

HOUSE BILL NO. 396

INTRODUCED BY DAVIS, GAGE

BY REQUEST OF THE BOARD OF SPEECH PATHOLOGISTS
AND AUDIOLOGISTS

IN THE HOUSE

JANUARY 24, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 25, 1989	FIRST READING.
FEBRUARY 1, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 2, 1989	PRINTING REPORT.
FEBRUARY 3, 1989	SECOND READING, DO PASS.
FEBRUARY 4, 1989	ENGROSSING REPORT.
FEBRUARY 6, 1989	THIRD READING, PASSED. AYES, 96; NOES, 1.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 7, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 17, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 20, 1989	SECOND READING, CONCURRED IN.
MARCH 22, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 1.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 22, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 396
2 INTRODUCED BY Senators (Sigs)
3 BY REQUEST OF THE BOARD OF SPEECH PATHOLOGISTS
4 AND AUDIOLOGISTS
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT RENAMING THE BOARD OF
7 SPEECH PATHOLOGY AND AUDIOLOGY; CHANGING AND REDEFINING
8 CERTAIN TERMS RELATING TO LICENSURE OF SPEECH-LANGUAGE
9 PATHOLOGISTS AND AUDIOLOGISTS; REVISING PROVISIONS
10 CONCERNING LICENSE RENEWAL; AND AMENDING SECTIONS 2-15-1849,
11 37-15-102, 37-15-305, AND 37-15-308, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 2-15-1849, MCA, is amended to read:

15 "2-15-1849. Board of speech speech-language
16 pathologists and audiologists. (1) There is a board of
17 speech speech-language pathologists and audiologists.

18 (2) The board consists of five members who shall:

19 (a) be appointed by the governor with the consent of
20 the senate;

21 (b) have been residents of this state for at least 1
22 year immediately preceding their appointment; and

23 (c) have been engaged in rendering services to the
24 public, teaching, or performing research in the field of
25 speech speech-language pathology or audiology for at least 5

1 years immediately preceding their appointment.

2 (3) At least two members of the board shall be speech
3 speech-language pathologists and at least two shall be
4 audiologists, with the remaining member to be a public
5 member, ~~appointed by the governor with the consent of the~~
6 ~~senate~~, who is a consumer of speech speech-language
7 pathology or audiology services and who is not a licensee
8 of the board or of any other board within the department.
9 All board members, except the public member, shall at all
10 times be validly licensed in speech speech-language
11 pathology or audiology.

12 (4) Appointments shall be for 3-year terms with no
13 person eligible to serve more than two full consecutive
14 terms. Terms begin on the first day of the calendar year and
15 end on the last day of the calendar year.

16 (5) The board is allocated to the department for
17 administrative purposes only as prescribed in 2-15-121."

18 **Section 2.** Section 37-15-102, MCA, is amended to read:

19 "37-15-102. Definitions. As used in this chapter, the
20 following definitions apply:

21 (1) "Board" means the board of speech speech-language
22 pathologists and audiologists provided for in 2-15-1849.

23 (2) "Department" means the department of commerce
24 provided for in Title 2, chapter 15, part 18.

25 (3) "Speech Speech-language pathologist" means one a

person who practices speech speech-language pathology and who meets the qualifications set forth in this chapter. A person represents himself to be a speech-language pathologist when he presents himself to the public by any title or description of services or functions that he directly or indirectly performs incorporating the words "speech pathologist", "speech pathology", "speech correctionist", "speech corrections", "speech therapist", "speech therapy", "speech clinician", "speech clinic", "language pathologist", "language pathology", "voice therapist", "voice therapy", "voice pathologist", "voice pathology", "logopedist", "logopedics", "communicologist", "communicology", "aphasiologist", "aphasiology", "phoniatrist", "language therapist", "language clinician", or any similar title or description of services or functions.

(4) "Speech Speech-language pathology aide" means any person meeting the minimum requirements established by the board of speech speech-language pathologists and audiologists who works directly under the supervision of a licensed speech speech-language pathologist.

(5) "Audiologist" means a person who practices audiology and who meets the qualifications set forth in this chapter. A person represents himself to be an audiologist when he presents himself to the public by any title or

description of services or functions that he directly or indirectly performs incorporating the words "audiologist", "audiology", "audiometrist", "audiometry", "audiological", "audiometrics", "hearing clinician", "hearing clinic", "hearing therapist", "hearing therapy", "hearing center", "hearing aid audiologist", or any similar title or description of services.

(6) "Audiology aide" means any person meeting the minimum requirements established by the board of speech speech-language pathologists and audiologists who works directly under the supervision of a licensed audiologist.

(7) "Practice of speech speech-language pathology" means the application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, counseling, or instruction related to the development and disorders of speech, voice, or language for the purpose of evaluating, preventing, habilitating, rehabilitating, or modifying such disorders and conditions in rendering or offering to render a service in speech-language pathology to individuals or groups of individuals who have or are suspected of having communication disorders. These services include:

(a) prevention, identification, measurement, testing, evaluation, prediction, consultation, habilitation, and rehabilitation;

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

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

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

(e) aural rehabilitation, which includes services and procedures for facilitating adequate receptive and expressive communication in individuals with hearing impairment.

(8) "Practice of audiology" means the-application-of principles,-methods,-and-procedures-of-measurement,-testing,-appraisal,-prediction,-consultation,-counseling,-and instruction--related--to--hearing-and-hearing-impairment-for the-purpose-of-modifying-communicative--disorders--involving speech,-language,-or-auditory-function,-including-auditory behavior-related-to-hearing-impairment rendering or offering to render a service in audiology to individuals or groups of individuals who have or are suspected of having hearing disorders. These services include:

(a) prevention, identification, measurement, testing, evaluation, prediction, consultation, habilitation,

rehabilitation, instruction, and research;

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

(c) fabricating ear molds;

(d) providing auditory training and speech reading;

(e) conducting tests of vestibular function;

(f) evaluating tinnitus;

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

(h) speech or language screening, limited to a pass/fail determination.

