

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

No. 1751

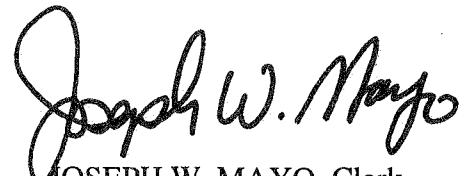
H.P. 1234

House of Representatives, April 7, 1997

An Act to Amend the Licensure Act for Speech Pathologists and Audiologists.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Business and Economic Development suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative FARNSWORTH of Portland.

2 practical training presents himself the individual to the public
3 by any title or description of services incorporating the words
4 speech pathologist, speech therapist, speech correctionist,
5 speech clinician, language pathologist, language therapist,
6 logopedist, communicologist, voice therapist, voice pathologist
or any similar title or description of service.

8 **6. Speech-language pathology.** "Speech Speech-language
9 pathology" means the application of theories, principles and
10 procedures related to development and disorders of language and
11 speech for purposes of assessment and treatment.

12 **Sec. 6. 32 MRSA §6003, sub-§7,** as amended by PL 1989, c. 700,
14 Pt. A, §150, is further amended to read:

16 **7. Speech-language pathology aide.** "Speech Speech-language
17 pathology aide" means an individual who meets minimum
18 qualifications which that the board may establish for speech
19 speech-language pathology aides, which qualifications--shall--be
20 are less than those qualifications established by this chapter as
21 necessary for licensure as a speech speech-language pathologist,
22 and less than those established by the Department of Education
23 for school personnel, and who works under the supervision of a
24 licensed speech speech-language pathologist.

26 **Sec. 7. 32 MRSA §6003, sub-§7-A** is enacted to read:

28 **7-A. Speech-language pathology assistant.** "Speech-language
29 pathology assistant" means an individual who meets minimum
30 qualifications that the board may establish for speech-language
31 pathology assistants, which are less than those qualifications
32 established by this chapter for licensure, but which must include
33 an associate's degree or its equivalent as determined by the
34 board, in the field of communication disorders.

36 **Sec. 8. 32 MRSA §6004,** as enacted by PL 1975, c. 705, §4, is
37 repealed and the following enacted in its place:

38 **§6004. Persons and practices affected**

40 **1. Speech-language pathologists and audiologists.**
41 Licensure may be granted in speech-language pathology or
42 audiology independently. A person may be licensed in both areas
43 if that person meets the respective qualifications. A person may
44 not practice or represent as a speech-language pathologist or
45 audiologist in this State unless licensed in accordance with the
46 laws of this State.

48 **2. Speech-language pathology aides.** Registration may be
49 granted to a person who meets the minimum qualifications

2 established by the board and who is supervised by a
3 speech-language pathologist. Initial applications for this
4 credential are not accepted after December 31, 1997. A person
5 holding this credential may continue to practice as a
6 speech-language pathology aide until January 1, 2005.

7 **3. Speech-language pathology assistants.** Registration must
8 be granted to a person who meets the minimum qualifications for
9 this credential established by the board and who is supervised by
10 a licensed speech-language pathologist, as set forth by the board
11 by rule. Rules adopted pursuant to this subsection are major
12 substantive rules as defined in Title 5, chapter 375, subchapter
13 II-A.

14 **Sec. 9. 32 MRSA §6005**, as amended by PL 1989, c. 700, Pt. A,
15 §151, is further amended to read:

16 **§6005. Persons and practices not affected**

17 Nothing in this chapter shall ~~may~~ be construed as preventing
18 or restricting:

19 **1. Physicians.** A physician or osteopathic physician
20 licensed by this State from testing, diagnosing and treating
21 medical problems related to disorders of language, speech or
22 hearing, nor as permitting a ~~speech~~ speech-language pathologist
23 or audiologist to practice medicine, surgery or other healing
24 arts;

25 **2. Hearing aid dealers.** A hearing aid dealer licensed under
26 chapter 23-A or the holder of a trainee permit under chapter 23-A
27 from the fitting of hearing aids or the testing of hearing for
28 the purpose of fitting hearing aids;

29 **3. Person holding valid and current credential.** A person
30 who holds a valid and current credential as a speech
31 speech-language or hearing clinician, issued by the Department of
32 Education, from providing such services within a local
33 educational agency, or a person employed as a speech
34 speech-language pathologist or audiologist by the Government of
35 the United States, if such person performs ~~speech~~ speech-language
36 pathology or audiology services solely within the confines or
37 under the jurisdiction of the organization by which that person
38 is employed. Such person may, without obtaining a license under
39 this chapter, consult with or disseminate research findings and
40 other scientific information to speech speech-language
41 pathologists and audiologists outside the jurisdiction of the
42 organization by which that person is employed. Such person may
43 also offer lectures to the public for a fee, monetary or other,
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without being licensed under this chapter. Such person may additionally elect to be subject to this chapter;

