarded by the American Speech-Language-Hearing Association.

- (8) "CFY" means the clinical fellowship year prescribed by ASHA.
- (9) "Disorder" means the condition of decreased, absent, or impaired auditory, speech, voice, or language function.
- (10) "Hearing aid dealer" means one who sells, repairs, and adjusts hearing aids.
- (11) "Licensed audiologist" means any individual to whom a license has been issued under this chapter or Chapter 41a, Audiology and Speech-language Pathology Interstate Compact, if the license is in force and has not been suspended or revoked.
- (12) "Licensed speech-language pathologist" means any individual licensed under this chapter or Chapter 41a, Audiology and Speech-language Pathology Interstate Compact, if the license is in force and has not been suspended or revoked.
- (13) "Person" means any individual, group, organization, partnership, or corporate body, except that only an individual may be licensed under this chapter.
- (14) "Practice of audiology" means rendering or offering to render to individuals, groups, agencies, organizations, industries, or the public any performance or service in audiology.
- (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.
- (16) "Prescribe" means to:
 - (a) determine, specify, and give the directions, procedures, or rules for a person to follow in determining and ordering the preparation, delivery, and use of specific mechanical, acoustic, or electronic aids to hearing or speech; and
 - (b) determine or designate a remedy for a person.
- (17) "Prescription" means a written or oral order for the delivery or execution of that which has been prescribed.
- (18) "Speech-language pathologist" means:
 - (a) a person who practices speech-language pathology or who holds himself out to the public by any means, or by any service or function the person performs, directly or indirectly, or by using the terms "speech-language pathologist," "speech-language therapist," "language disability specialist," or any variation, derivation, synonym, coinage, or whatever expresses, employs, or implies these terms, names, or functions; or
 - (b) a person who performs any of the functions described in Subsection (19) or any related functions.
- (19) "Speech-language pathology" means the application of principles, methods, and procedures for the examination, measurement, prevention, testing, identification, evaluation, diagnosis, treatment, instruction, modification, prescription, restoration, counseling, habilitation, prediction, management, and research related to the development and the disorders or disabilities of human communication, speech, voice, language, cognitive communication, or oral, pharyngeal, or laryngeal sensorimotor competencies, for the purpose of identifying, evaluating, diagnosing, prescribing, preventing, managing, correcting, ameliorating, or modifying those disorders and their effects in individuals or groups of individuals.
- (20) "Speech-language pathology aide" means an individual who:
 - (a) meets the minimum qualifications established by the board for speech-language pathology aides. Those qualifications shall be substantial but less than those established by this chapter for licensing a speech-language pathologist;
 - (b) does not act independently; and
 - (c) works under the personal direction and direct supervision of a licensed speech-language pathologist who accepts the responsibility for the acts and performances of that speech-language pathology aide while working under this chapter.

- (21) "Treatment" means the services of a speech-language pathologist or audiologist to examine, diagnose, correct, or ameliorate speech or hearing disorders, abnormalities, behavior, or their effects.
- (22) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:
 - (a) failing to maintain a level of professional practice consistent with all initial and subsequent requirements by which a license is achieved or maintained under this chapter;
 - (b) utilizing substandard or inappropriate facilities or equipment;
 - (c) treating any disorder for which the licensee has not had the necessary training and experience; or
 - (d) failing to comply with the requirements of Section 58-41-17.

Amended by Chapter 424, 2020 General Session

58-41-3 Scope of licenses -- Practicing without license prohibited.

- (1) Licensing shall be granted independently either in speech-language pathology or audiology. A person shall be licensed in one or both areas when the person meets the respective qualifications.
- (2) Except as provided in Section 58-41-4, no person may practice, represent themselves to be, consult, or perform as a speech-language pathologist or audiologist in this state unless the person is licensed in accordance with:
 - (a) this chapter; or
 - (b) Chapter 41a, Audiology and Speech-language Pathology Interstate Compact.

Amended by Chapter 424, 2020 General Session

58-41-4 Exemptions from chapter.

- (1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in the practice of speech-language pathology and audiology subject to the stated circumstances and limitations without being licensed under this chapter:
 - (a) a qualified person licensed in this state under any law existing in this state prior to May 13, 1975, engaging in the profession for which the person is licensed;
 - (b) a medical doctor, physician, physician assistant, or surgeon licensed in this state, engaging in his or her specialty in the practice of medicine;
 - (c) a hearing aid dealer or salesperson selling, fitting, adjusting, and repairing hearing aids, and conducting hearing tests solely for that purpose. However, a hearing aid dealer may not conduct audiologic testing on persons younger than 18 years old except under the direct supervision of an audiologist licensed under this chapter;
 - (d) a person who has obtained a valid and current credential issued by the State Board of Education while specifically performing the functions of a speech-language pathologist or audiologist solely within the confines of, under the direction and jurisdiction of, and in the academic interest of the school employing the person;
 - (e) a person employed as a speech-language pathologist or audiologist by federal government agencies or subdivisions or, prior to July 1, 1989, by state or local government agencies or subdivisions, while specifically performing speech-language pathology or audiology services solely within the confines of, under the direction and jurisdiction of, and in the specific interest of the agency or subdivision;

