

## No. 2014-106

## AN ACT

## SB 137

Amending the act of December 21, 1984 (P.L.1253, No.238), entitled "An act regulating the practice of speech-language pathologists, audiologists and teachers of the hearing impaired; creating the State Board of Examiners in Speech-Language and Hearing with certain powers and duties; and prescribing penalties," further providing for title of act, for short title, for declaration of policy, for definitions, for creation of board, appointment and term of members and officers, for powers and duties of board, for license required and persons and practices not affected and exclusions and for requirements for licensure; providing for certification for audiologists using intraoperative monitoring; further providing for refusal to issue and revocation, for requirement of a medical examination, for renewal fees and records, for limitation of renewal time and new license and for certification to the board; providing for use of title; and further providing for enforcement of certification to board, for impaired professionals, for penalties, for injunction against lawful practice and for appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title and sections 1, 2, 3 and 4 of the act of December 21, 1984 (P.L.1253, No.238), known as the Speech-Language and Hearing Licensure Act, are amended to read:

## An Act

Regulating the practice of speech-language pathologists[,] **and** audiologists **[and teachers of the hearing impaired]**; creating the State Board of Examiners in Speech-Language **[and Hearing]** *Pathology and Audiology* with certain powers and duties; and prescribing penalties.

Section 1. Short title.

This act shall be known and may be cited as the Speech-Language **[and Hearing]** *Pathologists and Audiologists* Licensure Act.

Section 2. Declaration of policy.

It is declared to be the policy of the Commonwealth that *the practice of speech-language pathology and the practice of audiology are privileges granted to qualified persons and that*, in order to safeguard the public health, safety and welfare; to protect the public from being misled *or receiving nonmedical treatment* by incompetent, unscrupulous and unauthorized persons; to protect the public from unprofessional conduct **[on the part of]** *by* qualified speech-language pathologists[,] **and** audiologists **[and teachers of the hearing impaired]**; and to assure the availability of the highest possible quality of speech-language **[and hearing]** *pathology and audiology* services to the **[communicatively handicapped]** people of this Commonwealth, it is necessary to **[regulate persons offering speech-language and hearing services to the public and persons functioning under the direction of these specialists]** *provide regulatory authority over persons offering speech-language pathology and audiology services to the public.*

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**"Audiologist."** Any person who is qualified by [training and experience] *education, training and clinical experience and is licensed under this act* to engage in the practice of [the evaluation, counseling, habilitation and rehabilitation of individuals whose communicative disorders center in whole or in part in the hearing function. For the purposes of this paragraph the words "habilitation" and "rehabilitation" include, but are not limited to, hearing aid evaluation, fitting, recommendation, speech reading, auditory training and similar activities. A person is deemed to be or to hold himself out as being an audiologist if he offers such services to the public under any title incorporating the words audiology, audiologist, audiological consultant, aural rehabilitationist, hearing audiologist or any similar title or description of service] *audiology. The audiologist is an independent practitioner providing services in hospitals, clinics, schools, private practices and other settings in which audiologic services are relevant. A person is deemed to be or to hold himself out as being an audiologist if he offers such services to the public under any title incorporating the terms audiology, audiologist, audiological consultant, hearing aid audiologist or any variation, synonym, coinage or similar title that expresses, employs or implies these terms, names or functions.*

**"Board."** The State Board of Examiners in Speech-Language [and Hearing] *Pathology and Audiology.*

**"Neurophysiologic intraoperative monitoring."** *The process of continual testing and interpreting of results by the use of electrodiagnostic modalities to identify and monitor the functional integrity of neurological structures to reduce the risk of injury and complications related to the nervous system during a surgical procedure.*

**"Person."** Any individual, organization, association, partnership, company, trust or corporate body, except that [any] *only individuals can be licensed under this act. Any* reference in this act to a licensed person shall mean a natural individual person.

