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Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY H. BEIRNE

2 *CS* HOUSE BILL NO. 635

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to licensing of speech pathologists
7 and audiologists."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 74. SPEECH PATHOLOGISTS AND AUDIOLOGISTS.

11 ARTICLE 1. BOARD OF EXAMINERS

12 OF SPEECH PATHOLOGY AND AUDIOLOGY.

13 Sec. 08.74.010. CREATION AND MEMBERSHIP OF BOARD. There is
14 created the Board of Examiners of Speech Pathology and Audiology. The
15 board shall have three members, residing in as many separate Alaska
16 judicial districts as possible. Members shall have been residents of
17 the state for at least two years immediately preceding their appoint-
18 ment. Two board members shall be speech pathologists, and one member
19 shall be an audiologist. Board members shall be licensed for the
20 practice of speech pathology or audiology in this state, except for
21 the three members first appointed who shall fulfill the requirements
22 of sec. 110 of this chapter.

23 Sec. 08.74.020. APPOINTMENTS. (a) Members shall be appointed
24 by the governor from names submitted to the governor by the Alaska
25 Speech and Hearing Association. The governor shall appoint one board
26 member for a term of one year, one for a term of two years, and one for
27 a term of three years. Appointments made thereafter shall be for three-
28 year terms. No person is eligible to serve more than two full consecu-
29 tive terms. Terms begin on the first day of the calendar year and end

1 on the last day of the calendar year, except the first appointed members
2 who shall serve through the last calendar day of the year in which they
3 are appointed before commencing the terms prescribed by this section.

4 (b) Within 30 days after the date of enactment of this chapter,
5 the association shall submit the names of six speech pathologists for
6 two board positions, and three audiologists for one board position
7 created by (a) of this section. After the initial appointment, the
8 association shall recommend, at least 60 days before the end of each
9 calendar year, three speech pathologists or audiologists for each
10 vacancy occurring at the end of the calendar year. A vacancy shall be
11 filled by appointment for the unexpired term.

12 Sec. 08.74.030. MEETINGS OF THE BOARD. (a) A majority of the
13 board constitutes a quorum.

14 (b) The board shall meet during the first month of each calendar
15 year. At least one additional meeting shall be held before the end of
16 each calendar year. Further meetings may be convened at the written
17 request of a board member. All meetings of the board shall be open to
18 the public.

19 (c) Members of the board are entitled to per diem and expenses
20 authorized by law.

21 Sec. 08.74.040. FUNCTIONS OF THE BOARD. The board is authorized
22 to

23 (1) adopt regulations necessary to make this chapter effec-
24 tive;

25 (2) administer the provisions of this chapter, evaluate the
26 qualifications of applicants, and investigate persons engaging in
27 practices which violate the provisions of this chapter;

28 (3) conduct hearings, administer oaths to persons giving
29 testimony at hearings, and keep records and minutes necessary to an

1 orderly dispatch of business; and

2 (4) establish fees for licenses issued by the board.

3 Sec. 08.74.060. ANNUAL REPORTS. The board shall make an annual
4 report to the governor no later than November 15 of each year. The
5 report shall contain an account of all money received, licenses issued,
6 suspended or revoked, and all expenditures made by the board in the 12
7 months before that date.

8 ARTICLE 2. LICENSING OF SPEECH

9 PATHOLOGISTS AND AUDIOLOGISTS.

10 Sec. 08.74.100. LICENSE REQUIRED. (a) No person may practice
11 speech pathology or audiology or represent himself as a speech patholo-
12 gist or audiologist in this state without first obtaining a license in
13 accordance with the provisions of this chapter.

14 (b) Licenses shall be granted in either speech pathology or audi-
15 ology independently. A person may be licensed in both areas if he meets
16 the respective qualifications.

17 Sec. 08.74.110. ELIGIBILITY. To be eligible for a license as a
18 speech pathologist or audiologist, the applicant shall

19 (1) possess at least a master's degree in the area of speech
20 pathology or audiology;

21 (2) submit evidence to the board of meeting the requirements
22 of the American Speech and Hearing Association for the certificate of
23 clinical competence in speech pathology or audiology.

24 Sec. 08.74.120. WAIVER OF REQUIREMENTS. The board shall waive
25 the requirements of sec. 110 of this chapter for an applicant who

26 (1) on the effective date of this chapter, or in the two
27 years before the effective date of this chapter for a period of at
28 least six consecutive months, has been actively engaged in the practice
29 of speech pathology or audiology and has a bachelor's degree in speech

1 pathology or audiology;

2 (2) is currently licensed in another state or United States
3 territory, including the District of Columbia, or a province of Canada,
4 which maintains professional standards equivalent to those set out in
5 this chapter;

6 (3) holds the American Speech and Hearing Association Certi-
7 ficate of Clinical Competence in speech pathology or audiology.

8 Sec. 08.74.130. SUSPENSION AND REVOCATION OF LICENSE. (a) The
9 board shall issue a license to a person who meets the requirements of
10 this chapter. The board may refuse to issue or renew a license or may
11 suspend or revoke a license if the licensee or applicant has been guilty
12 of unprofessional conduct which has endangered or is likely to endanger
13 the health, welfare, or safety of the public. Unprofessional conduct
14 may result from

15 (1) procurement of a license by means of fraud, misrepresenta-
16 tion, or concealment of material facts;

17 (2) unprofessional conduct as defined by the regulations
18 established by the board;

19 (3) conviction of a felony involving moral turpitude; or

20 (4) violation of a provision of this chapter or a regulation
21 issued under this chapter.

