

CS FOR HOUSE BILL NO. 105(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 2/4/00

Referred: Rules

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 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 60 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 60 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 (c) The department shall deny a temporary license to an applicant under (b)
14 of this section if the board finds that the applicant has committed an act that is grounds
15 for a disciplinary sanction under AS 08.11.085.

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

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

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

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

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

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

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

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

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

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

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

- 16 (1) secured a license through deceit, fraud, or intentional
17 misrepresentation;
18 (2) engaged in deceit, fraud, or intentional misrepresentation in the
19 course of practicing audiology;
20 (3) advertised professional services in a false or misleading manner;
21 (4) has been convicted of a felony or other crime that affects the
22 person's ability to continue to practice competently and safely;
23 (5) continued to practice audiology after becoming unfit due to
24 (A) professional incompetence;
25 (B) use of drugs or alcohol in a manner that affects the person's
26 ability to practice audiology competently and safely;
27 (C) physical or mental disability;
28 (6) permitted another person to use the licensee's license;
29 (7) employed a person who does not have a valid current license to
30 practice audiology to perform work **as an audiologist** covered by this chapter;
31 (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:

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

3 (1) practice speech-language pathology;

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

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

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

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

11 (1) a physician licensed under AS 08.64;

12 (2) an employee of a school district while practicing speech-language
13 pathology under the provisions of certification issued by the Department of Education
14 and Early Development;

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

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

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

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

30 (6) "practice of speech-language pathology" means the application of
31 principles, methods, and procedures related to the development and disorders of human

1 communication, including but not limited to

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

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

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

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

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

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

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

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

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

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

25 (1) deal in hearing aids;

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

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

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

30 (1) "health care provider" means an acupuncturist licensed under
31 AS 08.06; an audiologist **or speech-language pathologist** licensed under AS 08.11;

1 a chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32;
 2 a dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
 3 optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an
 4 optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical
 5 therapist or occupational therapist licensed under AS 08.84; a physician licensed under
 6 AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under
 7 AS 08.86; a hospital as defined in AS 18.20.130, including a governmentally owned
 8 or operated hospital; an employee of a health care provider acting within the course
 9 and scope of employment; an ambulatory surgical facility and other organizations
 10 whose primary purpose is the delivery of health care, including a health maintenance
 11 organization, individual practice association, integrated delivery system, preferred
 12 provider organization or arrangement, and a physical hospital organization;

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

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

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

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

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

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

1 under AS 08.63, religious healing practitioners, acupuncturists, and surgeons;

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

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

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

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