(9) "Association" means the Montana speech speech-language and hearing association.

(10) "ASHA" means the American speech speech-language and hearing association.

(11) "Unethical conduct" means:

(a) the obtaining of any fee by fraud or misrepresentation;

(b) employing, directly or indirectly, any suspended or unlicensed person to perform any work covered by this chapter unless that person assumes the legal status of a supervised aide;

(c) using or causing or promoting the use of any

advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceiving, improbable, or untruthful.

{12}--"Provisionally---licensed--speech--pathologist--or audiologist"--means--those--speech--pathologists--or--audiologists currently--practicing--the--profession--in--the--state--who--do--not meet--the--minimum--requirements--for--licensure--as--defined--in this--chapter--and--who--are--eligible--for--provisional--licensure conditioned--on--biennial--evidence--of--satisfactory--progress toward--meeting--the--requirements--for--licensure--as--provided--in this--chapter. This--provisional--licensure, as--defined--in--this chapter, may--exist--for--no--longer--than--6--years--from--July--1, 1975, under--any--circumstance."

Section 3. Section 37-15-305, MCA, is amended to read:

"37-15-305. Practice pending disposition of application -- waiver ---provisional--license. (1) A speech speech-language pathologist or audiologist who holds ASHA certification or equivalent or is licensed in another state and who has made application to the board for a license in this state may perform activities and services of a speech speech-language pathology or audiology nature without a valid license pending disposition of application.

{2}--Prior-to-July-1, 1976, a--provisional--license--may be--issued--to--an--individual--who--holds--a--bachelor's--degree

with--a--major--in--speech--pathology--or--audiology, who--has accumulated--175--clock--hours--of--clinical--practicum, and--who has--worked--in--this--state--as--a--speech--pathologist--or audiologist--for--at--least--1--academic--year. The--provisionally licensed--speech--pathologist--or--audiologist--must--work--under the--direct--supervision--of--a--licensed--or--certified--speech pathologist--or--audiologist. The--extent--to--which--direct supervision--will--be--provided--for--the--provisionally--licensed speech--pathologist--or--audiologist--will--be--determined--by--the supervising--clinician. Generally, the--supervising--speech pathologist--or--audiologist--shall--provide--direct--assistance to--the--provisionally--licensed--speech--pathologist--or audiologist--at--least--4--days--per--month. Most--of--the--contacts by--the--supervising--speech--pathologist--or--audiologist--shall be--in--person, but--other--avenues--of--contact--may--be--made. Those--persons--granted--provisional--licensure--shall--complete the--academic, clinical, practicum, and--examination requirements--for--licensure--within--6--years--after--July-1, 1975. Twelve--quarter--hour--credits--of--additional--professional training--towards--licensure--qualifications, or--any--other proposed--educational--plan--that--leads--to--the--same--goal--as presented--to--and--approved--by--the--board, must--be--obtained every--2--years--for--renewal--of--provisional--licensure. Provisionally--licensed--speech--pathologists--or--audiologists who--have--not--attained--appropriate--eligibility--status--within

~~6-years-of-July-17-19757-will-no-longer-be-eligible-to
practice-speech-pathology-or-audiology-in-the-state-of
Montana7-except-for-those-persons-granted-certification
under-subsection-(5)-of-this-section7-but-may-work-as-speech
pathology-or-audiology-aides7-as-defined-in-this-chapter7~~

~~{3}{2}~~ The board shall waive the examination and grant a license to applicants who present proof of a current license in a state which has standards equivalent to or greater than those of this state.

~~{4}{3}~~ The board shall waive the examination and grant a license to those who hold the certificate of clinical competence of the American speech speech-language and hearing association in the area for which they are applying for a license.

~~{5}{4}~~ The board shall, on presentation and documentation in writing by a petitioner, have the prerogative of granting licensure to an individual who does not have all the formal requirements specified in this chapter. This prerogative shall be used only for unusual or special circumstances and shall be determined by the board in each individual case."

Section 4. Section 37-15-308, MCA, is amended to read:

"37-15-308. Renewal. (1) Each licensed speech speech-language pathologist or audiologist shall ~~on--or~~ before-October-31-of-each-year pay to the board the fee for

the renewal of his license according to rules adopted by the department.

(2) The department shall notify each person licensed under this chapter relative to the date of expiration of his license and the amount of the renewal fee. This notice ~~shall~~ must be mailed to each licensed speech speech-language pathologist or audiologist at least 1 month before the expiration of the license.

(3) Renewal may be made at any time during the 60 days prior to the expiration date by application therefor. A renewal application must be accompanied with documentation satisfactory to the board that the applicant has fulfilled his continuing educational requirements as provided in 37-15-309.

(4) Failure on the part of any licensed person to pay the renewal fee by the expiration date does not deprive him of the right to renew his license, but the fee shall be increased 10% for each month that the payment of the renewal fee is delayed after the expiration date. The maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

(5) Application for renewal following a lapse of 1 year or more shall be subject to review by the board, and the applicant may be requested to complete an examination successfully if the board so determines.

(6) A suspended license is subject to expiration and may be renewed as provided in this section, but such renewal does not entitle the licensee, while the license remains suspended, to engage in the licensed activity or in any other activity or conduct which violates the order or judgment by which the license was suspended.

(7) A license revoked on disciplinary grounds is subject to expiration, and it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated plus the delinquency fee, if any, accrued at the time of its revocation.

(8) A person who fails to renew his license within the 4 2 years after its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter; but such a person may reapply for and obtain a new license if he meets the requirements of this chapter."

NEW SECTION. **Section 5. Name change.** Whenever the term "speech pathology" or "speech pathologist" is used in the Montana Code Annotated or laws newly enacted by the 51st legislature, the code commissioner shall change the term to "speech-language pathology" or "speech-language pathologist", respectively.

