

**SENATE CS FOR CS FOR HOUSE BILL NO. 105(L&C)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - SECOND SESSION**

**BY THE SENATE LABOR AND COMMERCE COMMITTEE**

**Offered: 4/12/00**

**Referred: Finance**

**Sponsor(s): REPRESENTATIVES BUNDE, Smalley**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act providing for the licensing of speech-language pathologists; relating to  
2 fees paid by audiologists and speech-language pathologists; and providing for an  
3 effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 08.01.010(5) is amended to read:

6 (5) regulation of audiologists and speech-language pathologists under  
7 AS 08.11;

8 \* **Sec. 2.** AS 08.01.065(c) is amended to read:

9 (c) Except as provided in (f) and (g) of this section, the department shall  
10 establish fee levels under (a) of this section so that the total amount of fees collected  
11 for an occupation approximately equals the actual regulatory costs for the occupation.  
12 The department shall annually review each fee level to determine whether the  
13 regulatory costs of each occupation are approximately equal to fee collections related  
14 to that occupation. If the review indicates that an occupation's fee collections and

regulatory costs are not approximately equal, the department shall calculate fee adjustments and adopt regulations under (a) of this section to implement the adjustments. In January of each year, the department shall report on all fee levels and revisions for the previous year under this subsection to the office of management and budget. If a board regulates an occupation covered by this chapter, the department shall consider the board's recommendations concerning the occupation's fee levels and regulatory costs before revising fee schedules to comply with this subsection. In this subsection, "regulatory costs" means costs of the department that are attributable to regulation of an occupation plus

(1) all expenses of the board that regulates the occupation if the board regulates only one occupation;

(2) the expenses of a board that are attributable to the occupation if the board regulates more than one occupation.

\* **Sec. 3.** AS 08.01.065 is amended by adding a new subsection to read:

(g) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the department for all occupations regulated under AS 08.11 approximately equals the total regulatory costs of the department for all occupations regulated by the department under AS 08.11. The department shall set the fee levels for the issuance and renewal of licenses issued under AS 08.11 so that the fee levels are the same for all occupations regulated by the department under AS 08.11.

\* **Sec. 4.** AS 08.02.010(a) is amended to read:

(a) An acupuncturist licensed under AS 08.06, an audiologist or speech-language pathologist licensed under AS 08.11, a person licensed in the state as a chiropractor under AS 08.20, a professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian or nutritionist licensed under AS 08.38, a marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a registered nurse under AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as

professional identification appropriate letters or a title after that person's name that represents the person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

\* **Sec. 5.** AS 08.11 is amended by adding a new section to read:

**Sec. 08.11.015. Qualifications for speech-language pathologist license.** The department shall issue a license to practice speech-language pathology to an individual who

- (1) is 18 years of age or older;
- (2) applies on a form provided by the department;
- (3) pays the fee required under AS 08.11.050;
- (4) has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.11.085; and
- (5) furnishes evidence satisfactory to the department that the person holds a Certificate of Clinical Competence in speech-language pathology from the American Speech-Language-Hearing Association or the equivalent of the certificate.

\* **Sec. 6.** AS 08.11 is amended by adding a new section to read:

**Sec. 08.11.025. Temporary license to practice speech-language pathology as a speech-language pathologist.** (a) The department may issue a temporary license for the practice of speech-language pathology as a speech-language pathologist to an individual who is licensed to practice speech-language pathology in another state and has submitted to the department an application for a license and appropriate fees under AS 08.11.015.

(b) Subject to (c) and (d) of this section, the department may issue a temporary

license to the following:

(1) a nonresident for the practice of speech-language pathology as a speech-language pathologist in the state for 60 days or less in a calendar year, if the individual is licensed to practice speech-language pathology in another state, territory of the United States, foreign country, or province that has requirements for a license to practice speech-language pathology that are substantially equivalent to or higher than the requirements of AS 08.11.015;

(2) a nonresident for the practice of speech-language pathology as a speech-language pathologist in the state for 60 days or less in a calendar year, if the individual meets the qualifications and requirements for a license under AS 08.11.015, and resides in a state or territory of the United States or a foreign country or province that does not license individuals to practice speech-language pathology.

(c) The department shall deny a temporary license to an applicant under (b) of this section if the board finds that the applicant has committed an act that is grounds for a disciplinary sanction under AS 08.11.085.

(d) The department may impose by regulation additional limitations that it determines appropriate on a temporary license issued under this section.

\* **Sec. 7.** AS 08.11.030(d) is amended to read:

(d) A suspended license is subject to expiration and must be renewed as provided in AS 08.01.100, but the renewal does not entitle the individual while the license remains suspended to practice audiology or speech-language pathology or to engage in other activity or conduct that violates the order or judgment that suspended the license.

\* **Sec. 8.** AS 08.11.040 is amended to read:

**Sec. 08.11.040. Display of license.** (a) An individual licensed to practice audiology as an audiologist or licensed to practice speech-language pathology as a speech-language pathologist in the state shall display the license in a prominent place at each place of business of the individual.

