

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1669

S. P. 454

In Senate, April 7, 1975

Referred to Committee on Business Legislation. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Curtis of Penobscot.

Cosponsor: Senator Johnston of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Provide for the Licensure of Speech Pathologists and Audiologists.

Be it enacted by the People of the State of Maine, as follows :

Sec. 1. 5 MRSA § 151, 1st sentence, as last amended by PL 1973, c. 558, § 2, is further amended to read :

All money received by the Treasurer of State from the Board of Registration in Medicine, the Board of Examiners in Physical Therapy, the Board of Examiners of Psychologists, the State Board of Nursing, the Board of Examiners of Applicants for Admission to the Bar, the Board of Accountancy, the Board of Veterinary Examiners, the Board of Osteopathic Examination and Registration, the State Board of Funeral Service, the State Board of Registration and Examination in Optometry, the Board of Dental Examiners, the State Board of Registration for Professional Engineers, the State Board of Certification for Geologists and Soil Scientists, the State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals, the State Board of Architects, the Electricians' Examining Board, the Oil Burnermen's Burner Men's Licensing Board, the Penobscot Bay and River Pilotage Commission, the State Board of Barbers, State Board of Cosmetology, State Board of Registration for Land Surveyors, State Board of Social Worker Registration, the Examiners of Podiatrists, the Board of Chiropractic Examination and Registration, the State Board of Examiners on Speech Pathology and Audiology and the Board of Commissioners of the Profession of Pharmacy shall constitute a fund which shall be a continuous carrying account for the payment of the compensation and expenses of the members,

the expenses of the board and for executing the law relating to each board respectively and so much thereof as may be required is appropriated for said purposes.

Sec. 2. 5 MRSA § 2301, sub-§ 1, as last amended by PL 1973, c. 788, § 24, is further amended by inserting after the 9th paragraph the following:

Board of Examiners on Speech Pathology and Audiology;

Sec. 3. 32 MRSA c. 75 is enacted to read:

CHAPTER 75

SPEECH PATHOLOGISTS AND AUDIOLOGISTS

SUBCHAPTER I

GENERAL PROVISIONS

§ 5001. Title

This chapter may be cited as the "Licensure Act for Speech Pathologists and Audiologists."

It is declared to be a policy of the State of Maine that in order to safeguard the public health, safety and welfare; to protect the public from being misled by incompetent, unscrupulous and unauthorized persons and from unprofessional conduct on the part of qualified speech pathologists and audiologists; and to help assure the availability of the highest possible quality speech pathology and audiology services to the communicatively handicapped people of this State, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

§ 5003. Definitions

As used in this chapter, unless a different meaning clearly appears from the context, the following words shall have the following meanings.

1. **Audiologist.** "Audiologist" means an individual who practices audiology or who presents himself to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist or any similar title or description of service,

2. **Audiology.** "Audiology" means the application of principles, methods and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation or rehabilitation related to hearing and disorders of hearing for the purpose of evaluating, identifying, preventing, ameliorating or modifying such disorders and conditions in individuals or groups of individuals. For the purpose of this subsection the words "habilitation" and "rehabilitation" include, but are not limited to, hearing aid evaluation and recommendation, auditory training and speech reading.

3. **Audiometric technician.** "Audiometric technician" means an individual who meets minimum qualifications which the board may establish for audiology aides, which qualifications shall be less than those established by this chapter as necessary for licensure as an audiologist, and who works under the supervision of a licensed audiologist.

4. Board. "Board" means the State Board of Examiners on Speech Pathology and Audiology, established under section 5010.

5. Person. "Person" means any individual, organization or corporate body, except that only an individual may be licensed under this chapter.

6. Speech pathologist. "Speech pathologist" means an individual who practices speech pathology and who presents himself to the public by any title or description of services incorporating the words speech pathologist, speech therapist, speech correctionist, speech clinician, language pathologist, language therapist, logopedist, communicologist, voice therapist, voice pathologist or any similar title or description of service.

7. Speech pathology. "Speech pathology" means the application of principles, methods and procedures for the measurement, testing, evaluation, prediction, counseling, instruction, habilitation or rehabilitation related to the development and disorders of speech, voice or language for the purpose of evaluating, preventing, ameliorating or modifying such disorders and conditions in individuals and groups of individuals.

8. Speech pathology aide. "Speech pathology aide" means an individual who meets minimum qualifications which the board may establish for speech pathology aides, which qualifications shall be less than those established by this chapter as necessary for licensure as a speech pathologist, and less than those established by the Department of Educational and Cultural Services for school personnel, and who works under the supervision of a licensed speech pathologist.