**"Practice of audiology."** *The application of principles, methods and procedures related to disorders of the auditory and vestibular systems. Areas of audiology practice include the following:*

(1) *prevention of hearing loss by designing, implementing and coordinating industrial, school and community-based hearing conservation programs;*

(2) *identification of dysfunction of hearing, balance and other auditory-related systems by developing and overseeing hearing and balance-related screening programs for persons of all ages, including newborn and school screening programs;*

(3) *administration of speech or language screening or other measures for the purpose of initial identification and referral of persons with other communicative disorders;*

(4) *assessment and nonmedical diagnosis and treatment of hearing and vestibular disorders through the administration of behavioral,*

*psychoacoustic, electrophysiologic tests of the peripheral and central auditory and vestibular systems using standardized test procedures, including, but not limited to, audiometry, tympanometry, acoustic reflex measures, otoacoustic emissions, auditory evoked potentials, video and electronystagmography and tests of central auditory function using calibrated instrumentation leading to the diagnosis of auditory and vestibular dysfunction abnormality;*

*(5) assessment of candidacy of persons with hearing loss for cochlear implants;*

*(6) nonmedical treatment for persons with impairment of auditory function utilizing amplification and other assistive devices;*

*(7) selection, fitting, evaluation and dispensing of hearing aids and other amplification systems;*

*(8) fitting and mapping of cochlear implant devices and audiologic rehabilitation to optimize device use;*

*(9) fitting of middle ear implantable hearing aids, fully implantable hearing aids and bone-anchored hearing aids;*

*(10) conducting otoscopic examinations;*

*(11) nonmedical treatment of persons with tinnitus using techniques including biofeedback, masking, hearing aids, education and counseling;*

*(12) counseling on the psychosocial aspects of hearing loss and the use of amplification systems;*

*(13) administration of electrophysiologic measures of neural function, including, but not limited to, sensory and motor-evoked potentials, preoperative and postoperative evaluation of neural function, neurophysiologic intraoperative monitoring of the central nervous system, spinal cord and cranial nerve function, provided that an audiologist shall not perform neurophysiologic intraoperative monitoring except upon delegation from and under the overall direction of a physician, and the audiologist shall be certified by the board under section 8.1; and*

*(14) referral of persons with auditory and vestibular dysfunction abnormalities to an appropriate physician for medical evaluation when indicated based upon the interpretation of the audiologic and vestibular test results.*

*"Practice of speech-language pathology." The application of principles, methods and procedures of prevention, screening, consultation, identification, assessment and evaluation, determination of disorders and service delivery model, nonmedical treatment and intervention, counseling, collaboration and referral services for persons with known or suspected language, cognitive and linguistic, social, speech (resonance and voice, fluency and sound production), feeding and swallowing, orofacial myofunctional disorders or communication disorders, including, but not limited to:*

*(1) Elective modification of communication behaviors and enhancement of communication.*

*(2) Identification of nonmedical speech, language, swallowing, cognitive and social aspects of communication by developing and*

*providing speech, language, voice, swallowing, cognitive and social aspects of communication-related screening programs for persons of all ages.*

*(3) Providing nonmedical diagnosis, evaluation and remediation services for disorders of speech, language, voice, swallowing, cognitive and social aspects of communication.*

*(4) Establishing augmentative and alternative communication techniques and strategies, including selecting, recommending and dispensing of augmentative aids and devices.*

*(5) Providing nonmedical services to individuals with hearing loss and their families, that is, auditory training, speech reading and speech and language intervention secondary to hearing loss.*

*(6) Providing hearing screening limited to pass or fail for the purposes of identification of individuals with potential disorders of hearing.*

*(7) The training of individuals, their families and other communication partners in the use, selecting, fitting and establishment of effective use of appropriate prosthetic and adaptive devices for speaking and swallowing.*

*(8) Using instrumental technology to provide nonmedical diagnosis, nonmedical treatment and nonmedical services for disorders of communication, voice and swallowing. The use of instrumental technology by licensed speech-language pathologists is limited to those instruments which relate directly to communication, voice or swallowing disorders.*

*(9) Referral of persons, within 30 days, with speech, language, voice, swallowing, cognitive and social aspects of communication to an appropriate physician for medical evaluation when indicated based upon the interpretation of evaluation results.*

"Speech-language pathologist." Any person who is qualified by [training and experience to engage in the practice of the evaluation, counseling, habilitation and rehabilitation of individuals whose communicative disorders involve the function of speech, voice or language.] *education, training and clinical experience and is licensed under this act to engage in the practice of speech-language pathology and is an independent practitioner providing services in hospitals, clinics, public school entities, nonpublic schools, private practices and other settings in which speech-language pathology services are relevant.* A person is deemed to be or to hold himself out as being a speech-language pathologist if he offers [such services under any title incorporating the words speech-language pathologist, speech consultant, speech therapist, speech correctionist, speech clinician, speech specialist, language pathologist, logopedist, communication therapist, voice therapist, aphasia therapist, aphasiologist, communicologist, or any similar title or description of service.] *services and functions defined under this act as the practice of speech-language pathology or offers to treat any disorders that may be treated by a licensed speech-language pathologist under any title incorporating the terms speech-language pathology, speech-language pathologist, speech therapist, voice therapist, aphasiologist, orofacial*