NEW SECTION. **Section 6. Extension of authority.** Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 396

INTRODUCED BY DAVIS, GAGE

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AND AUDIOLOGISTS

A BILL FOR AN ACT ENTITLED: "AN ACT RENAMING THE BOARD OF
SPEECH ~~PATHOLOGIST~~ PATHOLOGISTS AND ~~AUDIOLOGIST~~ AUDIOLOGISTS;
CHANGING AND REDEFINING CERTAIN TERMS RELATING TO LICENSURE
OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS; REVISING
PROVISIONS CONCERNING LICENSE RENEWAL; AND AMENDING SECTIONS
2-15-1849, 37-15-102, 37-15-103, 37-15-305, AND 37-15-308,
MCA."

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the senate;(b) have been residents of this state for at least 1
year immediately preceding their appointment; and(c) have been engaged in rendering services to the
public, teaching, or performing research in the field of

speech speech-language pathology or audiology for at least 5
years immediately preceding their appointment.

(3) At least two members of the board shall be speech
speech-language pathologists and at least two shall be
audiologists, with the remaining member to be a public
member, ~~appointed by the governor with the consent of the~~
~~senate,~~ who is a consumer of speech speech-language
pathology or audiology services and who is not a licentiate
of the board or of any other board within the department.
All board members, except the public member, shall at all
times be validly licensed in speech speech-language
pathology or audiology.

(4) Appointments shall be for 3-year terms with no
person eligible to serve more than two full consecutive
terms. Terms begin on the first day of the calendar year and
end on the last day of the calendar year.

(5) The board is allocated to the department for
administrative purposes only as prescribed in 2-15-121."

Section 2. Section 37-15-102, MCA, is amended to read:

"37-15-102. Definitions. As used in this chapter, the
following definitions apply:

(1) "Board" means the board of speech speech-language
pathologists and audiologists provided for in 2-15-1849.

(2) "Department" means the department of commerce
provided for in Title 2, chapter 15, part 18.

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when he presents himself to the public by any title or description of services or functions that he directly or indirectly performs incorporating the words "audiologist", "audiology", "audiometrist", "audiometry", "audiological", "audiometrics", "hearing clinician", "hearing clinic", "hearing therapist", "hearing therapy", "hearing center", "hearing aid audiologist", or any similar title or description of services.

(6) "Audiology aide" means any person meeting the minimum requirements established by the board of speech speech-language pathologists and audiologists who works directly under the supervision of a licensed audiologist.

(7) "Practice of speech speech-language pathology" means the-application-of-principles,-methods,-and-procedures for---the---measurement,-testing,-evaluation,-prediction, counseling,-or-instruction-related-to---the---development---and disorders---of---speech,-voice,-or-language-for-the-purpose-of evaluating,-preventing,-habilitating,-rehabilitating,-or modifying---such---disorders---and---conditions---in rendering or offering to render a service in speech-language pathology to individuals or groups of individuals who have or are suspected of having communication disorders. These services include:

(a) prevention, identification, measurement, testing, evaluation, prediction, consultation, habilitation, and

1 rehabilitation;

2 (b) determining the need for augment tive
3 communication systems and providing training in the use of
4 these systems;

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

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

11 (e) aural rehabilitation, which includes services and
12 procedures for facilitating adequate receptive and
13 expressive communication in individuals with hearing
14 impairment.

15 (8) "Practice of audiology" means the--application--of
16 principles, methods, and procedures of measurement, testing,
17 appraisal,--prediction,--consultation,--counseling,--and
18 instruction-related-to-hearing-and--hearing--impairment--for
19 the--purpose--of-modifying-communicative-disorders-involving
20 speech, language, or auditory function,--including--auditory
21 behavior-related-to-hearing-impairment rendering or offering
22 to render a service in audiology to individuals or groups of
23 individuals who have or are suspected of having hearing
24 disorders. These services include:

25 (a) prevention, identification, measurement, testing,

1 evaluation, prediction, consultation, habilitation,
2 rehabilitation, instruction, and research;

3 (b) participating in hearing conservation and hearing
4 aid and assistive listening device evaluation, prescription,
5 preparation, dispensing, and orientation;

6 (c) fabricating ear molds;

7 (d) providing auditory training and speech reading;

8 (e) conducting tests of vestibular function;

9 (f) evaluating tinnitus;

10 (g) planning, directing, conducting, or supervising
11 programs that render or offer to render a service in
12 audiology; and

13 (h) speech or language screening, limited to a
14 pass/fail determination.

15 (9) "Association" means the Montana speech
16 speech-language and hearing association.

17 (10) "ASHA" means the American speech speech-language
18 and hearing association.

19 (11) "Unethical conduct" means:

20 (a) the obtaining of any fee by fraud or
21 misrepresentation;

22 (b) employing, directly or indirectly, any suspended
23 or unlicensed person to perform any work covered by this
24 chapter unless that person assumes the legal status of a
25 supervised aide;

(c) using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceiving, improbable, or untruthful.

~~{12}-"Provisionally--licensed--speech--pathologist--or audiologist"--means--those--speech--pathologists--or--audiologists--currently--practicing--the--profession--in--the--state--who--do--not--meet--the--minimum--requirements--for--licensure--as--defined--in--this--chapter--and--who--are--eligible--for--provisional--licensure--conditioned--on--biennial--evidence--of--satisfactory--progress--toward--meeting--the--requirements--for--licensure--as--provided--in--this--chapter--This--provisional--licensure,--as--defined--in--this--chapter,--may--exist--for--no--longer--than--6--years--from--July--1, 1975,--under--any--circumstance--"~~

SECTION 3. SECTION 37-15-103, MCA, IS AMENDED TO READ:

"37-15-103. Exemptions. (1) Nothing in this chapter ~~shall prevent~~ prevents a person licensed in this state under any other law from engaging in the profession or business for which he is licensed.

(2) Nothing in this chapter ~~shall--restrict~~ restricts or ~~prevent~~ prevents activities of a speech speech-language pathology or audiology nature or the use of the official title of the position for which they were employed on the part of a speech speech-language pathologist or audiologist

employed by federal agencies.