9. Supervision. "Supervision" means the direct observation of at least $\frac{1}{3}$ of the service contacts by a licensed speech pathologist or licensed audiologist, plus the regular assessment of written records of the services provided to the communicatively handicapped persons.

§ 5004. Persons and practices affected

Licensure shall be granted either in speech pathology or audiology independently. A person may be licensed in both areas if he meets the respective qualifications. No person shall practice or represent herself or himself as a speech pathologist or audiologist in this State, unless she or he is licensed in accordance with the laws of this State.

§ 5005. Persons and practices not affected

Nothing in this chapter shall be construed as preventing or restricting:

1. Person holding valid and current credential. A person who holds a valid and current credential as a speech or hearing clinician, issued by the Department of Educational and Cultural Services, from providing such services within a local educational agency, or a person employed as a speech pathologist or audiologist by the Government of the United States, if such person performs speech pathology or audiology services solely within the confines or under the jurisdiction of the organization by which he is employed. However, such person may, without obtaining a license under this chapter, consult with or disseminate her or his research findings and other scientific

information to speech pathologists and audiologists outside the jurisdiction of the organization by which she or he is employed. Such person may also offer lectures to the public for a fee, monetary or other, without being licensed under this chapter. Such person may additionally elect to be subject to this chapter.

2. Persons pursuing course of study in speech pathology The activities and services of persons pursuing a course of study leading to a degree in speech pathology at an accredited college or accredited university, if such activities and services constitute a part of the course of study and such person is designated speech pathology intern, speech pathology trainee or by other such title clearly indicating the training status appropriate to her or his level of training.

3. Persons pursuing course of study in audiology. The activities and services of a person pursuing a course or study leading to a degree in audiology at an accredited college or accredited university, if such activities and services constitute a part of the course of study and such person is designated audiology intern, audiology trainee or by any other title clearly indicating the training status appropriate to her or his level of training.

4. Person not a resident of this State. The performance of speech pathology or audiology services in this State by any person not a resident of this State who is not licensed under this chapter, if such services are performed for no more than 5 days in any calendar year and in cooperation with a speech pathologist or audiologist licensed under this chapter; and if such person meets the qualifications and requirements for application for licensure described in section 5020, subsections 1 to 3. However, a person not a resident of this State who is not licensed under this chapter, but who is licensed under the laws of another state which has established licensure requirements at least equivalent to those established by section 5020 or who is the holder of the ASHA, the American Speech and Hearing Association, and hereafter referred to as ASHA, Certificate of Clinical Competency in Speech Pathology or Audiology or its equivalent, may offer speech pathology or audiology services in this State for not more than 60 days in any calendar year, if such services are performed in cooperation with a speech pathologist or audiologist licensed under this chapter.

SUBCHAPTER II

BOARD OF EXAMINERS ON SPEECH

PATHOLOGY AND AUDIOLOGY

§ 5010. Membership; terms

There is created the Board of Examiners on Speech Pathology and Audiology to consist of 5 members who shall be appointed by the Governor. All members shall have been residents of this State for at least one year immediately preceding their appointment, and at least 4 members shall have been engaged full time in the profession of speech pathology or audiology for at least one year immediately preceding their appointment. At least 2 members shall be actively engaged in the practice of speech pathology, and at least one

member shall be actively engaged in the practice of audiology, with the 4th professional member being either a speech pathologist or audiologist. All professional board members shall at all times be holders of valid licenses for the practice of speech pathology or audiology, except for the 4 members first appointed, who shall be the holders of a nationally recognized certificate of clinical competence in speech pathology or audiology or its equivalent.

The Governor shall appoint, within 60 days of the effective date of this chapter, 2 board members for a term of one year; 2 board members for a term of 2 years and one board member for a term of 3 years. Appointments thereafter shall be for 3-year terms, with no person being eligible to serve more than 2 full consecutive terms. Any vacancy in the board shall be filled by the appointment by the Governor of a person, qualified as was the board member being replaced, to hold office during the unexpired term of the member whose place is thus filled.

§ 5011. Meetings, chairperson, quorum

The board shall meet during the first month of each calendar year to select a chairperson and a secretary and for other appropriate purposes. At least one additional meeting shall be held before the end of each calendar year. Further meetings may be convened at the call of the chairperson or the written request of any 2 board members. All meetings of the board shall be open to the public, except that the board may hold closed sessions to prepare, approve, grade or administer examinations, or upon request of an applicant who fails an examination to prepare a response indicating any reason for her or his failure.

Three members of the board shall constitute a quorum for all purposes, but in no instance shall a meeting of 3 board members who are exclusively speech pathologists or exclusively audiologists be considered a quorum.

