

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 3244

By: Staggs of the House

and

Robinson of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 1991, Sections 1601, 1602, 1603, 1604, 1605, as amended by Section 1, Chapter 197, O.S.L. 1994, 1606, 1607, as amended by Section 2, Chapter 197, O.S.L. 1994, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1616, 1617, 1618, 1619, 1620, 1621 and 1622 (59 O.S. Supp. 1997, Sections 1605 and 1607), which relate to the Speech Pathology and Audiology Licensing Act; changing name of act to the Speech-Language Pathology and Audiology Licensing Act; changing name of licensing board to Board of Examiners for Speech-Language Pathology and Audiology; updating and clarifying language throughout act; modifying definitions; modifying the requirements for licensure; modifying certain appointments to the Board of Examiners for Speech-Language Pathology and Audiology; modifying certain meetings of the Board; requiring certain secretary to be elected from the membership; providing for an executive secretary; modifying appointment requirement of certain secretary; modifying powers and duties of the Board; authorizing certain fees, procedures and requirements related thereto; modifying requirements related to the certificate and the serial number; modifying expiration of licenses for independent practitioners; modifying certain fees; authorizing the Board to establish requirements by rule for continuing education; requiring certain rules be promulgated prior to implementation of continuing education programs; modifying time for Board to publish certain list; authorizing the Board to impose certain disciplinary actions; modifying the list of prohibited acts for which disciplinary actions may be imposed; modifying list of acts for which no disciplinary action may be imposed; modifying certain procedures related to disciplinary actions; modifying certain appeal procedures; modifying certain actions for which a license may be restored; repealing 59 O.S. 1991, Section 1615, which relates to certain licenses; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1601, is amended to read as follows:

Section 1601. ~~This act~~ Chapter 39 of this title shall be known and may be cited as the "Speech-Language Pathology and Audiology Licensing Act".

SECTION 2. AMENDATORY 59 O.S. 1991, Section 1602, is amended to read as follows:

Section 1602. It is hereby declared to be a policy of this state that, in order to safeguard the public health, safety and welfare, and to protect the public from being misled by incompetent, unscrupulous and unqualified persons, it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 1603, is amended to read as follows:

Section 1603. ~~In this act, unless the context otherwise requires~~ A. As used in the Speech-Language Pathology and Audiology Licensing Act:

1. "Board" means the State Board of Examiners for Speech-Language Pathology and Audiology;

2. "Person" means any individual, partnership, organization or corporation, except that only individuals ~~can~~ may be licensed under ~~this act~~ the Speech-Language Pathology and Audiology Licensing Act;

3. "Licensed speech-language pathologist" or "licensed audiologist" means an individual to whom a license has been issued pursuant to the provisions of the ~~act~~ Speech-Language Pathology and Audiology Licensing Act, which license has not expired or has not been suspended or revoked;

4. "Speech-language pathologist" means any person who evaluates, examines, counsels or provides rehabilitative services for persons who have or are suspected of having a speech, voice and/or language disorder, and who meets the qualifications set forth in Section ~~5~~ 1605 of this ~~act.~~ ~~Disorders are here defined~~ ~~to~~ title. A speech-language pathologist is permitted to perform

such basic audiometric tests and hearing therapy procedures as are consistent with such training;

5. "Speech, voice or language disorders" include, but are not limited to, any and all conditions that impede the normal process of human vocal communication;

~~5. A person "represents himself to be a speech pathologist" when he holds himself out to the public by any title or description of services incorporating the words "speech pathology," "speech pathologist," "speech therapy," "speech therapist," "speech correction," "speech correctionist," "language therapy," "language therapist," "voice pathology," "voice pathologist," "voice therapy," "voice therapist," "logopedics," "logopedist," "communicology," "communicologist," "asphasiologist," "phoniatriest," "speech clinician," "speech clinic," "speech center" or any similar or related term or terms;~~

6. "The practice Practice of speech-language pathology" is defined as means the rendering or offering to render to any person or the public any speech, voice or language evaluation, examination, counseling or rehabilitation of or for persons who have or are suspected of having a speech, voice and/or language disorder, and/or representing oneself to be a speech-language pathologist;

~~7. The speech pathologist is permitted to perform such basic audiometric tests and hearing therapy procedures as are consistent with his training;~~