4. **Persons pursuing course of study in speech-language pathology.** The activities and services of persons pursuing a course of study leading to a degree in ~~speech~~ speech-language 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~~ speech-language pathology intern, ~~speech~~ speech-language pathology trainee or by other such title clearly indicating the training status appropriate to his that person's level of training;

5. **Persons pursuing course of study in audiology.** The activities and services of a person pursuing a course of 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 such person's level of training; and

6. **Person not a resident of this State.** The performance of ~~speech~~ speech-language 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~~ speech-language pathologist or audiologist licensed under this chapter; and if such person meets the qualifications and requirements for application for licensure described in section ~~6020,--subsections 1 to 3~~ 6020-A. 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~~ that has established licensure requirements at least equivalent to those established by section ~~6020~~ 6020-A or who is the holder of the American Speech and Hearing Association Certificate of Clinical Competency in ~~Speech~~ Speech-language Pathology or Audiology or its equivalent, may offer ~~speech~~ speech-language 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~~ speech-language pathologist or audiologist licensed under this chapter.

Sec. 10. 32 MRSA c. 77, sub-c. II, first 3 lines, are repealed and the following enacted in their place:

SUBCHAPTER II

BOARD OF EXAMINERS ON SPEECH-LANGUAGE PATHOLOGY
AND AUDIOLOGY

2 **Sec. 11. 32 MRSA §6010**, as amended by PL 1993, c. 600, Pt. A,
3 §255, is further amended to read:

4 **§6010. Membership; terms**

6 The Board of Examiners on ~~Speeeh~~ Speech-language Pathology
7 and Audiology, as established by Title 5, section 12004-A,
8 subsection 39, ~~shall-consist~~ consists of 7 members appointed by
9 the Governor. All members ~~shall~~ must have been residents of this
10 State for at least one year immediately preceding their
11 appointment. Two members ~~shall~~ must have been engaged full time
12 in the practice of ~~speeeh~~ speech-language pathology for at least
13 one year immediately preceding ~~thei~~r appointment. Two members
14 ~~shall~~ must have been engaged full time in the practice of
15 audiology for at least one year immediately preceding ~~thei~~r
16 appointment. All such professional members ~~shall~~ at all times
17 must be holders of valid licenses for the practice of ~~speeeh~~
18 speech-language pathology or audiology. The additional members
19 ~~shall~~ consist of a physician, licensed pursuant to chapter 48,
20 with specialized training in the field of otolaryngology and of 2
21 representatives of the public.

22 Appointments are for 3-year terms. Appointments of members
23 must comply with section 60. A board member may be removed by
24 the Governor for cause.

25 **Sec. 12. 32 MRSA §6011**, as repealed and replaced by PL 1983,
26 c. 413, §198, is amended to read:

27 **§6011. Meetings; chairman; quorum**

28 The board shall meet at least once a year to conduct its
29 business and to elect a ~~ehairman~~ chair and a secretary.
30 Additional meetings ~~shall-be~~ are held as necessary to conduct the
31 business of the board, and may be convened at the call of the
32 ~~ehairman~~ chair or a majority of the board members. All meetings
33 of the board ~~shall-be~~ are open to the public, except that the
34 board may hold closed sessions to prepare, approve, grade or
35 administer examinations, or to prepare or provide a response upon
36 request of an applicant for review of ~~his~~ that applicant's
37 examination. Four members of the board ~~shall~~ constitute a quorum
38 for all purposes.

39 **Sec. 13. 32 MRSA §6013, first ¶**, as enacted by PL 1975, c. 705,
40 §4, is amended to read:

2 The Board of Examiners on Speech ~~Speech-language~~ Pathology
and Audiology shall ~~have~~ has the powers and duties set forth in
this section.

4
6 **Sec. 14. 32 MRSA §6013, sub-§2**, as repealed and replaced by PL
1983, c. 413, §200, is amended to read:

8 **2. Rules.** The board may, in accordance with the Maine
Administrative Procedure Act, Title 5, chapter 375, subchapter
10 II, adopt rules commensurate with the authority vested in it by
this chapter including, but not limited to, rules relating to
12 professional conduct and establishing ethical standards of
practice. ~~The rules adopted by the board, by rule,~~ shall govern
14 and control the professional conduct of every person who holds a
license to practice speech ~~speech-language~~ pathology or audiology
16 in this State. A copy of all rules adopted by vote of the board
shall must be sent forthwith to all persons licensed under this
18 chapter.

20 **Sec. 15. 32 MRSA §6013, sub-§3**, as repealed and replaced by PL
1983, c. 413, §201, is amended to read:

22 **3. Hearings.** Hearings may be conducted by the board to
24 assist with investigations, to determine whether grounds exist
for suspension, revocation or denial of a license, or as
26 otherwise ~~deemed~~ determined necessary to the fulfillment of its
responsibilities under this chapter.