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

(4) Nothing in this chapter ~~shall--restrict~~ restricts activities and services of a student in speech speech-language pathology or audiology from pursuing a course of study in speech speech-language pathology or audiology at an accredited or approved college or university or an approved clinical training facility. However, these activities and services must constitute a part of his supervised course of study, and ~~no a fee shall may not~~ accrue directly or indirectly to the student. These persons ~~shall~~ must be designated by the title "speech

1 speech-language pathology (or audiology) intern", "speech
2 speech-language pathology (or audiology) trainee", or a
3 title clearly indicating the training status appropriate to
4 his level of training.

5 (5) Nothing in this chapter ~~shall-restrict~~ restricts a
6 person from another state from offering speech
7 speech-language pathology or audiology services in this
8 state if such these services are performed for no more than
9 5 days in any calendar year and if the services are
10 performed in cooperation with a speech speech-language
11 pathologist or audiologist licensed under this chapter.
12 However, by securing a temporary license from the board
13 subject to such limitations as the board may impose, a
14 person not a resident of this state who is not licensed
15 under this chapter but who is licensed under the law of
16 another state which that has established licensure
17 requirements at least equivalent to those established by
18 this chapter or who is the holder of the ASHA certificate of
19 clinical competency in speech speech-language pathology or
20 audiology or its equivalent may offer speech speech-language
21 pathology or audiology services in this state for no more
22 than 30 days in any calendar year if such the services are
23 performed in cooperation with a speech speech-language
24 pathologist or audiologist licensed under this chapter.

25 (6) Nothing in this chapter ~~shall-restrict~~ restricts

1 any person holding a class A certificate issued by the
2 conference of executives of American schools of the deaf
3 from performing the functions for which he qualifies.

4 (7) Nothing in this chapter ~~shall-restrict~~ restricts
5 any person who holds a certificate of registration in this
6 state as a hearing aid dealer from performing those
7 functions for which he qualifies and which that are
8 described in Title 37, chapter 16.

9 (8) Nothing in this chapter exempts an audiologist who
10 sells, dispenses, or fits hearing aids from the licensing
11 requirements or other provisions of Title 37, chapter 16."

12 **Section 4.** Section 37-15-305, MCA, is amended to read:

13 "37-15-305. Practice pending disposition of
14 application -- ~~waiver ---provisional-license.~~ (1) A speech
15 speech-language pathologist or audiologist who holds ASHA
16 certification or equivalent or is licensed in another state
17 and who has made application to the board for a license in
18 this state may perform activities and services of a speech
19 speech-language pathology or audiology nature without a
20 valid license pending disposition of application.

21 ~~(2)---Prior-to-July-17-1976,a-provisional-license-may~~
22 ~~be-issued-to-an-individual-who-holds-a-bachelor's-degree~~
23 ~~with-a-major-in-speech-pathology-or-audiology,who-has~~
24 ~~accumulated-175-clock-hours-of-clinical-practicum,and-who~~
25 ~~has-worked-in-this-state-as-a-speech-pathologist-or~~

1 audiologist-for-at-least-1-academic-year-The-provisionally
 2 licensed-speech-pathologist-or-audiologist-must-work-under
 3 the-direct-supervision-of-a-licensed-or-certified-speech
 4 pathologist-or-audiologist-The-extent-to-which-direct
 5 supervision-will-be-provided-for-the-provisionally-licensed
 6 speech-pathologist-or-audiologist-will-be-determined-by-the
 7 supervising-clinician-Generally-the-supervising-speech
 8 pathologist-or-audiologist-shall-provide-direct-assistance
 9 to-the-provisionally-licensed-speech-pathologist-or
 10 audiologist-at-least-4-days-per-month-Most-of-the-contacts
 11 by-the-supervising-speech-pathologist-or-audiologist-shall
 12 be-in-person-but-other-avenues-of-contact-may-be-made-
 13 Those-persons-granted-provisional-licensure-shall-complete
 14 the-academic-clinical-practicum-and-examination
 15 requirements-for-licensure-within-6-years-after-July-1,
 16 1975-Twelve-quarter-hour-credits-of-additional-professional
 17 training-towards-licensure-qualifications-or-any-other
 18 proposed-educational-plan-that-leads-to-the-same-goal-as
 19 presented-to-and-approved-by-the-board-must-be-obtained
 20 every-2-years-for-renewal-of-provisional-licensure-
 21 Provisionally-licensed-speech-pathologists-or-audiologists
 22 who-have-not-attained-appropriate-eligibility-status-within
 23 6-years-of-July-1, 1975-will-no-longer-be-eligible-to
 24 practice-speech-pathology-or-audiology-in-the-state-of
 25 Montana-except-for-those-persons-granted-certification

1 under-subsection-(5)-of-this-section-but-may-work-as-speech
 2 pathology-or-audiology-aides-as-defined-in-this-chapter-

3 (3)(2) The board shall waive the examination and grant
 4 a license to applicants who present proof of a current
 5 license in a state which has standards equivalent to or
 6 greater than those of this state.

7 (4)(3) The board shall waive the examination and grant
 8 a license to those who hold the certificate of clinical
 9 competence of the American speech speech-language and
 10 hearing association in the area for which they are applying
 11 for a license.

12 (5)(4) The board shall, on presentation and
 13 documentation in writing by a petitioner, have the
 14 prerogative of granting licensure to an individual who does
 15 not have all the formal requirements specified in this
 16 chapter. This prerogative shall be used only for unusual or
 17 special circumstances and shall be determined by the board
 18 in each individual case."

19 **Section 5.** Section 37-15-308, MCA, is amended to read:

20 "37-15-308. **Renewal.** (1) Each licensed speech
 21 speech-language pathologist or audiologist shall on-or
 22 before-October-31-of-each-year pay to the board the fee for
 23 the renewal of his license according to rules adopted by the
 24 department.

25 (2) The department shall notify each person licensed

under this chapter relative to the date of expiration of his license and the amount of the renewal fee. This notice ~~shall~~ must be mailed to each licensed ~~speech~~ speech-language pathologist or audiologist at least 1 month before the expiration of the license.