*myologist, dysphagia therapist or any variation, synonym, coinage or similar title that expresses, employs or implies these terms, names or functions.*

**["Teacher of the hearing impaired." Any person who is qualified by training and experience to engage in the practice of providing evaluation and instruction in curriculum-based material and communication skills appropriate for individuals whose cognitive and educational development have been affected primarily by impaired hearing sensitivity. A person is deemed to be or to hold himself out as being a teacher of the hearing impaired if he offers such services under any title incorporating the words teacher of the hearing impaired, teacher of the acoustically handicapped, teacher of the deaf, teacher of the acoustically impaired, hearing teacher, teacher of the aurally handicapped, hearing tutor, tutor of the auditorily impaired, educator of the deaf or any similar title or description of service.]**

Section 4. Creation of board; appointment and term of members; officers.

(a) Board created.—There is hereby created a departmental administrative board to be known as the State Board of Examiners in Speech-Language **[and Hearing] Pathology and Audiology** which shall be in the Bureau of Professional and Occupational Affairs of the Department of State. It shall consist of **[ten] eight** members, **[nine] seven** of whom shall be appointed by the Governor, by and with the advice and consent of a majority of the members elected to the Senate, who shall be residents of Pennsylvania for a three-year period immediately prior to appointment. The Commissioner of Professional and Occupational Affairs shall serve in his official capacity as the **[tenth] eighth** member of the board. **[At the first meeting, the appointed members shall determine, by lot, three members to serve three-year terms, three members to serve two-year terms and three members to serve one-year terms, with the exception of the commissioner.]**

(b) Vacancies.—When the term of each appointed member of the board ends, the Governor shall appoint his successor for a term of three years, by and with the advice and consent of a majority of the members elected to the Senate. Any appointive vacancy occurring on the board shall be filled by the Governor by appointment for the unexpired term, by and with the advice and consent of a majority of the members elected to the Senate. Board members shall continue to serve until their successors are appointed and qualified but not longer than six months beyond the three-year period.

(c) Qualifications of board.—The board shall consist of the Commissioner of the Bureau of Professional and Occupational Affairs, one member who at the time of appointment is engaged in rendering professional services in speech-language pathology, one member who at the time of appointment is engaged in rendering professional services in audiology, **[one member who at the time of appointment is engaged in rendering professional services as a teacher of the hearing impaired,]** two members at large who are either speech-language pathologists[,] *or* audiologists **[or teachers of the hearing impaired]**, however, each profession shall not be represented by more than two board members, **[two members who are physicians] one member who is a physician** licensed to practice medicine in

this Commonwealth[, at least one of whom] *who* specializes in otolaryngology, and two members of the public appointed by the Governor from nominations submitted by the governing boards of groups advocating for the welfare of the speech-language and hearing handicapped. Of the initial members, the speech-language pathologists[,] *and* audiologists [**and teachers of the hearing impaired**] shall possess the necessary qualifications for licensure under this act. Thereafter, the members of the board who are speech-language pathologists[,] *and* audiologists [**and teachers of the hearing impaired**] shall be licensed under this act. No public member appointed under the provisions of this section shall be affiliated in any manner with professions or occupations providing health or corrective communications services or products to communicatively impaired persons. The public members shall be qualified pursuant to law, including section 813 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. In addition, no member of the board shall at the same time be an officer or agent of any Statewide association or organization representing the professions or occupations under the jurisdiction of this board.

(d) Reappointment.—A member of the board shall be eligible for reappointment. A member shall not be appointed to serve more than two consecutive terms.

(e) Compensation; expenses.—The members of the board, other than the Commissioner of Professional and Occupational Affairs, shall receive reimbursement for reasonable travel, hotel and other necessary expenses and \$60 per diem when actually engaged in the performance of their official duties.

