

# Enrolled Senate Bill 141

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber for State Board of Examiners for Speech-Language Pathology and Audiology)

CHAPTER .....

AN ACT

Relating to the State Board of Examiners for Speech-Language Pathology and Audiology; creating new provisions; amending ORS 681.205, 681.230, 681.260, 681.264, 681.300, 681.320, 681.340, 681.360 and 681.490; repealing ORS 681.280 and 681.365; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 681.230 is amended to read:

681.230. *[(1) Nothing in this chapter prevents a person licensed in this state under any other law from engaging in the profession for which the person is licensed.]*

*[(2) Nothing in this chapter restricts or prevents a person from engaging in speech-language pathology or audiology activities or from using the official title of the position for which the person is employed if the person:]*

*[(a)(A) Holds a valid and current teaching license with a communications disorder endorsement issued by the Teacher Standards and Practices Commission; and]*

*[(B) Is employed by an education service district, a school district or a charter school; or]*

*[(b) Is a speech-language pathologist or audiologist who is:]*

*[(A) Employed by a federal agency; or]*

*[(B) Employed by an approved college or university.]*

*[(3) A person who performs activities described in subsection (2) of this section who is not licensed under this chapter must do so solely within the confines of or under the jurisdiction of the organization in which the person is employed and may not offer to render speech-language pathology or audiology services to the public for compensation over and above the salary the person receives for performance of the person's official duties with organizations in which the person is employed. However,]*

**(1) Without obtaining a license under this chapter, a person may use any procedure included in the practice of speech-language pathology or audiology if the procedure is within the scope of practice of the person and the person is:**

**(a) Licensed by a health professional regulatory board as defined in ORS 676.160;**

**(b) Performing basic audiometric testing under the supervision of a physician licensed under ORS chapter 677 and representing that the person is a medical assistant or audiology assistant;**

**(c) A teacher licensed by the Teacher Standards and Practices Commission and holding a hearing impaired endorsement; or**

(d) A student participating in supervised field work or supervised course work in speech-language pathology or audiology as part of a college or university program approved by the State Board of Examiners for Speech-Language Pathology and Audiology or an undergraduate course in speech-language pathology approved by the board.

(2) A person practicing speech-language pathology or audiology without a license under subsection (1) of this section may not represent or imply that the person is a speech-language pathologist, speech-language pathology assistant or audiologist.

(3) A person practicing speech-language pathology or audiology without a license under subsection (1)(d) of this section:

(a) Must use a title that indicates that the person is a student trainee.

(b) May not be paid for speech-language pathology or audiology services provided by the person, except that the person may be provided a reasonable educational stipend.

(4) Without obtaining a license under this chapter, a teacher licensed by the Teacher Standards and Practices Commission and holding a communications disorders or speech impaired endorsement issued by the commission may practice speech-language pathology if the person:

(a) Practices speech-language pathology solely in the course and scope of the person's duties as an employee of an education service district, a school district or a charter school; and

(b) Complies with ORS 681.360 to 681.375 and rules adopted under ORS 681.360 to 681.375 when supervising speech-language pathology assistants.

(5) Without obtaining a license under this chapter, a person may:

(a) Consult **with** or disseminate the person's research findings and scientific information to [other] accredited academic institutions or governmental agencies[. *The person also may*]; and

(b) Offer lectures to the public for a fee, monetary or otherwise[, *without being licensed under this chapter*].

[(4) *Nothing in this chapter restricts the activities and services of a student of speech-language pathology pursuing a course of study in speech-language pathology at an approved college or university or an approved clinical training facility. However, these activities and services must constitute a part of the supervised course of study of the student and a fee may not accrue directly or indirectly to the student. A student shall be designated by a title such as "Speech-Language Pathology Intern," "Speech-Language Pathology Trainee" or other title clearly indicating the training status appropriate to the level of training of the student.*]