28
30 The board shall may not refuse to renew a license for any reason
other than failure to pay a required fee, unless it has afforded
the licensee an opportunity for an adjudicatory hearing. The
32 board shall hold an adjudicatory hearing at the written request
of any person who is denied a license without a hearing for any
34 reason other than failure to pay a required fee, provided that
the request for hearing is received by the board within 30 days
36 of the applicant's receipt of written notice of the denial of ~~his~~
the applicant's application, the reasons therefor and ~~his~~ the
38 applicant's right to request a hearing. Hearings shall must be
conducted in conformity with the Maine Administrative Procedure
40 Act, Title 5, chapter 375, subchapter IV, to the extent
applicable. The board may subpoena witnesses, records and
42 documents in any hearing it conducts.

44 **Sec. 16. 32 MRSA §6020**, as enacted by PL 1975, c. 705, §4,
is repealed.

46 **Sec. 17. 32 MRSA §§6020-A and 6020-B** are enacted to read:

48 **§6020-A. Eligibility for license**

50

2 To be eligible for licensure by the board as a
3 speech-language pathologist or audiologist, a person must possess:

4 1. Speech-language pathologists or audiologists. A masters
5 degree or its equivalent, as determined by the board, which is
6 consistent with the requirements for the American Speech and
7 Hearing Association Certificate of Clinical Competency in Speech
8 Pathology or Audiology. The board may establish the requirements
9 for academic course work, supervised clinical practicum,
10 supervised professional employment and written examination.

11 2. Speech-language pathology assistants. An associates
12 degree in the field of communication disorders, or its equivalent
13 as determined by the board, and must meet such other minimal
14 qualifications as the board may establish.

15 **§6020-B. Scope of practice**

16
17 Speech-language pathologists identify, assess and provide
18 treatment for individuals of all ages with communication and
19 swallowing disorders. Audiologists identify, assess and provide
20 habilitation and rehabilitation for individuals of all ages with
21 either peripheral or central auditory impairment. In respective
22 areas, speech-language pathologists and audiologists may:

23 1. Human communication. Manage and supervise programs and
24 services related to human communication and its disorders;

25 2. Speech-language pathology or audiology. Counsel
26 families, individuals and caregivers with respect to
27 speech-language pathology or audiology; and

28 3. Consultation; referrals; programs. Provide
29 consultation, make referrals and develop preventative programs.

30 The provisions of this section pertaining to the scope of
31 practice for speech-language pathologists and audiologists
32 neither limit nor infringe upon licensure laws of other regulated
33 professions in this State.

34
35 **Sec. 18. 32 MRSA §§6021 and 6022, as enacted by PL 1975, c.**
36 **705, §4, are amended to read:**

37 **§6021. Application**

38 A person eligible for licensure under section 6020 6020-A
39 shall make application ~~for examination~~ to the board at least 30
40 days ~~prior to the date of examination,~~ upon a form and in such
41 manner as the board shall ~~may~~ prescribe. Any ~~An~~ application
42 shall ~~must~~ be accompanied by the ~~a nonrefundable~~ fee prescribed

2 by section 6028, ~~which fee shall in no case be refunded. A person~~
3 ~~who fails an examination may make application for reexamination.~~

4 A ~~person certified by the American Speech and Hearing~~
5 ~~Association or licensed under the laws of another state, a~~
6 ~~territory of the United States or the District of Columbia, which~~
7 ~~has established licensure requirements at least equivalent to~~
8 ~~those established by section 6020 as a speech pathologist or~~
9 ~~audiologist, who has applied for examination under this section,~~
10 ~~may perform speech pathology and audiology services in this State~~
11 ~~prior to a determination by the board that such person has~~
12 ~~successfully completed examination for licensure or is eligible~~
13 ~~for waiver of the examination in accordance with section 6023.~~

14 **§6022. Examination**

15 Each applicant for licensure under this chapter shall be
16 ~~examined must provide documentation of successful completion of~~
17 ~~an examination approved by the board in written examination.~~
18 Standards for acceptable performance shall must be established by
19 the board. Applicants for licensure shall must be examined at
20 the time and place and under such supervision as the board may
21 determine. ~~Examinations shall be given at such places within~~
22 ~~this State as the board may determine at least twice each year~~
23 ~~and the board shall make public, in a manner it considers~~
24 ~~appropriate, notice of such examinations at least 60 days prior~~
25 ~~to their administration, and shall appropriately notify all~~
26 ~~individual examination applicants of the time and place of their~~
27 ~~administration.~~ The board may examine in whatever theoretical or
28 applied fields of speech speech-language pathology and audiology
29 it considers appropriate and may examine with regard to a
30 person's professional skills and judgment in the utilization of
31 speech speech-language pathology or audiology techniques and
32 methods. The board shall maintain a permanent record of all
33 examination scores.

