

1 SENATE BILL NO. 451

2 INTRODUCED BY WHEAT

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SPEECH-LANGUAGE PATHOLOGISTS AND
5 AUDIOLOGISTS LICENSING LAWS; REVISING THE DEFINITION OF "PRACTICE OF AUDIOLOGY" AND
6 "PRACTICE OF SPEECH-LANGUAGE PATHOLOGY"; REVISING LICENSE EXEMPTION AND EXAMINATION
7 REQUIREMENTS; AND AMENDING SECTIONS 37-15-101, 37-15-102, 37-15-103, 37-15-303, 37-15-304,
8 37-15-307, AND 37-15-313, MCA."

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11

12 **Section 1.** Section 37-15-101, MCA, is amended to read:

13 **"37-15-101. Purpose.** The legislature declares it to be a policy of this state that in order to safeguard
14 the public health, safety, and welfare and to protect the public from being misled by incompetent, unscrupulous,
15 and unauthorized persons and to protect the public from unprofessional conduct by qualified speech-language
16 pathologists and audiologists and to help ensure the availability of the highest possible quality speech-language
17 pathology and audiology services to the people of this state with communicative ~~disabilities~~ disorders, it is
18 necessary to provide regulatory authority over persons offering speech-language pathology or audiology
19 services to the public."

20

21 **Section 2.** Section 37-15-102, MCA, is amended to read:22 **"37-15-102. Definitions.** As used in this chapter, the following definitions apply:23 ~~—— (1) "ASHA" means the American speech-language-hearing association.~~24 ~~—— (2) (1) "Association" means the Montana speech-language and hearing association.~~

25 ~~(3)~~(2) "Audiologist" means a person who practices audiology and who meets the qualifications set forth
26 in this chapter. A person represents to the public that the person is an audiologist by incorporating in any title
27 or description of services or functions that the person directly or indirectly performs the words "audiologist",
28 "audiology", "audiometrist", "audiometry", "audiological", "audiometrics", "hearing clinician", "hearing clinic",
29 "hearing therapist", "hearing therapy", "hearing center", "hearing aid audiologist", or any similar title or description
30 of services.

1 ~~(4)~~(3) "Audiology aide or assistant" means any person meeting the minimum requirements established
 2 by the board of speech-language pathologists and audiologists who works directly under the supervision of a
 3 licensed audiologist.

4 ~~(5)~~(4) "Board" means the board of speech-language pathologists and audiologists provided for in
 5 2-15-1739.

6 ~~(6)~~(5) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part
 7 17.

8 ~~(7)~~(6) "Practice of audiology" means ~~rendering or offering to render a service in audiology to individuals~~
 9 ~~or groups of individuals who have or are suspected of having hearing disorders~~ NONMEDICAL diagnosis,
 10 assessment, and treatment services relating to auditory and vestibular disorders as provided by board rule.

11 ~~These services include:~~

12 ~~—— (a) prevention, identification, measurement, testing, evaluation, prediction, consultation, habilitation,~~
 13 ~~rehabilitation, instruction, and research;~~

14 ~~—— (b) participating in hearing conservation and hearing aid and assistive listening device evaluation,~~
 15 ~~prescription, preparation, dispensing, and orientation;~~

16 ~~—— (c) fabricating ear molds;~~

17 ~~—— (d) providing auditory training and speech reading;~~

18 ~~—— (e) conducting tests~~ assessment and treatment of vestibular function disorders;

19 ~~—— (f) evaluating~~ assessment and treatment of tinnitus;

20 ~~—— (g) planning, directing, conducting, or supervising programs that render or offer to render a service in~~
 21 ~~audiology; and~~

22 ~~—— (h) speech or language screening, limited to a pass/fail determination;~~

23 ~~—— (i) cerumen management;~~

24 ~~—— (j) intraoperative monitoring;~~

25 ~~—— (k) central auditory processing, testing, and management; and~~

26 ~~—— (l) aural rehabilitation, including services and procedures for facilitating adequate receptive~~
 27 ~~communication in individuals with hearing impairment.~~

28 ~~(8)~~(7) "Practice of speech-language pathology" means ~~rendering or offering to render a service in~~
 29 ~~speech-language pathology to individuals or groups of individuals who have or are suspected of having~~
 30 ~~communication disorders~~ NONMEDICAL diagnosis, assessment, and treatment services relating to

1 speech-language pathology as provided by board rule. These services include:

