

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 1/26/00
Referred: Finance

Sponsor(s): REPRESENTATIVE BUNDE

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 professional counselor licensed under AS 08.29, a
11 dentist under AS 08.36, a dietitian or nutritionist licensed under AS 08.38, a marital
12 and family therapist licensed under AS 08.63, a medical practitioner or osteopath under
13 AS 08.64, a direct-entry midwife certified under AS 08.65, a registered nurse under
14 AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a

1 physical therapist or occupational therapist licensed under AS 08.84, a psychologist
 2 under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as
 3 professional identification appropriate letters or a title after that person's name that
 4 represents the person's specific field of practice. The letters or title shall appear on all
 5 signs, stationery, or other advertising in which the person offers or displays personal
 6 professional services to the public. In addition, a person engaged in the practice of
 7 medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any
 8 manner in the healing arts who diagnoses, treats, tests, or counsels other persons in
 9 relation to human health or disease and uses the letters "M.D." or the title "doctor" or
 10 "physician" or another title that tends to show that the person is willing or qualified
 11 to diagnose, treat, test, or counsel another person, shall clarify the letters or title by
 12 adding the appropriate specialist designation, if any, such as "dermatologist",
 13 "radiologist", "audiologist", "naturopath", or the like.

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

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

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

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

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

1 AS 08.11.015.

2 (b) Subject to (c) and (d) of this section, the department may issue a temporary
3 license to the following:

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

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

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

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

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

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

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

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

31 (b) If an audiologist **or speech-language pathologist** has more than one place

1 of business, the department shall, on request and payment of a fee, issue a duplicate
2 license for each place of business of the individual.

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

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

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

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

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

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

1 practice audiology to perform work **as an audiologist** covered by this chapter;

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

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

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

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

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

12 (3) altered a license or temporary license;

13 (4) sold, bartered, or offered to sell or barter a license or temporary
14 license;

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

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

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

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

22 (9) continued to practice speech-language pathology after becoming
23 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 speech-language pathology competently and safely;

27 (C) a physical or mental disability;

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

30 (11) employed a person who does not have a valid current license or
31 temporary license to practice speech-language pathology to perform work as a speech-

1 language pathologist covered by this chapter;

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

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

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

9 (1) permanently revoke a license to practice;

10 (2) suspend a license for a determinate period of time;

11 (3) censure a licensee;

12 (4) issue a letter of reprimand;

13 (5) place a licensee on probationary status and require the licensee to

14 (A) report regularly to the department on matters involving the
15 basis of probation;

16 (B) limit practice to those areas prescribed;

17 (C) continue professional education until a satisfactory degree
18 of skill has been attained in those areas determined by the department to need
19 improvement;

20 (6) impose limitations or conditions on the practice of a licensee.

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

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

26 * **Sec. 12.** AS 08.11.100 is amended to read:

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

29 (1) practice audiology;

30 (2) use a title indicating or representing that the person practices as an
31 audiologist;

1 (3) advertise that the person practices audiology.

2 * **Sec. 13.** AS 08.11.100 is amended by adding a new subsection to read:

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

5 (1) practice speech-language pathology;

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

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

9 * **Sec. 14.** AS 08.11 is amended by adding a new section to read:

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

13 (1) a physician licensed under AS 08.64;

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

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

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

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

31 * **Sec. 15.** AS 08.11.200 is amended by adding new paragraphs to read:

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

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

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

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

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

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

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

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

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

24 * **Sec. 16.** AS 08.55.150(a) is amended to read:

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

27 (1) deal in hearing aids;

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

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

31 * **Sec. 17.** AS 09.55.560(1) is amended to read:

1 (1) "health care provider" means an acupuncturist licensed under
 2 AS 08.06; an audiologist **or speech-language pathologist** licensed under AS 08.11;
 3 a chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32;
 4 a dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
 5 optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an
 6 optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical
 7 therapist or occupational therapist licensed under AS 08.84; a physician licensed under
 8 AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under
 9 AS 08.86; a hospital as defined in AS 18.20.130, including a governmentally owned
 10 or operated hospital; an employee of a health care provider acting within the course
 11 and scope of employment; an ambulatory surgical facility and other organizations
 12 whose primary purpose is the delivery of health care, including a health maintenance
 13 organization, individual practice association, integrated delivery system, preferred
 14 provider organization or arrangement, and a physical hospital organization;

15 * **Sec. 18.** AS 42.05.296(b) is amended to read:

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

22 * **Sec. 19.** AS 44.62.330(a)(53) is amended to read:

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

26 * **Sec. 20.** AS 47.17.290(13) is amended to read:

27 (13) "practitioner of the healing arts" includes chiropractors, mental
 28 health counselors, social workers, dental hygienists, dentists, health aides, nurses, nurse
 29 practitioners, certified nurse aides, occupational therapists, occupational therapy
 30 assistants, optometrists, osteopaths, naturopaths, physical therapists, physical therapy
 31 assistants, physicians, physician's assistants, psychiatrists, psychologists, psychological

1 associates, audiologists **and speech-language pathologists** licensed under AS 08.11,
2 hearing aid dealers licensed under AS 08.55, marital and family therapists licensed
3 under AS 08.63, religious healing practitioners, acupuncturists, and surgeons;

4 * **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

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

10 * **Sec. 22.** Except as provided in sec. 23 of this Act, this Act takes effect October 1, 2000.

11 * **Sec. 23.** Section 21 of this Act takes effect immediately under AS 01.10.070(c).