§ 5012. Expenses

Members of the board shall receive a per diem of \$25 for each day actually spent in carrying out the duties of the office and shall be reimbursed for travel expenses incurred in coming from their residences in the State to attend board meetings. Such reimbursement shall be at the rates provided for state employees.

§ 5012. Powers and duties

The Board of Examiners on Speech Pathology and Audiology shall have the following powers and duties:

1. Board to administer, coordinate and enforce. The board shall administer, coordinate and enforce this chapter, evaluate the qualifications and supervise the examinations of applicants for licensure under this chapter and may issue subpoenas, examine witnesses and administer oaths, and shall, at its discretion, investigate allegations of practices violating this chapter.

2. Board to adopt rules and regulations. The board shall adopt rules and regulations relating to professional conduct commensurate with the policy of this chapter including, but not limited to, regulations which establish ethi-

cal standards of practice and for other purposes, and may amend or repeal the same in accordance with the purposes of this chapter. Following their adoption, such rules and regulations shall govern and control the professional conduct of every person who holds a license to practice speech pathology and audiology in this State.

3. Board to conduct hearings. The board shall conduct such hearings and keep such records and minutes as are necessary to the ordinary dispatch of its functions. The board shall provide notice to the appropriate persons in a manner it considers appropriate of the times and places of all hearings authorized by this chapter.

SUBCHAPTER III

LICENSE

§ 5020. Eligibility for license

To be eligible for licensure by the board as a speech pathologist or audiologist, a person shall:

1. Possess Master's Degree. Possess at least a Master's Degree or its equivalent in the area of speech pathology or audiology, as the case may be, from an educational institution recognized by the board; and

2. Submit transcripts to board. Submit to the board transcripts from one or more of the educational institutions described in subsection 1 evidencing completion of at least 12 semester hours in courses providing fundamental information applicable to the normal development of speech, hearing and language, and at least 42 semester hours in courses providing information about and practical experience in the management of speech, hearing and language disorders, of which 42 semester hours;

A. No fewer than 6 shall be in audiology for a person applying for licensure in speech pathology;

B. No fewer than 6 shall be in speech pathology for a person applying for licensure in audiology;

C. No more than 6 shall be in courses providing academic credit for clinical practice;

D. At least 24, not including credits for thesis or dissertation requirements, shall be in the field for which the license is sought; and

E. At least 30 shall be in courses considered by the educational institution in which they are conducted as acceptable for application toward a graduate degree;

3. Submit evidence of completion of hours to the board. Submit to the board evidence of the completion of at least 275 hours of supervised, direct clinical experience with a variety of communication disorders, which experience is received within the educational institution itself or in a training program with which it cooperates;

4. Submit evidence of completion of months to the board. Submit to the board evidence of the completion of at least 9 consecutive months, at no less than 30 hours per week, of clinical experience in the professional area, speech pathology and audiology, for which a license is sought. This requirement may also be fulfilled by part-time clinical experience as follows: 15-19 hours per week over 18 months, or 20-24 hours per week over 15 months or 25-29 hours per week over 12 months. Such clinical experience must be under the direct supervision of and attested to in a notarized statement by a person licensed in the area, speech pathology or audiology, for which a license is being sought. Such clinical experience must additionally follow the completion of the requirements described in subsections 1, 2 and 3; and

5. Pass a written examination approved by the board.

§ 5021. Application

A person eligible for licensure under section 5020 shall make application for examination to the board at least 30 days prior to the date of examination, upon a form and in such manner as the board shall prescribe. Any application shall be accompanied by the fee prescribed by section 5028, which fee shall in no case be refunded. A person who fails an examination may make application for reexamination.

A person certified by ASHA or licensed under the laws of another state, a territory of the United States or the District of Columbia, which has established licensure requirements at least equivalent to those established by section 5020 as a speech pathologist or audiologist, who has applied for examination under this section, may perform speech pathology and audiology services in this State prior to a determination by the board that such person has successfully completed examination for licensure or is eligible for waiver of the examination in accordance with section 5023.

§ 5022. Examination

Each applicant for licensure under this chapter shall be examined by the board in written examination. Standards for acceptable performance shall be established by the board. Applicants for licensure shall be examined at the time and place and under such supervision as the board may determine. Examinations shall be given at such places within this State as the board may determine at least twice each year and the board shall make public, in a manner it considers appropriate, notice of such examinations at least 60 days prior to their administration, and shall appropriately notify all individual examination applicants of the time and place of their administration. The board may examine in whatever theoretical or applied fields of speech pathology and audiology it considers appropriate and may examine with regard to a person's professional skills and judgment in the utilization of speech pathology or audiology techniques and methods. The board shall maintain a permanent record of all examination scores.