~~8. "Audiologist" means any person who evaluates, examines, counsels or provides rehabilitative services for persons who have or are suspected of having a hearing disorder, and who meets the qualifications set forth in Section 5 1605 of this act. Disorders are here defined to title. An audiologist also may provide consultation regarding noise control and hearing conservation, may conduct tests of vestibular function, may prepare ear impressions, and may provide evaluations of environment or equipment, including calibration, used in testing auditory functioning;~~

8. "Hearing disorders" include, but are not limited to, any or all conditions of decreased or impaired auditory function;

9. ~~A person "represents himself to be an audiologist" when he holds himself out to the public by any title or description of services incorporating the terms "audiology," "audiologist," "audiometry," "audiometrist," "hearing therapy," hearing therapist," "hearing conservation," "hearing conservationist," "hearing clinician," "hearing clinic," "hearing center," "audiological," or "audiometrics";~~

~~10. "The practice Practice of audiology" is defined as means the rendering, or offering to render, to any person or the public, the evaluation, examination, counseling or rehabilitation of or for persons who have or are suspected of having a hearing disorder, and/or representing oneself to be an audiologist. ~~An audiologist also may provide consultation regarding noise control and hearing conservation, may conduct tests of vestibular function, may prepare ear impressions, and may provide evaluations of environment or equipment, including calibration, used in testing auditory functioning; and~~~~

~~11. 10. "Hearing screening" may involve means one or more procedures used to identify individuals who may have a hearing loss. Measurements of auditory thresholds are not included in hearing screening programs.~~

B. A person represents himself or herself to be a speech-language pathologist when such person holds himself or herself out to the public by any title or description of services incorporating the words "speech pathology", "speech pathologist", "speech therapy", "speech therapist", "speech correction", "speech correctionist", "language therapy", "language therapist", "voice pathology", "voice pathologist", "voice therapy", "voice therapist", "logopedics", "logopedist", "communicology", "communicologist", "asphasiologist", "phoniatriest", "speech clinician", "speech clinic", "speech center" or any similar or related term or terms.

C. A person represents himself or herself to be an audiologist when such person holds himself or herself out to the public by any title or description of services incorporating the terms "audiology", "audiologist", "audiometry", "audiometrist",

"hearing therapy", "hearing therapist", "hearing conservation", "hearing conservationist", "hearing clinician", "hearing clinic", "hearing center", "audiological" or "audiometrics".

SECTION 4. AMENDATORY 59 O.S. 1991, Section 1604, is amended to read as follows:

Section 1604. ~~After the first day of January, 1974~~ A. Except as otherwise provided by this section, no person shall practice speech-language pathology or audiology unless ~~he~~ such person is licensed ~~under~~ pursuant to the Speech-Language Pathology and Audiology Licensing Act, ~~except that nothing in the.~~

B. The Speech-Language Pathology and Audiology Licensing Act shall not be construed to prevent:

1. A person licensed under any other law of this state from engaging in the profession or occupation for which ~~he~~ such person is licensed, provided ~~he~~ such person does not represent himself or herself to be a speech-language pathologist or audiologist;

2. An employee of the federal government, state, county or municipal government, or an agency or political subdivision thereof, from engaging in ~~the~~ such employee's duties of ~~his~~ employment;

3. The hearing testing or any other act conducted by licensed ~~physician and surgeon~~ physicians within ~~a~~ the scope of their licensed profession or by persons conducting ~~such~~ hearing tests or other acts under the direct supervision of the physician ~~and surgeon;~~

4. The activities and services of a hearing-aid dealer or fitter so long as ~~his~~ the activities and services of such dealer or fitter are limited to the selection, adaptation, distribution or sale of hearing aids, and the testing, instruction, and counseling pertaining thereto, ~~provided~~ as long as such ~~a~~ hearing-aid dealer or fitter does not ~~call~~ represent himself or herself to be an audiologist;

5. A teacher of the deaf and hard of hearing, certified by the Oklahoma State Department of Education, or certified nationally by the Council on Education of the Deaf, from engaging in the profession for which ~~he~~ such teacher is trained. ~~His~~ The

services of a teacher of the deaf and hard-of-hearing shall be directed solely to those persons having or suspected of having a hearing disorder;

6. Any person not a resident of this state and who has not established offices in this state, from engaging in the practice of speech-language pathology or audiology in this state for a period that, in the aggregate, does not exceed seven (7) days in any calendar year, if such a person's education and experience is the substantial equivalent to that of a licensed speech-language pathologist or audiologist as described in Section 1605 of this title; and