2 ~~——— (a) prevention, identification, measurement, testing, evaluation, prediction, consultation, habilitation,~~
3 ~~and rehabilitation;~~

4 ~~——— (b) determining the need for augmentative communication systems and providing training in the use~~
5 ~~of these systems;~~

6 ~~——— (c) planning, directing, conducting, or supervising programs that render or offer to render a service in~~
7 ~~speech-language pathology;~~

8 ~~——— (d) nondiagnostic pure-tone air conduction, tympanometry, and acoustic reflex screening, limited to a~~
9 ~~pass/fail determination;~~

10 ~~——— (e) aural rehabilitation, which includes services and procedures for facilitating adequate receptive and~~
11 ~~expressive communication in individuals with hearing impairment;~~

12 ~~——— (f) oral motor rehabilitation, which includes services and procedures for evaluating and facilitating face,~~
13 ~~lip, and tongue mobility and control;~~

14 ~~——— (g) cognitive retraining, which includes services and procedures for evaluating and facilitating memory,~~
15 ~~attention, reasoning, processing, judgment, and other related areas in individuals with language impairment~~
16 ~~resulting from head injury, stroke, or other insult; and~~

17 ~~——— (h) dysphagia therapy, which includes services and procedures for evaluating and facilitating swallowing~~
18 ~~and feeding in those individuals with swallowing disorders.~~

19 ~~(9)~~(8) "Speech-language pathologist" means a person who practices speech-language pathology and
20 who meets the qualifications set forth in this chapter. A person represents to the public that the person is a
21 speech-language pathologist by incorporating in any title or description of services or functions that the person
22 directly or indirectly performs the words "speech pathologist", "speech pathology", "speech correctionist",
23 "speech corrections", "speech therapist", "speech therapy", "speech clinician", "speech clinic", "language
24 pathologist", "language pathology", "voice therapist", "voice therapy", "voice pathologist", "voice pathology",
25 "logopedist", "logopedics", "communicologist", "communicology", "aphasiologist", "aphasiology", "phoniatrist",
26 "language therapist", "language clinician", or any similar title or description of services or functions.

27 ~~(10)~~(9) "Speech-language pathology aide or assistant" means a person meeting the minimum
28 requirements established by the board who works directly under the supervision of a licensed speech-language
29 pathologist."
30

1 **Section 3.** Section 37-15-103, MCA, is amended to read:

2 **"37-15-103. Exemptions.** (1) ~~Nothing in this~~ This chapter prevents ~~does not prevent~~ a person licensed
3 in this state under any other law from engaging in the profession or business for which ~~he~~ that person is
4 licensed.

5 (2) ~~Nothing in this chapter restricts or prevents~~ This chapter does not restrict or prevent activities of a
6 speech-language pathology or audiology nature or the use of the official title of the position for which ~~they~~ the
7 activities were ~~employed~~ performed on the part of a speech-language pathologist or audiologist employed by
8 federal agencies.

9 (3) Those persons performing activities described in subsection (2) ~~of this section~~ who are not licensed
10 under this chapter ~~must do so solely~~ may perform those activities only within the confines of or under the
11 jurisdiction of the organization in which they are employed and may not offer speech-language pathology or
12 audiology services to the public for compensation over and above the salary they receive for performance of
13 their official duties with organizations by which they are employed. However, without obtaining a license under
14 this chapter, these persons may consult or disseminate their research findings and scientific information to other
15 accredited academic institutions or governmental agencies. They also may offer lectures to the public for a fee
16 without being licensed under this chapter.

17 (4) ~~Nothing in this chapter restricts~~ This chapter does not restrict the activities and services of a student
18 in speech-language pathology or audiology from pursuing a course of study in speech-language pathology or
19 audiology at an accredited or approved college or university or an approved clinical training facility. However,
20 these activities and services must constitute a part of ~~his~~ a supervised course of study, and a fee may not accrue
21 directly or indirectly to the student. These ~~persons~~ students must be designated by the title "speech-language
22 pathology {or audiology} intern", "speech-language pathology {or audiology} trainee", or a title clearly indicating
23 the training status appropriate to ~~his~~ the level of training.

