

HOUSE BILL NO. 105

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BUNDE

Introduced: 2/19/99

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for the licensing of speech-language pathologists; and providing
2 for an effective date."

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

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

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

7 * **Sec. 2.** AS 08.02.010(a) is amended to read:

8 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
9 language pathologist licensed under AS 08.11, a person licensed in the state as a
10 chiropractor under AS 08.20, a dentist under AS 08.36, a marital and family therapist
11 licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-
12 entry midwife certified under AS 08.65, a registered nurse under AS 08.68, an
13 optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical therapist
14 or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or

1 a clinical social worker licensed under AS 08.95, shall use as professional
 2 identification appropriate letters or a title after that person's name which represents that
 3 person's specific field of practice. The letters or title shall appear on all signs,
 4 stationery, or other advertising in which the person offers or displays personal
 5 professional services to the public. In addition, a person engaged in the practice of
 6 medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any
 7 manner in the healing arts who diagnoses, treats, tests, or counsels other persons in
 8 relation to human health or disease and uses the letters "M.D." or the title "doctor" or
 9 "physician" or another title that tends to show that the person is willing or qualified
 10 to diagnose, treat, test, or counsel another person, shall clarify the letters or title by
 11 adding the appropriate specialist designation, if any, such as "dermatologist",
 12 "radiologist", "audiologist", "naturopath", or the like.

13 * **Sec. 3.** AS 08.11 is amended by adding a new section to read:

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

17 (1) is 18 years of age or older;

18 (2) applies on a form provided by the department;

19 (3) pays the fee required under AS 08.11.050;

20 (4) has not engaged in conduct that is a ground for imposing
 21 disciplinary sanctions under AS 08.11.085; and

22 (5) furnishes evidence satisfactory to the department that the person
 23 holds a Certificate of Clinical Competence in speech-language pathology from the
 24 American Speech-Language-Hearing Association or the equivalent of the certificate.

25 * **Sec. 4.** AS 08.11 is amended by adding a new section to read:

26 **Sec. 08.11.025. Temporary license to practice speech-language pathology**
 27 **as a speech-language pathologist.** (a) On receipt of the completed application, the
 28 department shall issue a temporary license for the practice of speech-language
 29 pathology as a speech-language pathologist to an individual who is licensed to practice
 30 speech-language pathology in another state and has submitted to the department an
 31 application for a license under AS 08.11.015.

1 (b) The department may issue a temporary license to the following:

2 (1) a nonresident for the practice of speech-language pathology as a
3 speech-language pathologist in the state for 30 days or less in a calendar year, if the
4 individual is licensed to practice speech-language pathology in another state, territory
5 of the United States, foreign country, or province that has requirements for a license
6 to practice speech-language pathology that are substantially equivalent to or higher
7 than the requirements of AS 08.11.015;

8 (2) a nonresident for the practice of speech-language pathology as a
9 speech-language pathologist in the state for 30 days or less in a calendar year, if the
10 individual meets the qualifications and requirements for a license under AS 08.11.015,
11 and resides in a state or territory of the United States or a foreign country or province
12 that does not license individuals to practice speech-language pathology;

13 (3) a resident or nonresident who is in the process of completing the
14 year of supervised clinical experience required for a Certificate of Clinical Competence
15 in speech-language pathology from the American Speech-Language-Hearing
16 Association.

17 (c) A temporary license issued under (b)(3) of this section is limited to one
18 year except that it may be renewed once for an additional year. The department may
19 impose by regulation additional limitations that it determines appropriate on a
20 temporary license issued under this section.