(3) Renewal may be made at any time during the 60 days prior to the expiration date by application therefor. A renewal application must be accompanied with documentation satisfactory to the board that the applicant has fulfilled his continuing educational requirements as provided in 37-15-309.

(4) Failure on the part of any licensed person to pay the renewal fee by the expiration date does not deprive him of the right to renew his license, but the fee shall be increased 10% for each month that the payment of the renewal fee is delayed after the expiration date. The maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

(5) Application for renewal following a lapse of 1 year or more shall be subject to review by the board, and the applicant may be requested to complete an examination successfully if the board so determines.

(6) A suspended license is subject to expiration and may be renewed as provided in this section, but such renewal does not entitle the licensee, while the license remains

suspended, to engage in the licensed activity or in any other activity or conduct which violates the order or judgment by which the license was suspended.

(7) A license revoked on disciplinary grounds is subject to expiration, and it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated plus the delinquency fee, if any, accrued at the time of its revocation.

(8) A person who fails to renew his license within ~~the~~ 4 2 years after its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter; but such a person may reapply for and obtain a new license if he meets the requirements of this chapter."

NEW SECTION. **Section 6. Name change.** Whenever the term "speech pathology" or "speech pathologist" is used in the Montana Code Annotated or laws newly enacted by the 51st legislature, the code commissioner shall change the term to "speech-language pathology" or "speech-language pathologist", respectively.

NEW SECTION. **Section 7. Extension of authority.** Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of

HB 0396/02

1 [this act].

-End-

HOUSE BILL NO. 396

INTRODUCED BY DAVIS, GAGE

BY REQUEST OF THE BOARD OF SPEECH PATHOLOGISTS

AND AUDIOLOGISTS

A BILL FOR AN ACT ENTITLED: "AN ACT RENAMING THE BOARD OF SPEECH PATHOLOGY PATHOLOGISTS AND ~~AUDIOLOGY~~ AUDIOLOGISTS; CHANGING AND REDEFINING CERTAIN TERMS RELATING TO LICENSURE OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS; REVISING PROVISIONS CONCERNING LICENSE RENEWAL; AND AMENDING SECTIONS 2-15-1849, 37-15-102, 37-15-103, 37-15-305, AND 37-15-308, MCA."

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

Section 1. Section 2-15-1849, MCA, is amended to read:

"2-15-1849. Board of speech speech-language pathologists and audiologists. (1) There is a board of speech speech-language pathologists and audiologists.

(2) The board consists of five members who shall:

(a) be appointed by the governor with the consent of the senate;

(b) have been residents of this state for at least 1 year immediately preceding their appointment; and

(c) have been engaged in rendering services to the public, teaching, or performing research in the field of

speech speech-language pathology or audiology for at least 5 years immediately preceding their appointment.

(3) At least two members of the board shall be speech speech-language pathologists and at least two shall be audiologists, with the remaining member to be a public member, ~~appointed by the governor with the consent of the~~ senate, who is a consumer of speech speech-language pathology or audiology services and who is not a licentiate of the board or of any other board within the department. All board members, except the public member, shall at all times be validly licensed in speech speech-language pathology or audiology.

(4) Appointments shall be for 3-year terms with no person eligible to serve more than two full consecutive terms. Terms begin on the first day of the calendar year and end on the last day of the calendar year.

(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 2. Section 37-15-102, MCA, is amended to read:

"37-15-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Board" means the board of speech speech-language pathologists and audiologists provided for in 2-15-1849.

(2) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(3) "Speech Speech-language pathologist" means one a person who practices speech speech-language pathology and who meets the qualifications set forth in this chapter. A person represents himself to be a speech-language pathologist when he presents himself to the public by any title or description of services or functions that he directly or indirectly performs incorporating the words "speech pathologist", "speech pathology", "speech correctionist", "speech corrections", "speech therapist", "speech therapy", "speech clinician", "speech clinic", "language pathologist", "language pathology", "voice therapist", "voice therapy", "voice pathologist", "voice pathology", "logopedist", "logopedics", "communicologist", "communicology", "aphasiologist", "aphasiology", "phoniatriest", "language therapist", "language clinician", or any similar title or description of services or functions.

(4) "Speech Speech-language pathology aide" means any person meeting the minimum requirements established by the board of speech speech-language pathologists and audiologists who works directly under the supervision of a licensed speech speech-language pathologist.

(5) "Audiologist" means a person who practices audiology and who meets the qualifications set forth in this chapter. A person represents himself to be an audiologist

when he presents himself to the public by any title or description of services or functions that he directly or indirectly performs incorporating the words "audiologist", "audiology", "audiometrist", "audiometry", "audiological", "audiometrics", "hearing clinician", "hearing clinic", "hearing therapist", "hearing therapy", "hearing center", "hearing aid audiologist", or any similar title or description of services.

(6) "Audiology aide" means any person meeting the minimum requirements established by the board of speech speech-language pathologists and audiologists who works directly under the supervision of a licensed audiologist.

(7) "Practice of speech speech-language pathology" means the-application-of-principles, methods, and procedures for---the---measurement, testing, evaluation, prediction, counseling, or instruction related to---the---development and disorders of---speech, voice, or language for the purpose of evaluating, preventing, habilitating, rehabilitating, or modifying---such---disorders---and---conditions---in rendering or offering to render a service in speech-language pathology to individuals or groups of individuals who have or are suspected of having communication disorders. These services include:

(a) prevention, identification, measurement, testing, evaluation, prediction, consultation, habilitation, and

1 rehabilitation;

2 (b) determining the need for augmentative
3 communication systems and providing training in the use of
4 these systems;

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

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

11 (e) aural rehabilitation, which includes services and
12 procedures for facilitating adequate receptive and
13 expressive communication in individuals with hearing
14 impairment.