§ 5023. Waiver of examination

The board may waive the examination and grant licensure to any applicant who shall present proof of current licensure in another state, including

the District of Columbia or territory of the United States which maintains professional standards considered by the board to be equivalent to those set forth in this chapter.

The board shall waive the examination and grant licensure to any person who possesses credentials equivalent to the Certificate of Clinical Competency of the American Speech and Hearing Association in the area for which such person is applying for licensure.

The board shall waive the examination and grant licensure as a speech pathologist to any person who possesses a current certificate issued by the State Department of Educational and Cultural Services on the effective date of this Act. Application for licensure must be made within 180 days after the effective date of this Act.

§ 5024. License

The board shall issue a license to any person who meets the requirements of this chapter and who pays to the board the initial license fee established in section 5028.

§ 5025. Temporary license

An applicant, who fulfills all the requirements for licensure except professional employment or examination, may apply to the board for a temporary license. Upon receiving an application, accompanied by the fee established in section 5028, the board shall issue a temporary license, which entitles the applicant to practice speech pathology or audiology under supervision while completing the requirements for licensure. No temporary license shall be issued by the board under this section unless the applicant shows to the satisfaction of the board that she or he is or will be supervised and trained by a person who holds a license or the ASHA CCC in the appropriate specialty. The temporary license shall be effective for one year and may be renewed upon board approval.

§ 5026. License; refund to issue or renew, suspension, revocation

The board shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with or violation of this chapter. The board shall have the authority, after hearing, to refuse to issue or renew a license, or to suspend a license until said complaint can be heard by the Administrative Court Judge. The Administrative Court Judge shall have the power to suspend or revoke the license of any licensed speech pathologist or audiologist who is found guilty of:

1. Obtaining license by fraud. Obtaining a license by means of fraud, misrepresentation or concealment of material facts;
2. Guilty of unprofessional conduct. Being guilty of unprofessional conduct as defined by the rules established by the board or violating the Code of Ethics adopted and published by the board;
3. Violation of any lawful order, rule, etc. Violating any lawful order, rule or regulation rendered and adopted by the board;

4. Conviction of a felony. Being convicted of a felony in any court of the United States if the acts for which she or he is convicted are found by the board to have a direct bearing on whether she or he should be entrusted to serve the public in the capacity of a speech pathologist or audiologist; or

5. Violations. Violating any provision of this chapter.

The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked, providing 4 or more members of the board vote in favor of such reissuance.

§ 5027. License, renewal

Licenses issued under this chapter expire and become invalid at midnight, December 31st of each year if not renewed. Every person licensed under this chapter shall, on or before December 31, 1975 and each year thereafter, pay a fee for renewal of license to the board. No person who requests renewal of license, whose license has expired, shall be required to submit to examination as a condition to renewal, if such renewal application is made within 2 years from the date of such expiration. Renewals are contingent upon evidence of participation in continuing professional education such as attending professional meetings and regional inservice programs as determined by the board.

As suspended license is subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity. A license revoked on disciplinary grounds is subject to expiration as provided in this section, and it may not be renewed.

§ 5028. Fees

Every person to whom an initial license is issued pursuant to this chapter shall pay a license fee of \$25. The fee for renewal of a license or for a temporary license shall be \$25. The board may, by regulation, provide for the waiver of all or part of the fee for an initial license if it is issued less than 120 days before the date on which it will expire. The fee for an examination shall be an amount established by the board, not to exceed \$25.

All fees received by the board shall be paid to the Treasurer of State to be used for carrying out the purposes of this chapter. Any balance of such fees shall not lapse but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

§ 5029. Notice

The board shall publish, in an appropriate manner, the licensure standards prescribed by this chapter, any amendments thereto and such rules and regulations as it may promulgate under the authority vested by section 5012.

§ 5030. Continuing professional education

The board shall require the applicant for license renewal to present evidence of the satisfactory completion of continuing education requirements as determined by the board. The board may, by appropriate regulation, assist in the continuing professional education of persons subject to this chapter.

§ 5031. Penalty

Every person found guilty of violating a provision of this chapter shall be guilty of a misdemeanor and for each offense shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both.

STATEMENT OF FACT

The primary reason for this licensure act is to protect persons with speech and hearing disabilities by requiring the licensing of speech pathologists and audiologists. The establishment of minimal standards of training, experience and ethics for speech pathologists and audiologists in private practice is a responsibility of the State of Maine. This action has been initiated and strongly endorsed by the Maine Speech and Hearing Association, which includes more than 100 Maine speech pathologists and audiologists.

The proposed law :

1. Establishes a Board of Examiners on Speech Pathology and Audiology ;
and
2. Provides for licensing of speech pathologists and audiologists, including a grandfather clause for persons already certified by the Department of Educational and Cultural Services and for reciprocity with other states.