7. The activities of hearing screening programs which are conducted by employees or trained volunteers who are providing these services under the auspices of public or private charitable agencies.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 1605, as amended by Section 1, Chapter 197, O.S.L. 1994 (59 O.S. Supp. 1997, Section 1605), is amended to read as follows:

Section 1605. A. To be eligible for licensure by the Board of Examiners for Speech-Language Pathology and Audiology as a speech-language pathologist or audiologist, the applicant must:

1. Hold not less than a master's degree, or the equivalent, with a major emphasis in speech-language pathology or audiology from ~~an~~ a regionally accredited academic institution offering a graduate program in speech-language pathology or audiology that meets or exceeds prevailing national standards;

~~2. Submit evidence of the completion of sixty (60) semester hours of academic credit from one or more accredited colleges or universities, constituting a well-integrated program that includes eighteen (18) semester hours in courses that provide fundamental information applicable to the normal development and use of speech, hearing and language, and forty-two (42) semester hours in courses that provide information about and training in the management of speech, hearing and language disorders, or that provide information supplementary to these fields;~~

- ~~a. of these forty-two (42) semester hours, no fewer than six (6) must be in audiology for the speech pathologist or in speech pathology for the audiologist,~~
- ~~b. no more than six (6) of these forty-two (42) semester hours may be in courses that provide academic credit for clinical practice,~~
- ~~c. of these forty-two (42) semester hours, at least twenty-four (24), not including credit for thesis or dissertation, must be in courses in the field in which the license is requested, and~~
- ~~d. thirty (30) of these forty-two (42) semester hours must be in courses acceptable toward a graduate degree by the college or university in which these courses are taken;~~

~~3. Submit evidence of the completion of two hundred seventy-five (275) clock hours of directly supervised clinical practicum with cases representative of a wide spectrum of ages and communication disorders; the experience must be obtained within the accredited academic that meets or exceeds prevailing national standards from a regionally accredited educational institution or in one of its cooperating programs, the content of which shall be approved by the Board and delineated in the rules;~~

~~4. 3. Submit evidence of no less than nine (9) months of full-time paid clinical completion of supervised postgraduate professional experience in the area for which a license is requested, obtained under the supervision of one or more licensed speech pathologists or audiologists or one or more persons whose education and experience is the substantial equivalent of a licensed speech pathologist or audiologist. Supervision must be provided by individuals licensed or qualified in the appropriate area. This experience must follow completion of the requirements listed in paragraphs 1, 2 and 3 of this section. "Full time" is defined as at least thirty (30) hours per week; the nine (9) months of full-time paid experience must be obtained within a period of twenty-four (24) consecutive months. This requirement~~

~~may also be fulfilled by eighteen (18) months of half-time paid experience of at least fifteen (15) hours per week which must be completed within a period of thirty-six (36) consecutive months as approved by the Board and described in the rules;~~

~~5.~~ 4. Pass examinations approved by the Board, whether or not administered by the Board; application for examination for a license or for a license without examination shall be upon forms prescribed by the Board; the Board may require that the application be verified; the license fee, which shall include an examination fee of not to exceed Twenty-five Dollars (\$25.00), shall accompany the application; the cost of examinations administered by the Board shall be included in the examination fee; the Board shall determine the subject and scope of the examinations, and shall provide for examinations to qualified applicants at least twice a year; an applicant who fails ~~his~~ the examination may be reexamined at a subsequent examination upon payment of another examination fee. Only the Board has the power to determine whether an applicant's examination has been passed or failed;

5. Have not committed any acts described in Section 1619 of this title for which disciplinary action may be justified; and

6. Be of good moral character.

B. To be eligible for licensure by the Board as an intern, the applicant must be in the process of fulfilling the supervised clinical experience required in paragraph 4 2 of subsection A of this section, or be a student, intern or resident in speech-language pathology or audiology, pursuing a course of study at an accredited university or college, or working in a training center recognized by ~~his~~ the applicant's accredited university or college, if these activities and services constitute a part of ~~his~~ the applicant's supervised course of study, and if such person is designated by such title as "speech-language pathology intern", "speech-language pathology trainee", "audiology intern", "audiology trainee" or other such title clearly indicating the training status appropriate to ~~his~~ the applicant's level of training.

