

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1263

By: Robinson of the Senate

and

Staggs of the House

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 1603, 1605, 1606, 1607, 1608, 1611, 1614, 1616 and 1617, which relate to the Speech-Language Pathology and Audiology Licensing Act; clarifying representation for speech-language pathologists and audiologists; requiring licensure for provision of certain services; adding eligibility requirement for licensure as a speech-language pathologist; providing eligibility requirements for initial licensure as an audiologist; deleting obsolete language; updating and clarifying language throughout act; providing for reappointment of certain Board members; making language gender neutral; increasing fee and maximum for late renewal of certain licenses; modifying requirements for publishing list of certain licensees; providing for electronic publishing of list; 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. 2001, Section 1603, is amended to read as follows:

Section 1603. 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 may be licensed under 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 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 1605 of this 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;

6. "Practice of speech-language pathology" 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. "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 1605 of this 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. "Practice of audiology" 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; and

10. "Hearing screening" 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-language pathology", "speech-language pathologist", "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~~ "aphasiologist", "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", "audioprosthetics", "audioprosthologist" or any similar or related term or terms.

D. The provision of speech-language pathology or audiology services in this state through telephonic, electronic or other means, regardless of the location of the speech-language pathologist

shall constitute the practice of speech-language pathology and/or audiology and shall require licensure in this state.

SECTION 2. AMENDATORY 59 O.S. 2001, 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 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 completion of supervised clinical practicum experience that meets or exceeds prevailing national standards from a regionally accredited educational institution or its cooperating programs, the content of which shall be approved by the Board and delineated in the rules;

3. Submit evidence of completion of supervised postgraduate professional experience as approved by the Board and described in the rules;

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 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. Attest to their status as either a United States citizen, a United States noncitizen national or a qualified alien;

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

~~6.~~ 7. Be of good moral character.

B. To be eligible for initial licensure by the Board as an audiologist, the applicant must:

1. Through December 31, 2006, hold not less than a master's degree, or the equivalent, with major emphasis in audiology from a regionally accredited academic institution offering a graduate or postbaccalaureate professional degree program in audiology that meets or exceeds prevailing national standards. After December 31, 2006, each audiology applicant shall hold not less than a postbaccalaureate residential or a post-master's distance education professional Doctor of Audiology degree (Au.D.), a Doctor of Philosophy degree (Ph.D.) with emphasis in audiology, or its equivalent as determined by the Board, from a regionally accredited academic institution;

2. Through December 31, 2006, submit evidence of completion of supervised clinical practicum experience that meets or exceeds prevailing national standards from a regionally accredited educational institution or its cooperating programs, the content of which shall be approved by the Board and delineated in the rules. After December 31, 2006, applicants applying with a residential Doctor of Audiology professional degree (Au.D) must demonstrate preparation that includes three years of didactic coursework and clinical education equivalent to a twelve-month, full-time clinical rotation or externship;

3. Through December 31, 2006, submit evidence of completion of supervised postgraduate professional experience, as approved by the

Board and described in the rules. After December 31, 2006, applicants will be required to present to the Board only a copy of the Doctor of Audiology diploma along with a transcript demonstrating clinical experience equivalent to a twelve-month, full-time clinical rotation or externship, a copy of the Doctor of Philosophy diploma with an emphasis in audiology and a transcript reflecting a twelve-month, full-time clinical rotation or externship, or the equivalent as determined by the Board, from an accredited academic institution in order to demonstrate completion of the clinical rotation or externship requirement;

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 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 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. Attest to their status as either a United States citizen, a United States noncitizen national or a qualified alien;

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

7. Be of good moral character.

C. 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 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 the applicant's accredited university or college, if these activities and services constitute a part of 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 the applicant's level of training.

~~C.~~ D. 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.~~ E. 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 3. AMENDATORY 59 O.S. 2001, Section 1606, is amended to read as follows

Section 1606. A. ~~Until May 17, 1974, the Board of Examiners for Speech-Language Pathology and Audiology shall waive the examination requirement for applicants who meet the educational and experiential requirements of Section 1605 of this title.~~

~~B.~~ The Board of Examiners for Speech-Language Pathology and Audiology 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 the Speech-Language Pathology and Audiology Licensing Act.

~~C.~~ B. The Board 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 4. AMENDATORY 59 O.S. 2001, Section 1607, is amended to read as follows:

Section 1607. A. There is hereby re-created, to continue until July 1, 2006, in accordance with the provisions of the Oklahoma Sunset Law, 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. 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 licensed speech-language pathologists or audiologists, furnished by the ~~Oklahoma Speech and Hearing Association~~ Oklahoma Speech-Language-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 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 may be reappointed three (3) years or more following the~~ Board members may be reappointed to serve one additional three-year term. Three (3) years after the termination of a previous appointment to the Board, a member may be reappointed for one additional three-year term.

E. Board members shall be reimbursed for travel expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act.

SECTION 5. AMENDATORY 59 O.S. 2001, 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~~ incompetence or neglect of duty, after giving the member a written statement of charges, and opportunity for a hearing.

SECTION 6. AMENDATORY 59 O.S. 2001, 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 the code of ethics, the Board shall hold hearings where interested persons may be heard on the subject. In addition, the Board will take into account the ethical standards promulgated by the ~~American Speech and Hearing Association~~ American Speech-Language-Hearing Association.

SECTION 7. AMENDATORY 59 O.S. 2001, 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 from the Speech-Language Pathology and Audiology Licensing Act. 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 the fund are hereby appropriated to the Board. Monies may be paid out of the fund upon proper voucher approved by the ~~chairman~~ chair of the Board, and attested by the executive secretary of the Board.

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 the fund for any purpose that is reasonably necessary to carry out the provisions of the Speech-Language Pathology and Audiology Licensing Act.

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

~~E.~~ F. 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 8. AMENDATORY 59 O.S. 2001, 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~~ chair 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 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~~ therefore, and by payment of the renewal fee. Failure on the part of any licensed person to pay such person's renewal fee before the first day in January does not deprive the person of the person's right to renew the person's license, but the fee to be paid for renewal after December shall be increased by ~~ten percent (10%)~~ fifty percent (50%) for each month or fraction thereof that the payment is delayed, up to a maximum of ~~twice~~ three times the current renewal fee.

C. A licensed speech-language pathologist or audiologist may place such person's license on inactive status if, prior to expiration of the person's license, the person makes written application to the Board for such status and pays a fee of Twenty-

five Dollars (\$25.00). Thereafter, the person may renew 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 the person's license is in an inactive status, the person shall not engage in the practice of speech-language pathology or audiology in the State of Oklahoma.

SECTION 9. AMENDATORY 59 O.S. 2001, Section 1617, is amended to read as follows:

Section 1617. ~~During every odd-numbered year, the~~ 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 business address of each licensed person, the area in which 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~~ appropriate. This list will be published on the web site for the Board of Examiners for Speech-Language Pathology and Audiology in printable format and updated quarterly. A copy of the list will be placed on file with the Secretary of State, and shall furnish copies to annually. Copies will be furnished to licensees and the public upon request.

SECTION 10. This act shall become effective July 1, 2004.

SECTION 11. 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.

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