(f) Meetings of board.—The board shall hold a meeting within 150 days after the effective date of this act and annually thereafter in the month prescribed by the board and elect a chairman, vice chairman and secretary who shall be members of the board. The board shall meet at such other times as deemed necessary and advisable by the chairman or by a majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the board. A majority of the board shall constitute a quorum at any meeting or hearing.

(g) *Forfeiture.—A member of the board who fails to attend three consecutive meetings shall forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of an immediate family member.*

Section 2. Section 5 of the act, amended October 18, 2000 (P.L.536, No.71), is amended to read:

Section 5. Powers and duties of board.

The board shall have the power and its duties shall be:

(1) To approve the qualifications and fitness of applicants for licensure, and to adopt and revise rules and regulations requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of a license.

(2) To adopt and revise rules and regulations consistent with the law as may be necessary to implement the provisions of this act. [**These rules and regulations shall include, but not be limited to, codes of ethics for**

**speech-language pathologists, audiologists and teachers of the hearing impaired. The codes of ethics shall provide further that, whereas speech-language pathologists, audiologists and teachers of the hearing impaired provide nonmedical and nonsurgical services, medical diagnosis and medical treatment by these persons are specifically to be considered unethical and illegal.]**

(3) To examine for, deny, approve, issue, revoke, suspend or renew the licenses of speech-language pathologist[, **audiologist and teacher of the hearing impaired**] *and audiologist* applicants, *and provisional licenses for speech-language pathologists and audiologists*.

(4) To conduct hearings upon complaints of violations of this act and the rules and regulations adopted pursuant to this act, and to prosecute and enjoin all such violations.

(5) To spend funds necessary for the proper performance of its assigned duties in accordance with the fiscal and other laws of this Commonwealth and upon approval by the Commissioner of Professional and Occupational Affairs.

(6) To waive examination and educational requirements and grant a license as provided in sections 6 and 7.

(7) To establish standards of eligibility for license renewal. These standards shall include, but not be limited to, the demonstration of satisfactory completion of 20 clock hours of continuing education related to the practice of speech-language pathology[, **audiology or teaching the hearing impaired**] *and audiology* in accordance with board regulations. No credit may be given for courses in office management or practice building. The board may waive all or part of the continuing education requirement to a licensee who shows to the satisfaction of the board that the licensee was unable to complete the requirement due to illness, emergency or hardship. The request for a waiver must be made in writing, with appropriate documentation, and must include a description of the circumstances sufficient to show why a licensee is unable to comply with the continuing education requirement. Waiver requests shall be evaluated by the board on a case-by-case basis. The board shall send the licensee written notification of its approval or denial of a waiver request. The requirement to demonstrate the satisfactory completion of continuing education shall begin with the biennial renewal period to be designated by regulation of the board and following written notice to licensees.

(8) To promulgate rules and regulations regarding persons functioning under the direction of audiologists[,] *or* speech-language pathologists [**and teachers of the hearing impaired**].

(9) *To recognize national professional organizations in speech-language pathology and audiology that have established definitions of the practice of speech-language pathology and the practice of audiology. These organizations shall be the same as those recognized by the board under the provisions of section 7(b)(2). The board shall have the power to adopt those definitions to be the practical definitions of the practice of speech-language pathology and the practice of audiology for licensees under the board. If one or more of the recognized national professional organizations amends its definition, the amended*

*definition cannot be added to the practice of speech-language pathology or the practice of audiology until it has been adopted by the board through regulation.*

*(10) To recognize national accrediting agencies which accredit programs of speech-language pathology as specified in section 7(a)(1) and programs of audiology as specified in section 7(a)(2).*

*(11) Within 18 months of the effective date of this section, the board shall promulgate regulations governing the use of instrumental technology by licensed speech-language pathologists.*

Section 3. Sections 6 and 7 of the act are amended to read:

Section 6. License required; persons and practices not affected; exclusions.

(a) Licenses.—Except as provided in subsection (b), no person may practice or hold himself out as being able to practice as an audiologist[, ] **or** speech-language pathologist **[or teacher of the hearing impaired]** in this Commonwealth unless he holds a current, unsuspended, unrevoked license issued by the board. Licensure shall be granted separately in speech-language pathology[, ] **or** audiology **[and teaching of the hearing impaired]**.