34 **Sec. 19. 32 MRSA §6025**, as amended by PL 1987, c. 735, §66,
35 is further amended to read:

36 **§6025. Temporary license**

37 An applicant, who fulfills all the requirements for
38 licensure except professional employment or examination, may
39 apply to the board for a temporary license. Upon receiving an
40 application, accompanied by the fee established in section 6028,
41 the board shall issue a temporary license, which entitles the
42 applicant to practice speech-language pathology or
43 audiology under supervision while completing the requirements for
44 licensure. ~~Ne~~ A temporary license may not be issued by the board
45 under this section unless the applicant shows to the satisfaction
46

2 of the board that he the applicant is or will be supervised and
4 trained by a person who holds a license or the Certificate of
6 Clinical Competency of the American Speech and Hearing
Association in the appropriate specialty. The temporary license
shall-be is effective for one year and may be renewed once by the
board.

8 **Sec. 20. 32 MRSA §6026, first ¶**, as amended by PL 1983, c. 413,
§205, is further amended to read:

10 The board shall investigate or cause to be investigated all
12 complaints made to it and all cases of noncompliance with or
14 violation of this chapter. The board may suspend or revoke a
license pursuant to Title 5, section 10004. The board may refuse
16 to issue or renew a license or the Administrative Court may
revoke, suspend or refuse to renew a license of a speech
speech-language pathologist or audiologist for any of the
18 following reasons:

20 **Sec. 21. 32 MRSA §6026, sub-§4**, as amended by PL 1983, c. 413,
§205, is further amended to read:

22 **4. Conviction of a criminal offense.** Subject to the
24 limitations of Title 5, chapter 341, being convicted of a felony
in any court of this State or the United States if the acts for
26 which ~~she or he~~ a speech-language pathologist or audiologist is
convicted are found by the board to have a direct bearing on
28 whether ~~she or he~~ that person should be entrusted to serve the
public in the capacity of a speech speech-language pathologist or
30 audiologist; or

32 **Sec. 22. 32 MRSA §6027, first ¶**, as amended by PL 1983, c. 413,
§206, is further amended to read:

34 Licenses ~~A license~~ issued under this chapter ~~expire~~ expires
36 biennially and ~~become invalid at midnight, January 31st of every~~
~~other year~~ on the date indicated on the license, or at such ~~other~~
38 ~~times~~ time as the Commissioner of Professional and Financial
Regulation may designate, ~~if not renewed~~. Every person licensed
40 under this chapter shall, on or before the biennial expiration
date, pay a fee for renewal of license to the board. The board
42 shall notify every person licensed under this chapter of the date
of expiration of ~~his~~ that person's license and the amount of the
44 fee required for its renewal for a 2-year period. The notice
~~shall~~ must be mailed to ~~sueh~~ the person's last known address at
46 least 30 days in advance of the expiration of ~~sueh~~ the license.
Renewals are contingent upon evidence of participation in
48 continuing professional education, such as attending professional
meetings and regional ~~in-service~~ in-service programs, as
50 determined by the board. A license may be renewed up to 90 days

2 after the date of its expiration upon payment of a late fee of
3 \$10 in addition to the renewal fee. Any person who submits an
4 application for renewal more than 90 days after the license
5 expiration date shall be is subject to all requirements governing
6 new applicants under this chapter, except that the board may in
7 its discretion, giving due consideration to the protection of the
8 public, waive examination if that renewal application is made
9 within 2 years from the date of the expiration.

10 **Sec. 23. 32 MRSA §6030**, as amended by PL 1983, c. 816, Pt. A,
11 §37, is further amended to read:

12 **§6030. Continuing professional education**

13
14 The board shall require the applicant for license renewal to
15 present evidence of ~~his~~ the applicant's satisfactory completion
16 of continuing professional education in accordance with rules
17 adopted by the board.
18

19
20 **SUMMARY**

21
22 This bill changes all references from "speech" to
23 "speech-language" in the Maine Revised Statutes, Title 32,
24 chapter 77. It creates the definition for "speech-language
25 pathology assistant," and the necessary qualifications that allow
26 a person to practice as a speech-language pathologist and
27 audiologist, which includes a 2-year associates degree. It
28 requires that a person holding this credential work under the
29 direct supervision of a licensee and register with the board. It
30 terminates the "speech-language pathology aide" credential by
31 2005. It clarifies the qualifications and scopes of practice for
32 speech-language pathologists and audiologists. It also
33 establishes the Board of Examiners on Speech-language Pathology
34 and Audiology's authority to adopt rules to refine these scopes
35 of practice within the parameters of statutory provisions.
36