(b) If an audiologist or speech-language pathologist has more than one place of business, the department shall, on request and payment of a fee, issue a duplicate license for each place of business of the individual.

\* **Sec. 9.** AS 08.11.050 is amended to read:

**Sec. 08.11.050. Fees.** The department shall set fees under AS 08.01.065 for each of the following:

- (1) application;
- (2) credential review;
- (3) audiologist license and speech-language pathologist license;
- (4) temporary license;
- (5) renewal of license;
- (6) delinquency;
- (7) reinstatement;
- (8) duplicate license.

\* **Sec. 10.** AS 08.11.080 is amended to read:

**Sec. 08.11.080. Grounds for imposition of disciplinary sanctions on an audiologist.** After a hearing, the department may impose a disciplinary sanction on an audiologist when the department finds that the licensee

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of practicing audiology;
- (3) advertised professional services in a false or misleading manner;
- (4) has been convicted of a felony or other crime that affects the person's ability to continue to practice competently and safely;
- (5) continued to practice audiology after becoming unfit due to
  - (A) professional incompetence;
  - (B) use of drugs or alcohol in a manner that affects the person's ability to practice audiology competently and safely;
  - (C) physical or mental disability;
- (6) permitted another person to use the licensee's license;
- (7) employed a person who does not have a valid current license to practice audiology to perform work as an audiologist covered by this chapter;
- (8) failed to comply with a provision of this chapter or a regulation

1 adopted under this chapter, or an order of the department.

2 \* **Sec. 11.** AS 08.11 is amended by adding a new section to read:

3 **Sec. 08.11.085. Grounds for imposition of disciplinary sanctions on a**  
 4 **speech-language pathologist.** After a hearing, the department may impose a  
 5 disciplinary sanction on a speech-language pathologist when the department finds that  
 6 the licensee

7 (1) secured a license or temporary license through deceit, fraud, or  
 8 intentional misrepresentation;

9 (2) fraudulently or deceptively used a license or temporary license;

10 (3) altered a license or temporary license;

11 (4) sold, bartered, or offered to sell or barter a license or temporary  
 12 license;

13 (5) engaged in deceit, fraud, or intentional misrepresentation in the  
 14 course of practicing speech-language pathology;

15 (6) advertised professional services in a false or misleading manner;

16 (7) has been convicted of a felony or other crime that affects the  
 17 person's ability to continue to practice competently and safely;

18 (8) engaged in unprofessional conduct, in sexual misconduct, or in lewd  
 19 or immoral behavior in connection with the delivery of professional services to clients;

20 (9) continued to practice speech-language pathology after becoming  
 21 unfit due to

22 (A) professional incompetence;

23 (B) use of drugs or alcohol in a manner that affects the person's  
 24 ability to practice speech-language pathology competently and safely;

25 (C) a physical or mental disability;

26 (10) permitted another person to use the licensee's license or temporary  
 27 license;

28 (11) employed a person who does not have a valid current license or  
 29 temporary license to practice speech-language pathology to perform work as a speech-  
 30 language pathologist covered by this chapter;

31 (12) failed to comply with a provision of this chapter or a regulation

1 adopted under this chapter, or an order of the department.

2 \* **Sec. 12.** AS 08.11.090(a) is amended to read:

3 (a) When it finds that an audiologist has committed an act listed in  
 4 AS 08.11.080 or that a speech-language pathologist has committed an act listed  
 5 in AS 08.11.085, the department may impose the following sanctions singly or in  
 6 combination:

- 7 (1) permanently revoke a license to practice;
- 8 (2) suspend a license for a determinate period of time;
- 9 (3) censure a licensee;
- 10 (4) issue a letter of reprimand;
- 11 (5) place a licensee on probationary status and require the licensee to
  - 12 (A) report regularly to the department on matters involving the
  - 13 basis of probation;
  - 14 (B) limit practice to those areas prescribed;
  - 15 (C) continue professional education until a satisfactory degree
  - 16 of skill has been attained in those areas determined by the department to need
  - 17 improvement;
- 18 (6) impose limitations or conditions on the practice of a licensee.

19 \* **Sec. 13.** AS 08.11 is amended by adding a new section to read:

20 **Sec. 08.11.095. Revocation of speech-language pathologist license.** After  
 21 a hearing, the department shall revoke the speech-language pathologist license of a  
 22 person who does not continue to be able to furnish the evidence required for licensure  
 23 under AS 08.11.015(5).

24 \* **Sec. 14.** AS 08.11.100 is amended to read:

25 **Sec. 08.11.100. Prohibited acts.** Unless a person is licensed as an  
 26 audiologist under this chapter, the person may not

- 27 (1) practice audiology;
- 28 (2) use a title indicating or representing that the person practices as an
- 29 audiologist;
- 30 (3) advertise that the person practices audiology.

31 \* **Sec. 15.** AS 08.11.100 is amended by adding a new subsection to read:

(b) Unless a person is licensed as a speech-language pathologist under this chapter, the person may not

(1) practice speech-language pathology;

(2) use a title indicating or representing that the person practices as a speech-language pathologist;

(3) advertise that the person practices speech-language pathology.