[(5) *Nothing in this chapter restricts the activities and services of a student of audiology pursuing a course of study in audiology at an approved college or university or an approved clinical training facility. However, these activities and services must constitute a part of the supervised course of study of the student and a fee may not accrue directly or indirectly to the student. The student shall be designated by a title such as "Audiology Intern," "Audiology Trainee" or other title clearly indicating the training status appropriate to the level of training of the student.*]

[(6) *Nothing in this chapter restricts a person holding a Class A certificate issued by the Conference of Executives of American Schools of the Deaf from performing the functions for which the person qualifies.*]

[(7) *Nothing in this chapter restricts a person holding a license in this state as a hearing aid specialist from consulting with respect to the selling of hearing aids under ORS chapter 694.*]

[(8) *Notwithstanding subsections (4) and (5) of this section, the State Board of Examiners for Speech-Language Pathology and Audiology may adopt rules authorizing payment of a stipend to students of speech-language pathology and students of audiology who are pursuing a course of study at an approved college or university or an approved clinical training facility.*]

**SECTION 2.** ORS 681.260 is amended to read:

681.260. [(1)] An applicant is eligible for licensing by the State Board of Examiners for Speech-Language Pathology and Audiology as a speech-language pathologist if the applicant:

*[(a) Possesses at least a master's degree or equivalent in the area of speech-language pathology from an approved college or university.]*

*[(b) Submits transcripts from one or more approved colleges or universities presenting evidence of the completion of at least 60 semester hours constituting a well-integrated program that includes at least 18 semester hours in courses that provide fundamental information applicable to normal development and use of speech, hearing and language, and at least 42 semester hours in courses that provide information about and training in the management of speech, hearing and language disorders and that provide information supplementary to these fields.]*

*[(c) Submits evidence of the completion of a minimum of 275 clock hours of supervised, direct clinical experience with individuals presenting a variety of disorders of communication. The experience must be obtained within the training institution or in one of its cooperating programs.]*

*[(d) Presents written evidence from a licensed or certified speech-language pathologist supervisor of nine months of full-time post-educational professional employment, or its part-time equivalent, that is pertinent to the speech-language pathologist license. For purposes of this paragraph, "full-time" means at least nine months in a calendar year and a minimum of 30 hours per week, and "part-time equivalent" means:]*

*[(A) 15 to 19 hours per week during a period of at least 72 weeks.]*

*[(B) 20 to 24 hours per week during a period of at least 60 weeks.]*

*[(C) 25 to 29 hours per week during a period of at least 48 weeks.]*

*[(e) Passes an examination approved by the board. The board shall determine the subject and scope of the examinations. Written examinations may be supplemented by oral examinations as the board determines. An applicant who fails the examination may be reexamined at a subsequent examination.]*

*[(2) Of the 42 semester hours required under subsection (1)(b) of this section:]*

*[(a) No fewer than six semester hours may be in audiology;]*

*[(b) No more than six semester hours may be in courses that provide academic credit for clinical practice;]*

*[(c) At least 24 semester hours, not including credit for thesis or dissertation, must be in courses in the field for which the license is requested; and]*

*[(d) At least 30 semester hours must be in courses acceptable toward a graduate degree by the college or university in which those courses are taken.]*

**(1) Possesses a master's or doctoral degree in speech-language pathology from an educational institution accredited by an accrediting organization approved by the board, or an equivalent degree as determined by the board;**

**(2) Completed all requirements for the degree required by subsection (1) of this section at an educational institution accredited by an accrediting organization approved by the board;**

**(3) Has completed supervised clinical experience required by the board by rule;**

**(4) Has passed examinations required by the board by rule; and**

**(5) Meets other requirements established by the board by rule.**

**SECTION 3.** ORS 681.264 is amended to read:

681.264. *[(1)]* An applicant is eligible for licensing by the State Board of Examiners for Speech-Language Pathology and Audiology as an audiologist if the applicant:

*[(a) Possesses a Doctor of Audiology degree from an educational institution accredited by a body recognized by the United States Department of Education and submits transcripts from the educational institution that awarded the Doctor of Audiology degree to the applicant; or]*

*[(b) Possesses a master's degree or equivalent in the area of audiology from an approved college or university and submits all of the following to the board:]*

*[(A) Transcripts from one or more approved colleges or universities presenting evidence of the completion of at least 60 semester hours constituting a well-integrated program that includes at least 18 semester hours in courses that provide fundamental information applicable to normal development and use of speech, hearing and language, and at least 42 semester hours in courses that provide in-*

formation about and training in the management of speech, hearing and language disorders and that provide information supplementary to those fields.]