21 * **Sec. 5.** AS 08.11.030(d) is amended to read:

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

27 * **Sec. 6.** AS 08.11.040 is amended to read:

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

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

4 * **Sec. 7.** AS 08.11.050 is amended to read:

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

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

15 * **Sec. 8.** AS 08.11.080 is amended to read:

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

- 19 (1) secured a license through deceit, fraud, or intentional
 20 misrepresentation;
- 21 (2) engaged in deceit, fraud, or intentional misrepresentation in the
 22 course of practicing audiology;
- 23 (3) advertised professional services in a false or misleading manner;
- 24 (4) has been convicted of a felony or other crime that affects the
 25 person's ability to continue to practice competently and safely;
- 26 (5) continued to practice audiology after becoming unfit due to
 - 27 (A) professional incompetence;
 - 28 (B) use of drugs or alcohol in a manner that affects the person's
 29 ability to practice audiology competently and safely;
 - 30 (C) physical or mental disability;
- 31 (6) permitted another person to use the licensee's license;

1 (7) employed a person who does not have a valid current license to
2 practice audiology to perform work **as an audiologist** covered by this chapter;

3 (8) failed to comply with a provision of this chapter or a regulation
4 adopted under this chapter, or an order of the department.

5 * **Sec. 9.** AS 08.11 is amended by adding a new section to read:

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

10 (1) secured a license through deceit, fraud, or intentional
11 misrepresentation;

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

14 (3) advertised professional services in a false or misleading manner;

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

17 (5) continued to practice speech-language pathology after becoming
18 unfit due to

19 (A) professional incompetence;

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

22 (C) a physical or mental disability;

23 (6) permitted another person to use the licensee's license;

24 (7) employed a person who does not have a valid current license to
25 practice speech-language pathology to perform work as a speech-language pathologist
26 covered by this chapter;

27 (8) failed to comply with a provision of this chapter or a regulation
28 adopted under this chapter, or an order of the department.

29 * **Sec. 10.** AS 08.11.090(a) is amended to read:

30 (a) When it finds that an audiologist has committed an act listed in
31 AS 08.11.080 **or that a speech-language pathologist has committed an act listed**

1 in AS 08.11.085, the department may impose the following sanctions singly or in
2 combination:

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

15 * **Sec. 11.** AS 08.11.100 is amended to read:

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

- 18 (1) practice audiology;
- 19 (2) use a title indicating or representing that the person practices as an
- 20 audiologist;
- 21 (3) advertise that the person practices audiology.

22 * **Sec. 12.** AS 08.11.100 is amended by adding a new subsection to read:

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

- 25 (1) practice speech-language pathology;
- 26 (2) use a title indicating or representing that the person practices as a
- 27 speech-language pathologist;
- 28 (3) advertise that the person practices speech-language pathology.

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

30 **Sec. 08.11.125. Exemptions.** (a) Except as otherwise specifically provided
31 in this section, this chapter does not apply to an individual who practices speech-

1 language pathology consistent with the accepted standards and code of ethics of the
2 individual's profession as part of the individual's duties as

3 (1) a physician licensed under AS 08.64;

4 (2) an employee of a school district while practicing speech-language
5 pathology under the provisions of certification issued by the Department of Education;

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

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

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

20 * **Sec. 14.** AS 08.11.200 is amended by adding new paragraphs to read:

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

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

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

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

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

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

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

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

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

13 * **Sec. 15.** AS 08.55.150(a) is amended to read:

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

16 (1) deal in hearing aids;

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

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

20 * **Sec. 16.** AS 09.55.560(1) is amended to read:

21 (1) "health care provider" means an acupuncturist licensed under
22 AS 08.06; an audiologist **or speech-language pathologist** licensed under AS 08.11;
23 a chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32;
24 a dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
25 optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an
26 optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical
27 therapist or occupational therapist licensed under AS 08.84; a physician licensed under
28 AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under
29 AS 08.86; a hospital as defined in AS 18.20.130, including a governmentally owned
30 or operated hospital; an employee of a health care provider acting within the course
31 and scope of employment; an ambulatory surgical facility and other organizations

1 whose primary purpose is the delivery of health care, including a health maintenance
2 organization, individual practice association, integrated delivery system, preferred
3 provider organization or arrangement, and a physical hospital organization;

4 * **Sec. 17.** AS 42.05.296(b) is amended to read:

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

11 * **Sec. 18.** AS 44.62.330(a)(53) is amended to read:

12 (53) Department of Commerce and Economic Development concerning
13 the licensing and regulation of audiologists **and speech-language pathologists** under
14 AS 08.11;

15 * **Sec. 19.** AS 47.17.290(13) is amended to read:

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

24 * **Sec. 20.** This Act takes effect July 1, 1999.