C. To be eligible for licensure by the Board as a speech-language pathology or audiology assistant, the applicant must be assisting in the practice of speech-language pathology or audiology while in the employ of and under the supervision of a licensed speech-language pathologist or audiologist, subject to the rules of the Board. The licensed speech-language pathologist or audiologist is legally and ethically responsible for the professional activities of such employees.

D. To be eligible for licensure by the Board as a speech-language pathology or audiology temporary license holder, the applicant must meet all the requirements specified in subsection A of this section. A temporary license will be issued following a credentials review, such temporary license being valid until the next regularly held Board meeting.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 1606, is amended to read as follows:

Section 1606. A. ~~Until one (1) year after the effective date of this act~~ May 17, 1974, the Board ~~will~~ of Examiners for Speech-Language Pathology and Audiology shall waive the examination requirement for applicants who meet the educational and experiential requirements of Section ~~5~~ 1605 of this ~~act~~ title.

B. The Board shall waive the examination and grant a license to applicants who present proof of current licensure in a state or country whose requirements for licensure are substantially equivalent to those of ~~this act~~ the Speech-Language Pathology and Audiology Licensing Act.

C. The Board ~~will~~ shall waive the examination and grant a license to those who hold the Certificate of Clinical Competence of the American Speech and Hearing Association or its current equivalent in the area for which they are applying for licensure, provided the requirements for such certification are equivalent to or greater than those for licensure.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 1607, as amended by Section 2, Chapter 197, O.S.L. 1994 (59 O.S. Supp. 1997, Section 1607), is amended to read as follows:

Section 1607. A. There is hereby re-created, to continue until July 1, 2000, in accordance with the provisions of the Oklahoma Sunset Law, ~~Section 3901 et seq. of Title 74 of the Oklahoma Statutes,~~ the Board of Examiners for Speech-Language Pathology and Audiology whose duty it is to administer the provisions of the Speech-Language Pathology and Audiology Licensing Act, ~~Section 1601 et seq. of this title.~~ The members of the Board shall be residents of this state and shall be appointed by the Governor with the advice and consent of the Senate. The Board shall be composed of five (5) members consisting of three licensed speech-language pathologists or audiologists, provided that at least one of the three shall be a licensed speech-language pathologist and at least one a licensed audiologist; one otolaryngologist who is certified by the American Board of Otolaryngology and one lay member.

B. The members of the original Board shall serve the following terms: one member for one (1) year, two members for two (2) years, and two members for three (3) years. Thereafter, at the expiration of the term, or termination of the member's service for any reason, the Governor shall appoint each successor for a term of three (3) years, or for the remainder of an unexpired term. The successor for any of the three speech-language pathologists or audiologists will be selected from a list of five ~~eligible~~ licensed speech-language pathologists or audiologists, furnished by the Oklahoma Speech and Hearing Association. The re-creation of the Board shall not affect the staggered terms of office for Board members established with the original Board.

C. Before entering upon the duties of ~~his~~ the member's office, each member of the Board shall take the Constitutional oath of office and file it with the Secretary of State.

D. A member of the Board may not be reappointed to succeed himself or herself, but ~~he~~ may be reappointed three (3) years or more following the termination of a previous appointment to the Board.

E. Board members shall be reimbursed for travel expenses incurred in the performance of their duties as provided in the Req. No. 11384

State Travel Reimbursement Act, ~~Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.~~

SECTION 8. AMENDATORY 59 O.S. 1991, Section 1608, is amended to read as follows:

Section 1608. The Governor may remove any member of the Board of Examiners for Speech-Language Pathology and Audiology for misconduct, incompetency or neglect of duty, after giving the member a written statement of charges, and opportunity for a hearing.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 1609, is amended to read as follows:

Section 1609. A. The Board of Examiners for Speech-Language Pathology and Audiology shall hold a regular annual meeting at its last meeting of the fiscal year at which it shall elect from its membership a chairman ~~and~~, a vice-chairman, and a secretary. Other regular meetings shall be held at such times as the rules of the Board may provide. Special meetings may be held at such times as may be deemed necessary or advisable by a majority of the Board members. At least one (1) week's notice of all meetings shall be given in a manner prescribed by the rules of the Board.