[(B) Evidence of the completion of a minimum of 275 clock hours of supervised, direct clinical experience with individuals presenting a variety of disorders of communication. The experience must be obtained within the training institution or in one of its cooperating programs.]

[(C) Written evidence from a licensed or certified audiologist supervisor of nine months of full-time post-educational professional employment, or its part-time equivalent, that is pertinent to an audiology license. For purposes of this subparagraph, "full-time" means at least nine months in a calendar year and a minimum of 30 hours per week, and "part-time equivalent" means:]

[(i) 15 to 19 hours per week during a period of at least 72 weeks.]

[(ii) 20 to 24 hours per week during a period of at least 60 weeks.]

[(iii) 25 to 29 hours per week during a period of at least 48 weeks.]

[(2) Of the 42 semester hours required under subsection (1)(b) of this section:]

[(a) No fewer than six semester hours may be in speech-language pathology;]

[(b) No more than six semester hours may be in courses that provide academic credit for clinical practice;]

[(c) At least 24 semester hours, not including credit for thesis or dissertation, must be in courses in the field for which the license is requested; and]

[(d) At least 30 semester hours must be in courses acceptable toward a graduate degree by the college or university in which those courses are taken.]

[(3) In addition to meeting the requirements under subsection (1) of this section, an applicant must pass an examination approved by the board. The board shall determine the subject and scope of the examinations. Written examinations may be supplemented by oral examinations as the board determines. An applicant who fails the examination may be reexamined at a subsequent examination.]

**(1) Possesses a degree from an educational institution accredited by an accrediting organization approved by the board that meets the following requirements:**

**(a) If the degree was awarded on or before August 30, 2007, the applicant must possess a master's or doctoral degree in audiology; or**

**(b) If the degree was awarded after August 30, 2007, the applicant must possess a doctoral degree with an emphasis in audiology, or an equivalent degree as determined by the board;**

**(2) Completed all requirements for the degree required by subsection (1) of this section at an educational institution accredited by an accrediting organization approved by the board;**

**(3) Has completed supervised clinical experience required by the board by rule;**

**(4) Has passed examinations required by the board by rule; and**

**(5) Meets other requirements established by the board by rule.**

**SECTION 4.** Section 5 of this 2011 Act is added to and made a part of ORS chapter 681.

**SECTION 5.** (1) The State Board of Examiners for Speech-Language Pathology and Audiology may adopt rules allowing for the issuance of a temporary speech-language pathology or audiology license or a temporary speech-language pathology assistant certificate.

**(2) The board may establish fees for temporary licenses and certificates.**

**SECTION 6.** ORS 681.300 is amended to read:

681.300. The State Board of Examiners for Speech-Language Pathology and Audiology may waive the examination described in ORS 681.290 and grant a license to:

[(1) An applicant who presents proof of a current license in a state that has standards equivalent to the standards of this state.]

[(2)] (1) An applicant who holds the Certificate of Clinical Competence of the American Speech-Language-Hearing Association in the area for which the person is applying for a license.

[(3)] (2) An audiology applicant who is certified by the American Board of Audiology.

**SECTION 7.** ORS 681.320 is amended to read:

681.320. (1) On or before [January 30] **December 31** of each [even-numbered] **odd-numbered** year, or on or before such date as may be specified by rule of the State Board of Examiners for Speech-Language Pathology and Audiology, each licensed speech-language pathologist or audiologist shall submit to the board an application for renewal of license and pay the renewal fee established by the board. The application shall include the following:

(a) Evidence of participation in professional development. Participation in professional development includes continuing education or other demonstrations of professional development that the board may recognize by rule.