(b) Exclusions.—Nothing in this act shall be construed as preventing or restricting:

(1) Any person licensed or registered in this Commonwealth from engaging in the profession or occupation for which he is licensed or registered, including:

(i) A physician or surgeon engaged in the practice of medicine.

(ii) A licensed physician or surgeon or a trained individual under the direction of a licensed physician doing hearing testing in the office or clinic of the physician.

(iii) A hearing aid fitter engaged in the business of selling and fitting hearing aids, and a hearing aid dealer engaged in the sale of hearing aids, as provided in the act of November 24, 1976 (P.L.1182, No.262), known as the Hearing Aid Sales Registration Law.

(2) A person who holds a valid credential issued by the Department of Education in the area of speech or hearing and who is employed in public or private elementary and secondary schools or institutions chartered by the Commonwealth, or a person who is employed by the Commonwealth or the Federal Government as a speech-language pathologist[, ] **or** audiologist **[or teacher of the hearing impaired]** from engaging in his profession or occupation, **or using his professional title** if the person performs his services solely within the scope of his employment, or a person performing hearing testing under section 1402 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(3) The activities of a student or trainee who is pursuing a program of study supervised by a person licensed under this act or otherwise exempt by this section which **[lead] leads** to a degree in audiology[, **teaching the hearing impaired]** or speech-language pathology **[at] from** an accredited college or university, if such individual is designated by a title clearly indicating his student or training status.



(4) The practice of speech-language pathology[,] **and** audiology [**or teaching the hearing impaired**] in this Commonwealth by any person not a resident of this Commonwealth who is not licensed under this act if the person meets the qualifications and requirements for licensure described in section 7, or who is licensed under the law of another state having licensure requirements determined by the board to be at least equivalent to those established by section 7, and if the services are performed for no more than five days in any calendar year in cooperation with a speech-language pathologist[,] **or** audiologist [**or teacher of the hearing impaired**] licensed under this act.

(5) A corporation, partnership, trust, association, company or other similar form of organization from engaging in the practice of speech-language pathology[,] **or** audiology [**or teaching the hearing impaired**] without a license if it employs licensed individuals in the direct practice of speech-language pathology[,] **or** audiology [**or teaching the hearing impaired**].

(6) *The practice, services or activities of neurodiagnostic technologists performing neurodiagnostic studies within the American Society of Electroneurodiagnostic Technologists' scope of practice and in accordance with the guidelines of the American Association of Neuromuscular and Electrodiagnostic Medicine or the American Clinical Neurophysiology Society.*

Section 7. Requirements for licensure.

(a) In general.—Except as provided in subsections (b) and (c), to be eligible for licensure by the board as a speech-language pathologist[,] **or** audiologist [**or teacher of the hearing impaired**], an applicant shall pay a fee as established by the board in accordance with section 8(a), be of good moral character to the satisfaction of the board, pass an examination and:

(1) For the license in speech-language pathology, possess a master's degree in speech-language pathology [**or its equivalent**] from an [**accredited academic institution**] *academic program accredited by an accrediting agency approved by the board under standards pursuant to this act.* In addition, the applicant must have at least [**one year**] *nine months* of supervised professional experience in the field of speech-language pathology.

(2) For the license in audiology, possess a master's degree **or doctoral degree** in audiology [**or its equivalent**] from an [**accredited academic institution.** In addition, the applicant] *academic program accredited by an accrediting agency approved by the board and the United States Department of Education or the Council for Higher Education Accreditation under standards pursuant to this act. Master's degree applicants* must have at least [**one year**] *nine months* of supervised professional experience in the field of audiology. *Beginning January 1, 2015, all new applicants must possess a doctoral degree in audiology as determined by the board.*

[(3) For licensure as a teacher of the hearing impaired, possess a master's degree in education of the hearing impaired or its equivalent from an accredited academic institution. In addition, the applicant

**must have at least one year of supervised professional experience in the field of teaching the hearing impaired.]**

(b) Waivers.—The board may waive the examination and educational requirements for any of the following:

(1) Applicants who present proof of **[current certification or licensure] a currently valid license to practice speech-language pathology or audiology** in a state which has standards determined by the board to be at least equal to those for licensure in this Commonwealth.