- (f) a person identified in Subsections (1)(d) and (e) may offer lectures for a fee, or monetary or other compensation, without being licensed;
- (g) a person employed by an accredited college or university as a speech-language pathologist or audiologist performing the services or functions described in this chapter if the services or functions are:
 - (i) performed solely as an assigned teaching function of the person's employment;
 - (ii) solely in academic interest and pursuit as a function of the person's employment;
 - (iii) in no way for the person's own interest; and
 - (iv) provided for no fee, monetary or otherwise, other than the person's agreed institutional salary;
- (h) a person pursuing a course of study leading to a degree in speech-language pathology or audiology while enrolled in an accredited college or university, provided:
 - (i) those activities constitute an assigned, directed, and supervised part of the person's curricular study, and in no other interest;
 - (ii) that all examinations, tests, histories, charts, progress notes, reports, correspondence, documents, and records the person produces be identified clearly as having been conducted and prepared by a student in training;
 - (iii) that the person is obviously identified and designated by appropriate title clearly indicating the person's training status; and
 - (iv) that the person does not hold out directly or indirectly to the public or otherwise represent that the person is qualified to practice independently;
- (i) a person trained in elementary audiometry and qualified to perform basic audiometric tests while employed by and under the direct supervision of a licensed medical doctor to perform solely for the licensed medical doctor, the elementary conventional audiometric tests of air conduction screening, air conduction threshold testing, and tympanometry;
- (j) a person performing the functions of a speech-language pathologist or audiologist for the sole purpose of obtaining required professional experience under the provisions of this chapter and only during the period the person is obtaining the required professional experience, if the person:
 - (i) meets all training requirements; and
 - (ii) is professionally responsible to and under the supervision of a speech-language pathologist or audiologist who holds the CCC or a state license in speech-language pathology or audiology;
- (k) a corporation, partnership, trust, association, group practice, or similar organization engaging in speech-language pathology or audiology services without certification or license, if acting only through employees or consisting only of persons who are licensed under this chapter;
- (l) a person who is not a resident of this state performing speech-language pathology or audiology services in this state if:
 - (i) the services are performed for no more than one month in any calendar year in association with a speech-language pathologist or audiologist licensed under this chapter; and
 - (ii) the person meets the qualifications and requirements for application for licensure described in Section 58-41-5;
- (m) a person certified under Title 53E, Public Education System -- State Administration, as a teacher of the deaf, from providing the services or performing the functions the person is certified to perform; and
- (n) a person who is:

- (i) trained in newborn hearing screening as described in rules made by the Department of Health and Human Services in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (ii) is working under the indirect supervision of a licensed audiologist responsible for a newborn hearing screening program established by the Department of Health and Human Services under Section 26-10-6.
- (2) No person is exempt from the requirements of this chapter who performs or provides any services as a speech-language pathologist or audiologist for which a fee, salary, bonus, gratuity, or compensation of any kind paid by the recipient of the service; or who engages any part of his professional work for a fee practicing in conjunction with, by permission of, or apart from his position of employment as speech-language pathologist or audiologist in any branch or subdivision of local, state, or federal government or as otherwise identified in this section.

Amended by Chapter 415, 2022 General Session

58-41-5 Licensure requirements.

- (1) To obtain and maintain a license as an audiologist beginning July 1, 2010, an applicant must:
- (a) submit a completed application in the form and content prescribed by the division and pay a fee to the department in accordance with Section 63J-1-504;
 - (b) provide the committee with verification that the applicant is the legal holder of a clinical doctor's degree or AuD, in audiology, from an accredited university or college, based on a program of studies primarily in the field of audiology;
 - (c) be in compliance with the regulations of conduct and codes of ethics for the profession of audiology;
 - (d) submit to the board certified evidence of having completed at least one year of professional experience, at least 30 hours per week for an academic year, of direct clinical experience in treatment and management of patients, supervised and attested to by one holding an audiologist license under this chapter, the CCC, or their full equivalent; and
 - (e) pass a nationally standardized examination in audiology which is the same as or equivalent to the examination required for the CCC and with pass-fail criteria equivalent to current ASHA standards, and the board may require the applicant to pass an acceptable practical demonstration of clinical skills to an examining committee of licensed audiologists appointed by the board.
- (2) To obtain and maintain a license as an audiologist prior to July 1, 2010, an applicant shall:
- (a) comply with Subsections (1)(a), (c), (d), and (e); and
 - (b) provide the committee with verification that the applicant has received at least a master's degree in the area of audiology from an accredited university or college, based on a program of studies primarily in the field of audiology, and holds the CCC or its full equivalent.
- (3) An individual who, prior to July 1, 2010, is licensed as an audiologist under this chapter is, on or after July 1, 2010, considered to hold a current license under this chapter as an audiologist and is subject to this chapter.
- (4) To obtain and maintain a license as a speech-language pathologist, an applicant must:
- (a) comply with Subsection (1)(a);
 - (b) provide the committee with verification that the applicant has received at least a master's degree in speech-language pathology from an accredited university or college, based on a program of studies primarily in the field of speech-language pathology;
 - (c) be in compliance with the regulations of conduct and code of ethics for the profession of speech-language pathology;