24 (5) ~~Nothing in this~~ This chapter restricts ~~does not restrict~~ a person from another state from offering
25 speech-language pathology or audiology services in this state if ~~these~~ the services are performed for ~~no~~ not
26 more than 5 days in any calendar year and if the services are performed in cooperation with a speech-language
27 pathologist or audiologist licensed under this chapter. However, by securing a temporary license from the board
28 subject to limitations ~~as~~ that the board may impose, a person not a resident of this state who is not licensed
29 under this chapter but who is licensed under the law of another state that has established licensure requirements
30 at least equivalent to those established by this chapter ~~or who is the holder of the ASHA certificate of clinical~~

1 ~~competency in speech-language pathology or audiology or its equivalent~~ may offer speech-language pathology
 2 or audiology services in this state for ~~no~~ not more than 30 days in any calendar year if the services are
 3 performed in cooperation with a speech-language pathologist or audiologist licensed under this chapter.

4 (6) ~~Nothing in this~~ This chapter restricts ~~restricts~~ does not restrict ~~any~~ a person holding a class A certificate
 5 issued by the conference of executives of American schools of the deaf from performing the functions for which
 6 ~~he~~ the person qualifies.

7 (7) ~~Nothing in this~~ This chapter restricts ~~restricts~~ does not restrict ~~a~~ any person who holds a certificate of
 8 registration in this state as a hearing aid dealer from performing ~~those~~ the functions for which ~~he~~ the person
 9 qualifies and that are described in Title 37, chapter 16.

10 (8) ~~Nothing in this~~ This chapter exempts ~~exempts~~ does not exempt an audiologist who sells, dispenses, or fits
 11 hearing aids from the licensing requirements or other provisions of Title 37, chapter 16."
 12

13 **Section 4.** Section 37-15-303, MCA, is amended to read:

14 **"37-15-303. Qualifications.** (1) To be eligible for licensing by the board as a speech-language
 15 pathologist or audiologist, the applicant ~~must~~:

16 (a) must meet the current academic, supervised clinical practicum, and postclassroom sponsored
 17 employment requirements ~~of the ASHA~~ as defined by board rule;

18 (b) shall pass an examination approved by the board.

19 (2) The board shall determine the subject and scope of the examination.

20 (3) The standards defined by the board must be equal to or greater than the standards generally
 21 accepted as the national norm."
 22

23 **Section 5.** Section 37-15-304, MCA, is amended to read:

24 **"37-15-304. Examination.** (1) Except as otherwise provided in this chapter, an applicant ~~shall~~ must be
 25 examined for speech-language pathology or audiology by the board and shall pay to the board, at least 30 days
 26 prior to the date of the examination, the examination fee for each examination as prescribed by this chapter.

27 (2) The board shall examine by written examination given at least twice a year at a time and place and
 28 under ~~such~~ the supervision as the board may determine. In addition, an oral examination may be required by
 29 the board. Standards for acceptable performance ~~shall~~ must be determined by the board.

30 (3) The board may waive the written examination for ~~certification~~ licensure if the applicant has

1 successfully passed ~~the~~ a national examination in speech-language pathology or audiology as provided by board
2 rule.

3 (4) The board may examine or direct the applicant to be examined for knowledge in whatever theoretical
4 or applied fields of speech-language pathology or audiology ~~as it~~ that the board considers appropriate. ~~† The~~
5 board may also examine the candidate with regard to ~~his~~ professional skills and ~~his~~ judgment in the ~~utilization~~
6 use of speech-language pathology or audiology techniques and methods.

7 (5) The department shall maintain a permanent record of all examination scores.

8 (6) The board shall keep an accurate transcript of the oral examination, if any. Transcripts of oral
9 examinations ~~shall~~ must be retained by the board for at least 1 year following the date of examination.

10 (7) An applicant who fails ~~his~~ the examination may be reexamined at a subsequent examination upon
11 payment of another examination fee. An applicant who fails two successive examinations may apply for
12 reexamination after 2 years of additional professional experience or training."

13

14 **Section 6.** Section 37-15-307, MCA, is amended to read:

15 **"37-15-307. Application and examination fee -- license fee -- registration fee.** The amount of fees
16 prescribed in connection with a license as a speech-language pathologist or audiologist and with registration
17 as a speech-language pathology aide or assistant or audiology aide or assistant ~~shall~~ must be determined by
18 the board each year based on costs and predicted expenditures."

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20 **Section 7.** Section 37-15-313, MCA, is amended to read:

21 **"37-15-313. Registration of aides or assistants.** Each licensed speech-language pathologist and
22 audiologist shall annually, on or before October 31, register with ~~a~~ the board on forms provided by the board all
23 speech-language pathology aides or assistants and audiology aides or assistants working directly under the
24 supervision of the licensee."

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