B. All meetings of the Board shall be open and public except that the Board may hold a closed executive session:

1. To prepare, approve, grade or administer examinations; and
2. Upon request of an applicant who fails an examination to prepare a response indicating the cause of ~~his~~ the applicant's failure.

C. Three members of the Board shall constitute a quorum.

D. ~~A~~ An executive secretary ~~of the Board~~ shall be appointed by the Board, and shall hold office at the pleasure of the Board. ~~The secretary may or may not be a member of the Board.~~ The Board may employ such other persons and may rent or purchase such space and equipment as it deems necessary or desirable to carry out the provisions of this act.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 1610, is amended to read as follows:

Section 1610. A. ~~The Board shall administer, coordinate and enforce the provisions of this act, evaluate the qualifications of applicants, supervise the examination of applicants and may issue subpoenas, examine witnesses and administer oaths. The Board shall investigate persons engaging in practices that violate the provisions of this act. The secretary or chairman of the Board shall determine the completeness of each application for licensure, and, within thirty (30) days after the receipt of each application, shall acknowledge by mail such receipt and notify the applicant of the acceptability of his application or of its incompleteness. The Board shall conduct such hearings and keep such records and minutes as shall be necessary to an orderly dispatch of business of Examiners for Speech-Language Pathology and Audiology, in addition to the other powers and duties prescribed by the Speech-Language Pathology and Audiology Licensing Act, shall have the power and duty to:~~

1. Regulate the practice of speech-language pathology and audiology in this state;

2. Examine the applicants and issue the appropriate licenses pursuant to the provisions of the Speech-Language Pathology and Audiology Licensing Act to applicants qualified in the practice of speech-language pathology and audiology;

3. Continue in effect, suspend, revoke, modify or deny, pursuant to the provisions of the Speech-Language Pathology and Audiology Licensing Act and such conditions as the Board may prescribe, licenses for the practice of speech-language pathology and audiology in this state;

4. Investigate complaints and hold hearings pursuant to the provisions of the Speech-Language Pathology and Audiology Licensing Act and the Administrative Procedures Act;

5. Initiate prosecutions against licensees in violation of the provisions of the Speech-Language Pathology and Audiology Licensing Act;

6. Reprimand or place on probation, or both, any holder of a license pursuant to the provisions of the Speech-Language Pathology and Audiology Licensing Act;

7. Adopt and promulgate standards of conduct for speech-language pathologists and audiologists consistent with accepted national standards;

8. Develop and promulgate rules necessary to effectuate the provisions of the Speech-Language Pathology and Audiology Licensing Act;

9. Enforce rules promulgated pursuant to the provisions of the Speech-Language Pathology and Audiology Licensing Act;

10. Communicate disciplinary actions to relevant state and federal authorities, to other state speech-language pathology and audiology licensing authorities requesting such information, and to other state and national professional associations requesting such information; and

11. Exercise all incidental powers and duties which are necessary and proper to effectuate the provisions of the Speech-Language Pathology and Audiology Licensing Act.

B. The conferral or enumeration of specific powers elsewhere in the Speech-Language Pathology and Audiology Licensing Act shall not be construed as a limitation of the general functions conferred by this section.

C. No member of the Board shall be liable for civil action for any act performed in good faith in the performance of the member's duties as prescribed by law.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 1611, is amended to read as follows:

Section 1611. A. The Board of Examiners for Speech-Language Pathology and Audiology shall publish a code of ethics. The code shall take into account the professional character of speech-language and hearing services, and shall be designed to protect the interests of the client and the public.

B. In developing and revising ~~this~~ the code of ethics, the Board shall hold hearings where interested persons may be heard on the subject, ~~and~~. In addition, the Board will take into account the ethical standards promulgated by the American Speech and Hearing Association.

SECTION 12. AMENDATORY 59 O.S. 1991, Section 1612, is amended to read as follows:

Section 1612. The Board of Examiners for Speech-Language Pathology and Audiology shall adopt a seal by which it shall authenticate ~~its~~ the Board's proceedings. Copies of the proceedings, records and acts of the Board, and certificates purporting to relate the facts concerning such proceedings, records and acts, signed by the executive secretary and authenticated by said seal, shall be prima facie evidence in all courts of this state.

