

1 **SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

2 **LICENSING ACT AMENDMENTS**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Don L. Ipson**

6 Senate Sponsor: _____

7

8 LONG TITLE

9 **General Description:**

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

13 **Highlighted Provisions:**

14 This bill:

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

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 58-41-4, as last amended by Laws of Utah 1993, Chapter 297

29 58-41-5, as last amended by Laws of Utah 2009, Chapter 183

30 ENACTS:

31 58-41-5.5, Utah Code Annotated 1953

32 REPEALS:

33 58-41-7, as last amended by Laws of Utah 1989, Chapter 207



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

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

37 **58-41-4. Exemptions from chapter.**

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

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

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

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

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

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

59 subdivision;

60 (f) a person identified in Subsections (1)(d) and (e) may offer lectures for a fee, or
61 monetary or other compensation, without being licensed[;], however[~~-, such~~] the person may
62 elect to be subject to the requirements of this chapter;

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

66 (i) performed solely as an assigned teaching function of employment;

67 (ii) solely in academic interest and pursuit as a function of that employment;

68 (iii) in no way for their own interest; and

69 (iv) provided for no fee, monetary or otherwise, other than their agreed institutional
70 salary;

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

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

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

90 the time that person is obtaining the required professional experience;

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

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

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

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

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

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

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

113 **58-41-5. Licensure requirements.**

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

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

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

119 ~~[(3)]~~ (c) provide the committee with verification~~[-(a) from the educational institutions~~
 120 ~~involved,]~~ that the applicant is the legal holder of a doctor's ~~[or master's]~~ degree ~~[or its~~

121 equivalent in the area of speech-language pathology, speech science, or] in audiology, from an
122 accredited university or college, based on a program of studies primarily in the field of
123 [~~speech-language pathology, speech sciences, or~~] audiology; [~~and~~]

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

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

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

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

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

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

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

150 (b) provide the committee with verification that the applicant has received at least a
151 master's degree in the area of audiology from an accredited university or college, based on a

152 program of studies primarily in the field of audiology.

153 (3) An individual who, prior to July 1, 2010, is licensed as an audiologist under this
154 chapter is, on or after July 1, 2010, considered to hold a current license under this chapter as an
155 audiologist and is subject to this chapter.

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

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

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

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

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

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

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

173 **58-41-5.5. Temporary licenses.**

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

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

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

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

180 (2) (a) The division may issue a temporary license to an applicant for a
181 speech-language pathology license who has completed all requirements for licensure as a
182 speech-language pathologist under this chapter, except for the clinical experience.

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

184 Section 4. **Repealer.**

185 This bill repeals:

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

Legislative Review Note
as of 2-24-10 3:08 PM

Office of Legislative Research and General Counsel

Fiscal Note**H.B. 396 - Speech-language Pathology and Audiology Licensing Act
Amendment**

2010 General Session

State of Utah

State Impact

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

	<u>FY 2010 Approp.</u>	<u>FY 2011 Approp.</u>	<u>FY 2012 Approp.</u>	<u>FY 2010 Revenue</u>	<u>FY 2011 Revenue</u>	<u>FY 2012 Revenue</u>
General Fund	\$0	\$0	\$0	\$0	\$5,600	\$5,600
Commerce Service Fund	\$0	\$1,000	\$1,000	\$0	\$1,000	\$1,000
Total	\$0	\$1,000	\$1,000	\$0	\$6,600	\$6,600

Individual, Business and/or Local Impact

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