22 (b) The board may deny an application for, or suspend, revoke, or
23 impose probationary conditions upon a license after a hearing has been
24 conducted.

25 (c) One year from the date of revocation of a license under this
26 section, application may be made to the board for reinstatement. The
27 board may accept or reject an application for reinstatement and may
28 require an examination for reinstatement.

29 Sec. 08.74.140. RENEWAL OF LICENSE. (a) A license issued under

1 this chapter shall be issued for a term of two years and may be renewed
2 for a like period.

3 (b) A revoked license is subject to expiration, but it may not be
4 renewed. If a revoked license is reinstated after its expiration, the
5 licensee, as a condition of reinstatement, shall pay a reinstatement
6 fee.

7 (c) A person who fails to renew his license within five years
8 after the date of its expiration may not renew it but may apply for and
9 obtain a new license upon compliance with the provisions of this chapter
10 for the issuing of an initial license.

11 Sec. 08.74.150. CONTINUING PROFESSIONAL EDUCATION. The board
12 shall assure continuing professional education of persons licensed under
13 this chapter as a condition for continued licensure.

14 Sec. 08.74.160. SPEECH PATHOLOGY AND AUDIOLOGY AIDS. (a) A
15 person pursuing a course of study at an accredited college or university
16 which leads to a degree in speech pathology or audiology and who has
17 been designated as a speech pathology or audiology aide or intern or
18 any other title appropriate to his level of training may provide speech
19 pathology or audiology services.

20 (b) A speech pathology or audiology aide shall be supervised by
21 a speech pathologist or audiologist who is licensed under this chapter.

22 (c) The board shall adopt minimum standards for speech pathology
23 and audiology aides which shall be less than the standards applicable
24 to speech pathologists and audiologists.

25 Sec. 08.74.170. EXEMPTIONS. This chapter does not apply to

26 (1) a physician or surgeon engaging in the practice of medi-
27 cine;

28 (2) a hearing aid dealer engaging in the business of fitting
29 and selling hearing aids;

1 (3) a person engaging in a profession or occupation for
2 which he is licensed by the state;

3 (4) a person who holds a valid and current credential as a
4 speech or hearing specialist, issued by the Department of Education, or
5 a person employed as a speech pathologist or audiologist by the govern-
6 ment of the United States while engaging in the discharge of his offi-
7 cial duties or offering lectures to the public for a fee;

8 (5) a person not a resident of this state and not licensed
9 under this chapter who meets the qualifications and requirements
10 described in sec. 110 of this chapter if he provides speech pathology
11 or audiology services for not more than 60 days in any calendar year
12 and his services are performed in cooperation with a speech pathologist
13 or audiologist licensed under this chapter.

14 ARTICLE 3. GENERAL PROVISIONS.

15 Sec. 08.74.200. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.
16 The board shall adopt regulations and conduct hearings in accordance
17 with the Administrative Procedure Act (AS 44.62).

18 Sec. 08.74.210. PENALTIES. A person practicing, or presenting
19 himself to be practicing, speech pathology or audiology without a
20 license is guilty of a misdemeanor and upon conviction is punishable
21 by a fine of not less than \$50 nor more than \$100, or by imprisonment
22 for not less than 10 days nor more than 90 days, or by both. Each day
23 of unlicensed practice is a separate offense.

24 Sec. 08.74.220. DEFINITIONS. In this chapter

25 (1) "actively engaged" means the accumulation of 360 hours of
26 practice within a six-month period;

27 (2) "audiologist" means an individual who practices audiology
28 or who presents himself to the public by a title or description of ser-
29 vices incorporating the words audiologist, audiology, audiological,

1 hearing clinician, hearing clinic, hearing therapist, or a similar title
2 or description of service;

3 (3) "audiology" means the application of principles, methods,
4 and procedures for measurement, testing, evaluation, prediction, con-
5 sultation, counseling, instruction, habilitation, or rehabilitation
6 related to hearing and disorders of hearing for the purpose of evalua-
7 ting, identifying, preventing, treating, ameliorating, or modifying these
8 disorders and conditions in individuals or groups of individuals;

9 (4) "board" means the Alaska Board of Examiners of Speech
10 Pathology and Audiology;

11 (5) "speech pathologist" means an individual who practices
12 speech pathology or who presents himself to the public by a title or
13 description of services incorporating the words speech pathologist,
14 speech therapist, speech correctionist, speech clinician, language
15 pathologist, language therapist, logopedist, communicologist, voice
16 therapist, voice pathologist, or a similar title or description of
17 service;

18 (6) "speech pathology" means the application of principles,
19 methods and procedures for the measurement, testing, evaluation, diag-
20 nosis, counseling, instruction, habilitation, or rehabilitation related
21 to the development and disorders of speech, voice, or language for the
22 purpose of evaluating, preventing, ameliorating, or modifying these
23 disorders and conditions in individuals or groups of individuals.
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