(2) Applicants who hold a currently valid and appropriate Certificate of Clinical Competence from the Council **[of Professional Standards] for Clinical Certification** of the American **[Speech-Language and Hearing] Speech-Language-Hearing Association or certification from a national credentialing organization that is recognized by the board from standards pursuant to this act. Notice of standards shall be published in the Pennsylvania Bulletin.**

**[(3) Applicants who hold a currently valid professional certificate issued by the Council on Education of the Deaf in compliance with its standards for the certification of teachers of the hearing impaired and who have completed an additional ten graduate academic credits established by the board to be appropriate for licensure as a teacher of the hearing impaired.]**

(c) Requirements for current practitioners.—The board shall waive the examination and educational requirements for any applicant who, on the effective date of this act:

(1) has at least a bachelor's degree with a major in speech-language pathology[,], **or a master's degree in audiology [or teaching the hearing impaired]** from an accredited college or university, and who has been employed as a speech-language pathologist[,], **or audiologist [or teacher of the hearing impaired]** for at least nine consecutive months within three years prior to the effective date of this act; and

(2) files an application with the board providing bona fide proof of the degree and employment together with the application fee prescribed in section 8.

**(d) Provisional licenses.—**

**(1) The board may, in accordance with the provisions of this section, issue a provisional license in speech-language pathology or audiology to applicants who have met all of the requirements for licensure under this act except for the completion of the clinical fellowship necessary to receive either the Certificate of Clinical Competence from the Council for Clinical Certification of the American Speech-Language-Hearing Association or certification from another national credentialing organization as recognized by the board pursuant to subsection (b)(2). In order to receive the license, the applicant must submit an application for the provisional license to the board on a form prescribed by the board. The form must indicate the applicant's plans for completing the clinical fellowship and must be accompanied by an application fee determined by the board. A provisional license issued under this section shall be valid for a maximum of 18 months and may be renewed one time. The purpose of**

*the provisional license is solely to allow individuals to practice speech-language pathology or audiology under appropriate supervision while completing the postgraduate professional experience required for certification under subsection (b)(2). A person holding a provisional license is authorized to practice speech-language pathology or audiology only while working under the supervision of a person fully licensed in this Commonwealth in accordance with this act.*

*(2) Any person who is qualified by education, training and clinical experience by completing all educational requirements, including the externship of an Au.D. Program, may hold a provisional license, provided that the provisional license shall only be valid for six months from the time of application for the permanent license.*

*(3) A person holding a valid license in another state to practice speech-language pathology or audiology and who has applied for a license in this Commonwealth under the provisions of this act may practice speech-language pathology or audiology while working under the supervision of a person fully licensed in this Commonwealth for not more than 90 days while awaiting approval of the license application.*

Section 4. The act is amended by adding a section to read:

**Section 8.1. Certification for audiologists utilizing neurophysiologic intraoperative monitoring.**

*The board shall certify an audiologist who has demonstrated his competence in the field of neurophysiologic intraoperative monitoring as prescribed in this section if he complies with the following:*

*(1) is board certified through a national accrediting organization, as determined by the board; or*

*(2) has completed doctorate level coursework consisting of credits in neuroanatomy, neurophysiology and other intraoperative monitoring-related subjects, offered by an accredited Doctor of Audiology program along with having completed clinical instruction in neurophysiologic intraoperative monitoring as determined by the board.*

Section 5. Section 10(6) of the act is amended and the section is amended by adding a paragraph to read:

Section 10. Refusal to issue; revocation; etc.

The board may refuse to issue and may suspend or revoke a license of any person or applicant by a vote of at least a majority of the members of the board for any of the following reasons:

\* \* \*

*(6) The practice of fraud or deceit in connection with services rendered as an audiologist[,] or speech-language pathologist [or teacher of the hearing impaired].*

*(7) The speech-language pathologist or audiologist is unable to practice his profession with reasonable skill and safety because of illness, drunkenness, excessive use of controlled substances, chemicals or other types of materials or as the result of a mental or physical condition. In enforcing this paragraph, the board shall, upon probable cause, have the authority to compel a licensee to submit to a mental or physical examination as designated by the board. After notice, hearing, adjudication and appeal as provided for in section 11, failure of a*

*licensee to submit to such examination when directed shall constitute an admission of the allegations against him unless failure is due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume a competent practice of speech-language pathology or audiology with reasonable skill and safety to patients.*

Section 6. Sections 12 and 14 of the act are amended to read:

Section 12. Requirement of a medical examination.