(b) Evidence of compliance with all other requirements established by the board.

(2) A person who applies for renewal and whose license has expired may not be required to submit to any examination as a condition to renewal if the renewal application is made within four years from the date of expiration of the license.

(3) A suspended license is subject to expiration and must be renewed as provided in this section, but renewal does not entitle the licensee while the license remains suspended to engage in the licensed activity, or in any other activity or conduct that violates the order or judgment by which the license was suspended.

(4) A license revoked on disciplinary grounds is subject to expiration and may not be renewed. If the license is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus a delinquency fee, if any, accrued at the time of revocation of the license.

(5) A person who fails to renew a license within the four years after its expiration may not renew the license. The license may not be restored, reissued or reinstated thereafter, but the person may reapply for and obtain a new license if the person meets the requirements of this chapter and rules adopted by the board.

**SECTION 8.** ORS 681.340 is amended to read:

681.340. (1) The State Board of Examiners for Speech-Language Pathology and Audiology may, by rule, impose fees for the following:

(a) License **or certificate** fee and renewal thereof.

(b) Delinquency fee.

(c) Application fee.

(d) Inactive license fee.

(e) Conditional license fee and renewal thereof.

**(f) Temporary license or certificate fee and renewal thereof.**

(2) Every person to whom a license is issued shall, as a condition precedent to its issuance, and in addition to any application, examination or other fee, pay the prescribed initial license fee. The board may, by rule, provide for waiver of such fee where the license is issued less than 45 days before the date on which it will expire.

(3) Fees established by the board under subsection (1) of this section shall be in accordance with ORS 291.050 to 291.060.

(4) The fees collected by the board are exclusive and a municipality may not require any person licensed under the provisions of this chapter to furnish any bond or pass any examination.

**SECTION 9.** ORS 681.360 is amended to read:

681.360. (1) A person may not perform the duties of a speech-language pathology assistant or use the title speech-language pathology assistant without a certificate to do so issued under this section.

(2) To obtain a certificate to perform the duties of a speech-language pathology assistant, a person shall:

(a) Submit an application in the form prescribed by the State Board of Examiners for Speech-Language Pathology and Audiology;

(b) Pay the certificate fee established by the board;

(c) Demonstrate that the person meets the qualifications for certification established by the board; and

(d) Comply with all other requirements for certification established by the board.

(3) A certificate issued under this section expires every two years. To renew a certificate to perform the duties of a speech-language pathology assistant, a person shall:

(a) Submit the renewal application in the form prescribed by the board;

(b) Pay the renewal fee established by the board; and

(c) Comply with all other requirements for certificate renewal established by the board, including but not limited to submission of evidence of participation in professional development activities.

(4) A person may not employ or otherwise use the services of a speech-language pathology assistant unless the speech-language pathology assistant is certified under this section.

(5) The board may establish by rule [*criteria*] **qualifications and conditions** under which a person not licensed under this chapter who holds a basic or standard teaching license in speech impaired or an initial or continuing teaching license in communication disorders issued by the Teacher Standards and Practices Commission may supervise a speech-language pathology assistant working in a school.

(6) The board may refuse to issue a certificate, or may suspend or revoke the certificate, of any certified speech-language pathology assistant pursuant to the provisions of ORS 681.350.

**SECTION 10.** ORS 681.490 is amended to read:

681.490. (1) The State Board of Examiners for Speech-Language Pathology and Audiology:

(a) May, upon its own motion, investigate any alleged violation of this chapter.

(b) Shall, upon the complaint of any resident of this state, investigate any alleged violation of this chapter.

(2) In the conduct of investigations, the board may:

(a) Take evidence;

(b) Take the depositions of witnesses, including the person charged, in the manner provided by law in civil cases;

(c) Compel the appearance of witnesses, including the person charged, before the board in person the same as in civil cases;

(d) Require answers to interrogatories; and

(e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation.