- (d) comply with Subsection (1)(b), except that the supervision and attestation requirement shall be from a licensed speech-language pathologist rather than a licensed audiologist; and
- (e) pass a nationally standardized examination in speech-language pathology which is the same as or equivalent to the examination required for the CCC and with pass-fail criteria equivalent to current ASHA standards, and the board may require the applicant to pass an acceptable practical demonstration of clinical skills to an examining committee of licensed speech-language pathologists appointed by the board.

Amended by Chapter 339, 2020 General Session

58-41-5.5 Temporary licenses.

- (1)
 - (a) The division may issue a temporary license to an applicant for an audiology license who:
 - (i) has obtained a master's or doctorate degree in audiology prior to July 1, 2010, or a clinical doctorate degree in audiology or AuD, after June 30, 2010; and
 - (ii) is practicing audiology in a year of clinical fellowship.
 - (b) The temporary license is valid for up to 12 months.
- (2)
 - (a) The division may issue a temporary license to an applicant for a speech-language pathology license who:
 - (i) has completed all requirements for licensure as a speech-language pathologist under this chapter, except for Subsection 58-41-5(4)(d); and
 - (ii) is practicing speech-language pathology in a year of clinical fellowship.
 - (b) The temporary license is valid for up to 12 months.

Enacted by Chapter 397, 2010 General Session

58-41-6 Board.

- (1) There is created the Speech-language Pathologist and Audiologist Licensing Board, consisting of four speech-language pathologists or audiologists and one member of the general public.
 - (a) The nonpublic members of the board shall be licensed to provide and shall be engaged in providing speech-language pathology or audiology services to the public as a major interest as follows:
 - (i) one member shall be in private practice as a primary professional interest and activity or shall be a provider or speech-language pathology or audiology services at large;
 - (ii) one member shall be from a nonschool clinic setting which provides ongoing speech-language pathology or audiology services;
 - (iii) one member shall be a provider of speech-language pathology and audiology services in the elementary or secondary schools; and
 - (iv) one member shall be a provider of a speech-language pathology and audiology college or university training program.
 - (b) At no time may the board consist of more than two members who represent speech-language pathology or more than two members who represent audiology.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.

Amended by Chapter 297, 1993 General Session

58-41-8 Issuance of license.

Upon the recommendation of the board the division shall issue licenses in accordance with Section 58-1-301.

Amended by Chapter 297, 1993 General Session

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

- (1) Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.
- (2) After one year from the date of revocation of a license, application may be made to the board for relicensing.

Repealed and Re-enacted by Chapter 297, 1993 General Session

58-41-12 Term of license -- Expiration -- Renewal.

- (1) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) At the time of renewal the licensee shall show satisfactory evidence of completion of scheduled graduate level professional training, related clinically to the profession of speech-language pathology or audiology, as may be established by the division by rule, in cooperation with the board.
- (3) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Repealed and Re-enacted by Chapter 297, 1993 General Session

58-41-13 Fees.

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

Amended by Chapter 183, 2009 General Session

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

An applicant who qualifies to be licensed as both a speech-language pathologist and audiologist shall receive a single license reflecting licensure in both classifications. A fee may only be assessed for a single license.

Amended by Chapter 207, 1989 General Session

58-41-15 Violation of chapter -- Penalties.

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

Amended by Chapter 207, 1989 General Session

58-41-16 Privileged communication.

A person licensed under this chapter may not be examined or required to reveal any findings, examinations, or representation made by his client to him, or any advice or treatment given to his client in the course of professional practice, without the consent of his client or the client's representative. A person employed by a person licensed under this chapter may not be examined without the consent of the employer concerning any fact of which the employee has acquired knowledge in his professional capacity.

Amended by Chapter 207, 1989 General Session

58-41-17 Requirements for selling hearing aids.

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

Amended by Chapter 43, 2017 General Session