SECTION 13. AMENDATORY 59 O.S. 1991, Section 1613, is amended to read as follows:

Section 1613. In addition to the powers and duties granted to the Board of Examiners for Speech-Language Pathology and Audiology by other provisions of ~~this act~~ the Speech-Language Pathology and Audiology Licensing Act, the Board shall ~~make all~~ promulgate rules, not inconsistent with the Constitution and laws of this state, that are reasonably necessary to the conduct of its duties and proceedings.

SECTION 14. AMENDATORY 59 O.S. 1991, Section 1614, is amended to read as follows:

Section 1614. A. The executive secretary of the Board of Examiners for Speech-Language Pathology and Audiology shall receive and account for all monies derived ~~under this act~~ from the Speech-Language Pathology and Audiology Licensing Act. ~~He~~ The executive secretary of the Board shall pay these monies monthly to the State Treasurer who shall keep them in a separate fund to be known as the "Speech-Language Pathology and Audiology Licensing Fund".

B. All monies received in ~~said~~ the fund are hereby appropriated to the Board. Monies may be paid out of ~~this~~ the fund upon proper voucher approved by the chairman of the Board, and attested by the executive secretary of the Board. ~~It is further provided that all~~

C. All monies in the Speech-Language Pathology and Audiology Licensing Fund at the end of each fiscal year, being the

unexpended balance of such fund, shall be carried forward and placed to the credit of the fund for the succeeding fiscal year.

D. 1. Only the Board shall make expenditures from ~~this the~~ fund for any purpose that is reasonably necessary to carry out the provisions of ~~this act, provided that no~~ the Speech-Language Pathology and Audiology Licensing Act.

2. No money shall ever be paid from the General Revenue Fund for the administration of ~~this act~~ the Speech-Language Pathology and Audiology Licensing Act.

E. Any expenses or liabilities incurred by the Board shall not constitute a charge on any state funds other than the Speech-Language Pathology and Audiology Licensing Fund.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1615.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. All licensing fees, renewal fees, and replacement fees shall be amounts fixed by the Board of Examiners for Speech-Language Pathology and Audiology. The Board shall fix the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering the provisions of the Speech-Language Pathology and Audiology Licensing Act, and so there are no unnecessary surpluses in the Speech-Language Pathology and Audiology Licensing Fund.

B. The Board shall not fix a license fee at an amount in excess of One Hundred Dollars (\$100.00), a renewal fee at an amount in excess of One Hundred Dollars (\$100.00), or a fee for the issuance of a license to replace a license which was lost, destroyed, mutilated, or revoked at an amount in excess of Twenty-five Dollars (\$25.00). The fees shall accompany the respective application.

SECTION 16. AMENDATORY 59 O.S. 1991, Section 1616, is amended to read as follows:

Section 1616. A. The Board of Examiners for Speech-Language Pathology and Audiology shall issue a license certificate to each person whom it registers as a speech-language pathologist and/or

audiologist. Licensure shall be granted in either speech-language pathology or audiology independently. Qualified applicants may be independently licensed in both. The certificate shall show the full legal name of the licensee and shall bear a serial number. The serial number is exclusive and not transferable. The certificate shall be signed by the chairman and executive secretary of the Board under the seal of the Board.

B. Licenses for independent practitioners expire on the 31st day of December following their issuance or renewal, and are invalid thereafter unless renewed. The Board shall notify every person licensed ~~under this act~~ pursuant to the Speech-Language Pathology and Audiology Licensing Act of the date of expiration and the amount of the renewal fee. This notice shall be mailed at least one (1) month before the expiration of the license. Renewal may be made at any time during the months of November or December upon application therefor, and by payment of the renewal fee. Failure on the part of any licensed person to pay ~~his~~ such person's renewal fee before the first day in January does not deprive ~~him~~ the person of ~~his~~ the person's right to renew ~~his~~ the person's license, but the fee to be paid for renewal after December shall be increased by ten percent (10%) for each month or fraction thereof that the payment is delayed, up to a maximum of twice the current renewal fee.