\* **Sec. 16.** AS 08.11 is amended by adding a new section to read:

**Sec. 08.11.125. Exemptions.** (a) Except as otherwise specifically provided in this section, this chapter does not apply to an individual who practices speech-language pathology as part of the individual's duties as

(1) a physician licensed under AS 08.64;

(2) an employee of, or contractor with, a school district while practicing speech-language pathology for the school district;

(3) a student, intern, or resident pursuing a course of study in speech-language pathology at an accredited college or a clinical training facility approved by the department if the activities of the student, intern, or resident constitute part of a supervised course of study and the student, intern, or resident is designated as a "speech-language pathology intern," "speech-language pathology trainee," or other title approved by the department that clearly indicates that the person is training to be a speech-language pathologist.

(b) An individual who is not licensed as a speech-language pathologist but who is exempt under (a)(1) or (3) of this section may not use a title or description stating or implying that the person is a speech-language pathologist.

(c) An individual who is not licensed under this chapter but who teaches the practice of speech-language pathology in a speech-language pathology training program at a college or university may use the title "speech-language pathologist" but may not practice speech-language pathology.

\* **Sec. 17.** AS 08.11.200 is amended by adding new paragraphs to read:

(6) "practice of speech-language pathology" means the application of principles, methods, and procedures related to the development and disorders of human communication, including but not limited to



(A) screening, identifying, assessing and interpreting, diagnosing, rehabilitating, and preventing disorders of speech, such as articulation, fluency, voice, and language;

(B) screening, identifying, assessing and interpreting, diagnosing, and rehabilitating disorders of oral-pharyngeal function or dysphagia or related disorders;

(C) screening, identifying, assessing and interpreting, diagnosing, and rehabilitating cognitive and communication disorders;

(D) assessing, selecting, and developing augmentative and alternative communication systems and providing training in their use;

(E) providing aural rehabilitation and related counseling services to hearing impaired individuals and their families;

(F) enhancing speech-language proficiency and communication effectiveness, such as accent reduction; and

(G) screening of hearing and other factors for the purpose of speech-language evaluation or the initial identification of individuals with other communication disorders, provided that judgments and descriptive statements about the results of the screening are limited to pass-fail determinations;

(7) "speech-language pathologist" means an individual who is licensed under AS 08.11.015 to practice speech-language pathology in the state.

\* **Sec. 18.** AS 08.55.150(a) is amended to read:

(a) Unless a person is licensed under this chapter or **is licensed as an audiologist under** AS 08.11, the person may not

(1) deal in hearing aids;

(2) use a title indicating or representing that the person deals in hearing aids or is licensed to deal in hearing aids;

(3) advertise that the person deals in hearing aids.

\* **Sec. 19.** AS 09.55.560(1) is amended to read:

(1) "health care provider" means an acupuncturist licensed under AS 08.06; an audiologist **or speech-language pathologist** licensed under AS 08.11; a chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32;

a dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or occupational therapist licensed under AS 08.84; a physician licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under AS 08.86; a hospital as defined in AS 18.20.130, including a governmentally owned or operated hospital; an employee of a health care provider acting within the course and scope of employment; an ambulatory surgical facility and other organizations whose primary purpose is the delivery of health care, including a health maintenance organization, individual practice association, integrated delivery system, preferred provider organization or arrangement, and a physical hospital organization;

\* **Sec. 20.** AS 42.05.296(b) is amended to read:

(b) A telephone subscriber is eligible for the service required by (a) of this section if the subscriber is certified as deaf, hard of hearing, or speech impaired by a licensed physician, a speech-language pathologist licensed under AS 08.11, an audiologist, or the Department of Health and Social Services or if the subscriber is an organization representing the deaf, hard of hearing, or speech impaired as determined by the commission.

\* **Sec. 21.** AS 44.62.330(a)(53) is amended to read:

(53) Department of Community and Economic Development concerning the licensing and regulation of audiologists and speech-language pathologists under AS 08.11;

\* **Sec. 22.** AS 47.17.290(13) is amended to read:

(13) "practitioner of the healing arts" includes chiropractors, mental health counselors, social workers, dental hygienists, dentists, health aides, nurses, nurse practitioners, certified nurse aides, occupational therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical therapists, physical therapy assistants, physicians, physician's assistants, psychiatrists, psychologists, psychological associates, audiologists and speech-language pathologists licensed under AS 08.11, hearing aid dealers licensed under AS 08.55, marital and family therapists licensed under AS 08.63, religious healing practitioners, acupuncturists, and surgeons;

1     \* **Sec. 23.** The uncodified law of the State of Alaska is amended by adding a new section  
2 to read:

3           REGULATIONS. The Department of Community and Economic Development may  
4 proceed to adopt regulations necessary to implement this Act. Regulations adopted to  
5 implement this Act take effect under AS 44.62 (Administrative Procedure Act), but not before  
6 October 1, 2000.

7     \* **Sec. 24.** Except as provided in sec. 25 of this Act, this Act takes effect October 1, 2000.

8     \* **Sec. 25.** Section 23 of this Act takes effect immediately under AS 01.10.070(c).