15 (8) "Practice of audiology" means the--application--of
16 ~~principles, methods, and procedures of measurement, testing,~~
17 ~~appraisal,--prediction,--consultation,--counseling,--and~~
18 ~~instruction related to hearing and--hearing--impairment--for~~
19 ~~the--purpose--of--modifying--communicative--disorders--involving~~
20 ~~speech, language, or auditory function,--including--auditory~~
21 ~~behavior related to hearing impairment rendering or offering~~
22 to render a service in audiology to individuals or groups of
23 individuals who have or are suspected of having hearing
24 disorders. These services include:

25 (a) prevention, identification, measurement, testing,

1 evaluation, prediction, consultation, habilitation,
2 rehabilitation, instruction, and research;

3 (b) participating in hearing conservation and hearing
4 aid and assistive listening device evaluation, prescription,
5 preparation, dispensing, and orientation;

6 (c) fabricating ear molds;

7 (d) providing auditory training and speech reading;

8 (e) conducting tests of vestibular function;

9 (f) evaluating tinnitus;

10 (g) planning, directing, conducting, or supervising
11 programs that render or offer to render a service in
12 audiology; and

13 (h) speech or language screening, limited to a
14 pass/fail determination.

15 (9) "Association" means the Montana speech
16 speech-language and hearing association.

17 (10) "ASHA" means the American speech speech-language
18 and hearing association.

19 (11) "Unethical conduct" means:

20 (a) the obtaining of any fee by fraud or
21 misrepresentation;

22 (b) employing, directly or indirectly, any suspended
23 or unlicensed person to perform any work covered by this
24 chapter unless that person assumes the legal status of a
25 supervised aide;

(c) using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceiving, improbable, or untruthful.

~~{12}-"Provisionally--licensed--speech--pathologist---or audiologist"--means-those-speech-pathologists-or-audiologists currently--practicing-the-profession-in-the-state-who-do-not meet-the-minimum-requirements-for-licensure--as--defined--in this--chapter-and-who-are-eligible-for-provisional-licensure conditioned-on-biennial-evidence--of--satisfactory--progress toward-meeting-the-requirements-for-licensure-as-provided-in this-chapter--This-provisional-licensure,--as-defined-in-this chapter,--may-exist-for-no-longer-than-6-years-from--July-1, 1975,--under-any-circumstance."~~

SECTION 3. SECTION 37-15-103, MCA, IS AMENDED TO READ:

"37-15-103. Exemptions. (1) Nothing in this chapter ~~shall-prevent~~ prevents a person licensed in this state under any other law from engaging in the profession or business for which he is licensed.

(2) Nothing in this chapter ~~shall--restrict~~ restricts or ~~prevent~~ prevents activities of a speech speech-language pathology or audiology nature or the use of the official title of the position for which they were employed on the part of a speech speech-language pathologist or audiologist

employed by federal agencies.

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

(4) Nothing in this chapter ~~shall--restrict~~ restricts activities and services of a student in speech speech-language pathology or audiology from pursuing a course of study in speech speech-language pathology or audiology at an accredited or approved college or university or an approved clinical training facility. However, these activities and services must constitute a part of his supervised course of study, and ~~no a fee shall may not~~ accrue directly or indirectly to the student. These persons ~~shall~~ must be designated by the title "speech

1 speech-language pathology (or audiology) intern", "speech
2 speech-language pathology (or audiology) trainee", or a
3 title clearly indicating the training status appropriate to
4 his level of training.

5 (5) Nothing in this chapter ~~shall restrict~~ restricts a
6 person from another state from offering speech
7 speech-language pathology or audiology services in this
8 state if ~~such~~ these services are performed for no more than
9 5 days in any calendar year and if the services are
10 performed in cooperation with a speech speech-language
11 pathologist or audiologist licensed under this chapter.
12 However, by securing a temporary license from the board
13 subject to ~~such~~ limitations as the board may impose, a
14 person not a resident of this state who is not licensed
15 under this chapter but who is licensed under the law of
16 another state ~~which that~~ has established licensure
17 requirements at least equivalent to those established by
18 this chapter or who is the holder of the ASHA certificate of
19 clinical competency in speech speech-language pathology or
20 audiology or its equivalent may offer speech speech-language
21 pathology or audiology services in this state for no more
22 than 30 days in any calendar year if ~~such~~ the services are
23 performed in cooperation with a speech speech-language
24 pathologist or audiologist licensed under this chapter.

25 (6) Nothing in this chapter ~~shall restrict~~ restricts

1 any person holding a class A certificate issued by the
2 conference of executives of American schools of the deaf
3 from performing the functions for which he qualifies.

4 (7) Nothing in this chapter ~~shall restrict~~ restricts
5 any person who holds a certificate of registration in this
6 state as a hearing aid dealer from performing those
7 functions for which he qualifies and ~~which that~~ are
8 described in Title 37, chapter 16.

9 (8) Nothing in this chapter exempts an audiologist who
10 sells, dispenses, or fits hearing aids from the licensing
11 requirements or other provisions of Title 37, chapter 16."

12 **Section 4.** Section 37-15-305, MCA, is amended to read:

13 "37-15-305. Practice pending disposition of
14 application -- ~~waiver ---provisional-license.~~ (1) A speech
15 speech-language pathologist or audiologist who holds ASHA
16 certification or equivalent or is licensed in another state
17 and who has made application to the board for a license in
18 this state may perform activities and services of a speech
19 speech-language pathology or audiology nature without a
20 valid license pending disposition of application.