C. A licensed speech-language pathologist or audiologist may place ~~his~~ such person's license on inactive status if, prior to expiration of ~~his~~ the person's license, ~~he~~ the person makes written application to the Board for such status and pays a fee of ~~Ten Dollars (\$10.00)~~ Twenty-five Dollars (\$25.00). Thereafter, ~~he~~ the person may renew ~~his~~ such person's license upon payment of a renewal fee equal to one and one-half (1 1/2) times the then current license fee. During the period of time ~~his~~ the person's license is in an inactive status, ~~he~~ the person shall not engage in the practice of speech-language pathology or audiology in the State of Oklahoma.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1616.1 of Title 59, Req. No. 11384Page 16

unless there is created a duplication in numbering, reads as follows:

The Board of Examiners for Speech-Language Pathology and Audiology is hereby authorized to establish requirements of continuing education as a condition for the renewal of licensure of speech-language pathologists and audiologists. The Board may assess a reasonable fee to be paid by entities sponsoring continuing education programs. Rules concerning accreditation of continuing education programs and other educational experience, and the assignment of credit for participation therein must be promulgated by the Board at least one (1) year prior to implementation of continuing education.

SECTION 18. AMENDATORY 59 O.S. 1991, Section 1617, is amended to read as follows:

Section 1617. During ~~the month of April of each~~ every odd-numbered year, the Board of Examiners for Speech-Language Pathology and Audiology shall publish a list of all licensed speech-language pathologists and licensed audiologists, including the name and address of each licensed person, the area in which ~~he~~ the person is licensed, and such other information as the Board deems desirable. The Board shall mail one copy to each licensee, shall place a copy on file with the Secretary of State, and shall furnish copies to the public upon request.

SECTION 19. AMENDATORY 59 O.S. 1991, Section 1618, is amended to read as follows:

Section 1618. The fees promulgated by the Board of Examiners for Speech-Language Pathology and Audiology shall be exclusive and no municipality shall have the right to require any person licensed under the provisions of ~~this act~~ the Speech-Language Pathology and Audiology Licensing Act to furnish any bond, pass any examination or pay any license fee or occupational tax.

SECTION 20. AMENDATORY 59 O.S. 1991, Section 1619, is amended to read as follows:

Section 1619. A. The ~~license of~~ Board of Examiners for Speech-Language Pathology and Audiology may impose separately, or in combination, any of the following disciplinary actions on a

~~licensee under this act may be suspended or revoked or a reprimand may be issued~~ after formal disciplinary action as provided in the Speech-Language Pathology and Audiology Licensing Act: suspend or revoke a license, issue a letter of reprimand, impose probationary conditions, impose an administrative fine not to exceed Ten Thousand Dollars (\$10,000.00), and assess reasonable costs. Disciplinary actions may be taken by the Board upon proof that the licensee:

1. Has been guilty of fraud or deceit in connection with ~~his~~ the person's services rendered as a speech-language pathologist and/or audiologist;

2. Has aided or abetted a person who is not a licensed speech-language pathologist and/or audiologist and who is not an employee of and under the supervision of a licensed speech-language pathologist or audiologist and subject to the ~~regulations~~ rules of the Board, in illegally engaging in the practice of speech-language pathology or audiology within this state;

3. Has been guilty of unprofessional conduct as defined by the rules established by the Board or has violated the code of ethics made and published by the Board;

4. Has used fraud or deception in applying for a license or in passing an examination provided for in ~~this act~~ the Speech-Language Pathology and Audiology Licensing Act;

5. Has been grossly negligent in the practice of ~~his~~ the person's profession; ~~or~~

6. Has willfully violated any of the provisions of ~~this act~~ the Speech-Language Pathology and Audiology Licensing Act or any ~~regulations adopted hereunder~~ rules promulgated pursuant thereto;

7. Has violated federal, state or local laws relating to the profession. A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence of conviction; or

8. Has been convicted or has pled guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside. A copy of the record of conviction,

certified by the clerk of the court entering the conviction, shall be conclusive evidence of conviction.

B. 1. No ~~license disciplinary action~~ shall be ~~suspended or revoked or reprimand issued~~ imposed until after a hearing before the Board. A notice of at least ~~ten (10)~~ thirty (30) days shall be served, either personally or by ~~registered or~~ certified mail, to the licensee charged, stating the time and place of the hearing, and setting forth the ground or grounds constituting the charges against the licensee. The licensee shall be entitled to be heard in ~~his~~ such person's defense either in person or by counsel, and may produce testimony and may testify in ~~his~~ the person's own behalf.

2. A record of such hearing shall be taken and preserved.

3. The hearing may be adjourned from time to time. If, after due receipt of notice of a hearing, the licensee shall be unable to appear for good cause shown, then a continuance shall be granted by the Board. The time allowed shall be at the discretion of the Board, but in no instance shall it be less than two (2) weeks from the originally scheduled date of the hearing.