(3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas over the signature of the board chairperson, **vice chairperson or executive director** and the seal of the board in the name of the State of Oregon.

(4) The board may bring a cause of action for injunction or other appropriate remedy to enforce any provision of this chapter.

(5) In addition to or in lieu of any other sanction permitted under this chapter, the board may impose a civil penalty of up to \$5,000 for each violation of the provisions of this chapter or rules adopted by the board under this chapter. A civil penalty imposed under this section shall be imposed in the manner provided in ORS 183.745.

**SECTION 11.** ORS 681.205 is amended to read:

681.205. As used in this chapter, unless the context requires otherwise:

(1) "Approved college or university" means [*any*] a college or university offering a [*full-time resident*] **graduate** program of study in speech-language pathology or audiology, leading to a master's **or doctoral** degree [*or equivalent, the program having been*], **that is** fully accredited or conditionally approved by the American Speech-Language-Hearing Association, or its successor agency, or [*having*] **has** been otherwise determined by the State Board of Examiners for Speech-Language Pathology and Audiology to meet the association standards as [*specifically*] incorporated into board rules.

(2) "Audiologist" means a person who practices audiology and who uses publicly any title or description of services incorporating the words "audiologist," "hearing clinician," "hearing therapist" or any similar titles or descriptions of service.

(3) "Conditional license" means a license issued to an applicant under ORS 681.325.

(4) "Practice audiology" means:

(a) To apply the principles, methods and procedures of measurement, prediction, evaluation, testing, counseling, consultation and instruction that relate to the development and disorders of hearing, vestibular functions and related language and speech disorders to prevent or modify the disorders or to assist individuals in auditory and related skills for communication.

(b) To fit or sell hearing aids.

(5) "Practice speech-language pathology" means to apply the principles, methods and procedures of measurement, prediction, evaluation, testing, counseling, consultation and instruction that relate to the development and disorders of speech, voice, swallowing and related language and hearing disorders to prevent or modify the disorders or to assist individuals in cognition-language and communication skills.

(6) "Speech-language pathologist" means a person who practices speech-language pathology and who uses publicly any title or description of services including but not limited to the words "speech-language pathologist," "speech correctionist," "speech therapist," "speech clinician," "language pathologist," "language therapist" or any similar titles or descriptions of services.

(7) "Speech-language pathology assistant" means a person who provides speech-language pathology services under the direction and supervision of a speech-language pathologist licensed under ORS 681.250.

(8) "Unethical conduct" means:

(a) Obtaining any fee by fraud or misrepresentation.

(b) Employing directly or indirectly any person who is unlicensed or whose license is suspended to perform any work covered by this chapter.

(c) Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, that is misleading, deceiving, improbable or untruthful.

(d) Representing that the services or advice of a person licensed to practice medicine will be used or made available in the practice of speech-language pathology or audiology if that is not true, or using the word "doctor" or "professor" or other like words, abbreviations, or symbols inaccurately.

(e) Permitting a person other than the license or conditional license holder to use the license or conditional license.

(f) Violating the ethical standards of practice adopted by the board under ORS 681.420.

**SECTION 12. ORS 681.280 and 681.365 are repealed.**

**SECTION 13. (1) The amendments to ORS 681.230 by section 1 of this 2011 Act become operative on January 1, 2012.**

**(2) The State Board of Examiners for Speech-Language Pathology and Audiology may take any action necessary before the operative date specified in subsection (1) of this section to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the board by the amendments to ORS 681.230 by section 1 of this 2011 Act.**

**SECTION 14. The amendments to ORS 681.260 and 681.264 by sections 2 and 3 of this 2011 Act apply to applicants who submit applications to the State Board of Examiners for Speech-Language Pathology and Audiology on or after the effective date of this 2011 Act.**

**SECTION 15. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.**

**Passed by Senate February 10, 2011**

**Repassed by Senate May 12, 2011**

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 10, 2011**

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Received by Governor:**

.....M,....., 2011

**Approved:**

.....M,....., 2011

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2011

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Kate Brown, Secretary of State