**[(a) Medical examination.—**Before an audiologist initiates aural rehabilitation for an individual, there shall be a medical examination verifying that there are no diseases of the ear requiring medical or surgical treatment.

**(b) Waiver.—**This section does not apply if an individual signs a written waiver as set forth in this section. The waiver must be read and explained in such a manner that the individual will be thoroughly aware of the consequences of signing the waiver. The waiver form shall read as follows:

I have been advised by (audiologist's name) that the Commonwealth of Pennsylvania has determined that my best health interest would be served if I had a medical examination by a licensed physician before the initiation of aural rehabilitation. I do not wish a medical examination before the initiation of aural rehabilitation.

\_\_\_\_\_  
Signature                      Date]

*A speech-language pathologist or audiologist shall refer patients who present with suspected medical conditions beyond the scope of practice under this act for medical evaluation to an appropriate physician within 30 days.*

Section 14. [Limitation of renewal time; new license] *Continued competency.*

[Any person who fails to renew his license within five years after the date of its expiration may not renew it, and it may not be restored, reissued or reinstated thereafter, but the person may apply for and obtain a new license if he meets the requirements of this act] *A renewal of a license shall not be granted more than five years after its expiration. A license shall be renewed after the five-year period only after a licensee has assured continued competency to practice speech-language pathology or audiology in accordance with regulations established by the board.*

Section 7. The act is amended by adding a section to read:

**Section 16.1. Title.**

*A licensed speech-language pathologist or audiologist who holds a doctoral degree in speech-language pathology or audiology or a related field may use the title "Doctor" or "Dr." on written materials only if the earned doctoral designation abbreviation accompanies the licensee's name. A licensee who is not also licensed to practice medicine or osteopathy in this Commonwealth may not attach to his name or use as a title the words or abbreviations "Doctor" or "Dr." in contravention of this*

*section, "M.D.," "physician," "surgeon," "D.O." or any word or abbreviation that suggests that the licensee practices medicine or osteopathy.*

Section 8. Sections 18 and 19 of the act are amended to read:  
Section 18. Penalties.

(a) Whoever violates any provision of this act is guilty of a misdemeanor, shall be prosecuted by the board or its agents and, upon conviction, shall be sentenced to imprisonment for not more than six months or to pay a fine of not less than \$100 nor more than \$1,000, or both. Each violation shall be deemed a separate offense. Fines collected under the provisions of this act shall be paid into the State Treasury for the use of the Commonwealth.

(b) *In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, may levy a civil penalty of up to \$10,000 on any current licensee who violates any provision of this act or on any person who practices as a speech-language pathologist or audiologist or holds himself forth as a speech-language pathologist or audiologist without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing as provided in 2 Pa.C.S. (relating to administrative law and procedure).*

Section 19. Injunction against unlawful practice.

[After 12 months from the effective date of this act, it] *It* shall be unlawful for any person to practice or attempt to offer to practice audiology[,], *or* speech-language pathology [*or teaching the hearing impaired*] without holding a valid unrevoked and unsuspended license issued under this act. The unlawful practice of audiology[,], *or* speech-language pathology [*or teaching the hearing impaired*] may be enjoined by the courts on petition of the board or its agents. In any proceeding it shall not be necessary to show that any person is individually injured by the complained of actions. If the respondent is found guilty of the unlawful practice, the court shall enjoin him from practicing until he has been duly licensed. Procedure in these cases shall be the same as in any other injunction suit. The remedy by injunction is in addition to criminal prosecution and punishment.

Section 9. Section 20 of the act is repealed:

**[Section 20. Appropriation.**

**The sum of \$75,000, or as much thereof as may be necessary, is hereby appropriated from the Professional Licensure Augmentation Account within the General Fund to the Bureau of Professional and Occupational Affairs in the Department of State for the establishment and operation of the State Board of Examiners in Speech-Language and Hearing. The appropriation granted shall be repaid by the board within three years of the beginning of issuance of licenses by the board.]**

Section 10. Within 30 days of the effective date of this section, the State Board of Examiners in Speech-Language Pathology and Audiology shall meet and reorganize in such a manner that the board position of teacher of the hearing impaired and the board position of physician who is not an otolaryngologist are abolished.

Section 11. This act shall take effect in 60 days.

APPROVED—The 2nd day of July, A.D. 2014

TOM CORBETT