21 ~~{2}--Prior--to--July-17-1976,--a--provisional--license--may~~
22 ~~be--issued--to--an--individual--who--holds--a--bachelor's--degree~~
23 ~~with--a--major--in--speech--pathology--or--audiology,--who--has~~
24 ~~accumulated--175--clock--hours--of--clinical--practicum,--and--who~~
25 ~~has--worked--in--this--state--as--a--speech--pathologist--or~~

1 audiologist for at least 1 academic year. The provisionally
 2 licensed speech pathologist or audiologist must work under
 3 the direct supervision of a licensed or certified speech
 4 pathologist or audiologist. The extent to which direct
 5 supervision will be provided for the provisionally licensed
 6 speech pathologist or audiologist will be determined by the
 7 supervising clinician. Generally, the supervising speech
 8 pathologist or audiologist shall provide direct assistance
 9 to the provisionally licensed speech pathologist or
 10 audiologist at least 4 days per month. Most of the contacts
 11 by the supervising speech pathologist or audiologist shall
 12 be in person, but other avenues of contact may be made.
 13 Those persons granted provisional licensure shall complete
 14 the academic, clinical practicum, and examination
 15 requirements for licensure within 6 years after July 1,
 16 1975. Twelve quarter-hour credits of additional professional
 17 training towards licensure qualifications, or any other
 18 proposed educational plan that leads to the same goal as
 19 presented to and approved by the board, must be obtained
 20 every 2 years for renewal of provisional licensure.
 21 Provisionally licensed speech pathologists or audiologists
 22 who have not attained appropriate eligibility status within
 23 6 years of July 1, 1975, will no longer be eligible to
 24 practice speech pathology or audiology in the state of
 25 Montana, except for those persons granted certification

1 under subsection (5) of this section, but may work as speech
 2 pathology or audiology aides, as defined in this chapter.

3 (3)(2) The board shall waive the examination and grant
 4 a license to applicants who present proof of a current
 5 license in a state which has standards equivalent to or
 6 greater than those of this state.

7 (4)(3) The board shall waive the examination and grant
 8 a license to those who hold the certificate of clinical
 9 competence of the American speech speech-language and
 10 hearing association in the area for which they are applying
 11 for a license.

12 (5)(4) The board shall, on presentation and
 13 documentation in writing by a petitioner, have the
 14 prerogative of granting licensure to an individual who does
 15 not have all the formal requirements specified in this
 16 chapter. This prerogative shall be used only for unusual or
 17 special circumstances and shall be determined by the board
 18 in each individual case."

19 **Section 5.** Section 37-15-308, MCA, is amended to read:

20 "37-15-308. **Renewal.** (1) Each licensed speech
 21 speech-language pathologist or audiologist shall on or
 22 before October 31 of each year pay to the board the fee for
 23 the renewal of his license according to rules adopted by the
 24 department.

25 (2) The department shall notify each person licensed

1 under this chapter relative to the date of expiration of his
2 license and the amount of the renewal fee. This notice ~~shall~~
3 must be mailed to each licensed ~~speech~~ speech-language
4 pathologist or audiologist at least 1 month before the
5 expiration of the license.

6 (3) Renewal may be made at any time during the 60 days
7 prior to the expiration date by application therefor. A
8 renewal application must be accompanied with documentation
9 satisfactory to the board that the applicant has fulfilled
10 his continuing educational requirements as provided in
11 37-15-309.

12 (4) Failure on the part of any licensed person to pay
13 the renewal fee by the expiration date does not deprive him
14 of the right to renew his license, but the fee shall be
15 increased 10% for each month that the payment of the renewal
16 fee is delayed after the expiration date. The maximum fee
17 for delayed renewal shall not exceed twice the normal
18 renewal fee.

19 (5) Application for renewal following a lapse of 1
20 year or more shall be subject to review by the board, and
21 the applicant may be requested to complete an examination
22 successfully if the board so determines.

23 (6) A suspended license is subject to expiration and
24 may be renewed as provided in this section, but such renewal
25 does not entitle the licensee, while the license remains

1 suspended, to engage in the licensed activity or in any
2 other activity or conduct which violates the order or
3 judgment by which the license was suspended.

4 (7) A license revoked on disciplinary grounds is
5 subject to expiration, and it may not be renewed. If it is
6 reinstated after its expiration, the licensee, as a
7 condition of reinstatement, shall pay a reinstatement fee in
8 an amount equal to the renewal fee in effect on the last
9 preceding regular renewal date before the date on which it
10 is reinstated plus the delinquency fee, if any, accrued at
11 the time of its revocation.

12 (8) A person who fails to renew his license within the
13 ~~4~~ 2 years after its expiration may not renew it, and it may
14 not be restored, reissued, or reinstated thereafter; but
15 such a person may reapply for and obtain a new license if he
16 meets the requirements of this chapter."

17 NEW SECTION. Section 6. Name change. Whenever the
18 term "speech pathology" or "speech pathologist" is used in
19 the Montana Code Annotated or laws newly enacted by the 51st
20 legislature, the code commissioner shall change the term to
21 "speech-language pathology" or "speech-language
22 pathologist", respectively.

23 NEW SECTION. Section 7. Extension of authority. Any
24 existing authority to make rules on the subject of the
25 provisions of [this act] is extended to the provisions of

HB 0396/02

1 [this act].

-End-

HOUSE BILL NO. 396

INTRODUCED BY DAVIS, GAGE

BY REQUEST OF THE BOARD OF SPEECH PATHOLOGISTS
AND AUDIOLOGISTS

A BILL FOR AN ACT ENTITLED: "AN ACT RENAMING THE BOARD OF
SPEECH ~~PATHOLOGY~~ PATHOLOGISTS AND ~~AUDIOLOGY~~ AUDIOLOGISTS;
CHANGING AND REDEFINING CERTAIN TERMS RELATING TO LICENSURE
OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS; REVISING
PROVISIONS CONCERNING LICENSE RENEWAL; AND AMENDING SECTIONS
2-15-1849, 37-15-102, 37-15-103, 37-15-305, AND 37-15-308,
MCA."

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

Section 1. Section 2-15-1849, MCA, is amended to read:

"2-15-1849. Board of speech speech-language
pathologists and audiologists. (1) There is a board of
speech speech-language pathologists and audiologists.

(2) The board consists of five members who shall:

(a) be appointed by the governor with the consent of
the senate;(b) have been residents of this state for at least 1
year immediately preceding their appointment; and(c) have been engaged in rendering services to the
public, teaching, or performing research in the field of

speech speech-language pathology or audiology for at least 5
years immediately preceding their appointment.

(3) At least two members of the board shall be speech
speech-language pathologists and at least two shall be
audiologists, with the remaining member to be a public
member, ~~appointed by the governor with the consent of the~~
senate, who is a consumer of speech speech-language
pathology or audiology services and who is not a licensee
of the board or of any other board within the department.
All board members, except the public member, shall at all
times be validly licensed in speech speech-language
pathology or audiology.