4. If a licensee pleads guilty, or if upon hearing the charges, a majority of the Board finds them to be true, the Board shall ~~enter an order suspending or revoking the license or reprimanding~~ impose its disciplinary action against the licensee, ~~as the case may be.~~ The Board shall record its findings and order in writing.

C. 1. The Board, through its chairman or vice-chairman, may administer oaths and may compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the state, as in civil cases in the district court, by subpoena issued over the signature of the chairman or vice-chairman and the seal of the Board.

2. Upon request by an accused speech-language pathologist and/or audiologist, and statement under oath that the testimony or evidence is reasonably necessary to ~~his~~ the person's defense, the Board shall use this subpoena power in behalf of the accused speech-language pathologist and/or audiologist.

~~Said~~ 3. The subpoenas shall be served, and a return of service thereof made, in the same manner as a subpoena is served out of the district courts in this state, and as a return in such case is made. 4. If a person fails and refuses to attend in obedience to such subpoena, or refuses to be sworn or examined or answer any legally proper question propounded by any member of said Board or any attorney or licensee upon permission from said Board, such person shall be guilty of a misdemeanor, and, upon conviction, may be punished by a fine not to exceed Two Hundred Fifty Dollars (\$250.00) or by confinement in the county jail not to exceed ninety (90) days, or both.

D. 1. Any person who feels aggrieved by reason of the ~~denial, suspension or revocation of his license or of the Board's reprimand or of the Board's rejection of his application~~ imposition of disciplinary action may appeal to the Board for a review of the case; ~~if the Board does not reverse itself at such a hearing, then the aggrieved person may file suit within thirty (30) days after receiving notice of the Board's action, or of the Board's order, in the district court of Oklahoma County, or in the district court of the county of his residence, to annul or vacate the action or the order of the Board~~ or may seek judicial review pursuant to the Administrative Procedures Act.

2. The suit shall be filed against the Board as defendant, and service of process shall be upon either the chairman or executive secretary of the Board. ~~The suit shall be tried by the court without a jury and shall be a trial de novo, but the burden of proof is upon the plaintiff assailing the order of the Board.~~

3. The judgment of the district court may be appealed to the Supreme Court of Oklahoma in the same manner as other civil cases.

E. Upon a vote of three of its members, the Board may restore a license which has been revoked, or reduce the period of suspension, ~~or withdraw a reprimand.~~

SECTION 21. AMENDATORY 59 O.S. 1991, Section 1620, is amended to read as follows:

Section 1620. A. The Board of Examiners for Speech-Language Pathology and Audiology, the Attorney General or the local

district attorney may apply to the district court in the county in which a violation of ~~this act~~ the Speech-Language Pathology and Audiology Licensing Act is alleged to have occurred for an order enjoining or restraining the commission or continuance of ~~the acts complained of~~ such alleged violations. Thereupon, the court has jurisdiction over the proceedings, and may grant such temporary or permanent injunction or restraining order, without bond, as it deems just and proper.

B. The remedy provided by this section is in addition to, and independent of, any other remedies available for the enforcement of ~~this act~~ the Speech-Language Pathology and Audiology Licensing Act.

SECTION 22. AMENDATORY 59 O.S. 1991, Section 1621, is amended to read as follows:

Section 1621. Any person who, ~~after the first day of January, 1974,~~ represents himself or herself to be a speech-language pathologist and/or audiologist or engages in the practice of speech-language pathology and/or audiology within this state without being licensed or exempted in accordance with the provisions of ~~this act~~ is the Speech-Language Pathology and Audiology Licensing Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00) or be confined to jail for not more than six (6) months, or both such fine or confinement. Each day of violation is a separate offense.

SECTION 23. AMENDATORY 59 O.S. 1991, Section 1622, is amended to read as follows:

Section 1622. The Board of Examiners for Speech-Language Pathology and Audiology shall make an annual report to the Governor, not later than the fifteenth day of November of each year, ~~which~~. The report shall contain an account of all monies received, licenses issued, suspended or revoked, and all expenditures made by ~~said~~ the Board in the twelve (12) months prior to said date.

SECTION 24. REPEALER 59 O.S. 1991, Section 1615, is hereby repealed.

SECTION 25. This act shall become effective July 1, 1998.

SECTION 26. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-11384 KSM