(4) Appointments shall be for 3-year terms with no
person eligible to serve more than two full consecutive
terms. Terms begin on the first day of the calendar year and
end on the last day of the calendar year.

(5) The board is allocated to the department for
administrative purposes only as prescribed in 2-15-121."

Section 2. Section 37-15-102, MCA, is amended to read:

"37-15-102. Definitions. As used in this chapter, the
following definitions apply:

(1) "Board" means the board of speech speech-language
pathologists and audiologists provided for in 2-15-1849.

(2) "Department" means the department of commerce
provided for in Title 2, chapter 15, part 10.

1 (3) "Speech Speech-language pathologist" means one a
 2 person who practices speech speech-language pathology and
 3 who meets the qualifications set forth in this chapter. A
 4 person represents himself to be a speech-language
 5 pathologist when he presents himself to the public by any
 6 title or description of services or functions that he
 7 directly or indirectly performs incorporating the words
 8 "speech pathologist", "speech pathology", "speech
 9 correctionist", "speech corrections", "speech therapist",
 10 "speech therapy", "speech clinician", "speech clinic",
 11 "language pathologist", "language pathology", "voice
 12 therapist", "voice therapy", "voice pathologist", "voice
 13 pathology", "logopedist", "logopedics", "communicologist",
 14 "communicology", "aphasiologist", "aphasiology",
 15 "phoniatriest", "language therapist", "language clinician",
 16 or any similar title or description of services or
 17 functions.

18 (4) "Speech Speech-language pathology aide" means any
 19 person meeting the minimum requirements established by the
 20 board of speech speech-language pathologists and
 21 audiologists who works directly under the supervision of a
 22 licensed speech speech-language pathologist.

23 (5) "Audiologist" means a person who practices
 24 audiology and who meets the qualifications set forth in this
 25 chapter. A person represents himself to be an audiologist

1 when he presents himself to the public by any title or
 2 description of services or functions that he directly or
 3 indirectly performs incorporating the words "audiologist",
 4 "audiology", "audiometrist", "audiometry", "audiological",
 5 "audiometrics", "hearing clinician", "hearing clinic",
 6 "hearing therapist", "hearing therapy", "hearing center",
 7 "hearing aid audiologist", or any similar title or
 8 description of services.

9 (6) "Audiology aide" means any person meeting the
 10 minimum requirements established by the board of speech
 11 speech-language pathologists and audiologists who works
 12 directly under the supervision of a licensed audiologist.

13 (7) "Practice of speech speech-language pathology"
 14 means the-application-of-principles,-methods,-and-procedures
 15 for---the---measurement,--testing,--evaluation,--prediction,
 16 counseling,-or-instruction-related-to-the--development--and
 17 disorders--of--speech,-voice,-or-language-for-the-purpose-of
 18 evaluating,--preventing,--habilitating,--rehabilitating,--or
 19 modifying--such--disorders--and--conditions--in rendering or
 20 offering to render a service in speech-language pathology to
 21 individuals or groups of individuals who have or are
 22 suspected of having communication disorders. These services
 23 include:

24 (a) prevention, identification, measurement, testing,
 25 evaluation, prediction, consultation, habilitation, and

1 rehabilitation;

2 (b) determining the need for augmentative
3 communication systems and providing training in the use of
4 these systems;

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

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

11 (e) aural rehabilitation, which includes services and
12 procedures for facilitating adequate receptive and
13 expressive communication in individuals with hearing
14 impairment.

15 (8) "Practice of audiology" means the--application--of
16 ~~principles, methods, and procedures of measurement, testing,~~
17 ~~appraisal,--prediction,--consultation,--counseling,--and~~
18 ~~instruction-related-to-hearing-and--hearing--impairment--for~~
19 ~~the--purpose--of-modifying-communicative-disorders-involving~~
20 ~~speech, language, or auditory function,--including--auditory~~
21 ~~behavior-related-to-hearing-impairment~~ rendering or offering
22 to render a service in audiology to individuals or groups of
23 individuals who have or are suspected of having hearing
24 disorders. These services include:

25 (a) prevention, identification, measurement, testing,

1 evaluation, prediction, consultation, habilitation,
2 rehabilitation, instruction, and research;

3 (b) participating in hearing conservation and hearing
4 aid and assistive listening device evaluation, prescription,
5 preparation, dispensing, and orientation;

6 (c) fabricating ear molds;

7 (d) providing auditory training and speech reading;

8 (e) conducting tests of vestibular function;

9 (f) evaluating tinnitus;

10 (g) planning, directing, conducting, or supervising
11 programs that render or offer to render a service in
12 audiology; and

13 (h) speech or language screening, limited to a
14 pass/fail determination.

15 (9) "Association" means the Montana speech
16 speech-language and hearing association.

17 (10) "ASHA" means the American speech speech-language
18 and hearing association.

19 (11) "Unethical conduct" means:

20 (a) the obtaining of any fee by fraud or
21 misrepresentation;

22 (b) employing, directly or indirectly, any suspended
23 or unlicensed person to perform any work covered by this
24 chapter unless that person assumes the legal status of a
25 supervised aide;

(c) using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceiving, improbable, or untruthful.

~~{12}-"Provisionally-licensed-speech-pathologist--or audiologist"-means-those-speech-pathologists-or-audiologists currently-practicing-the-profession-in-the-state-who-do-not meet-the-minimum-requirements-for-licensure--as--defined--in this--chapter-and-who-are-eligible-for-provisional-licensure conditioned-on-biennial-evidence-of--satisfactory--progress toward-meeting-the-requirements-for-licensure-as-provided-in this-chapter--This-provisional-licensure,--as-defined-in-this chapter,--may-exist-for-no-longer-than-6-years-from--July-1, 1975,--under-any-circumstance."~~

SECTION 3. SECTION 37-15-103, MCA, IS AMENDED TO READ:

"37-15-103. Exemptions. (1) Nothing in this chapter ~~shall-prevent~~ prevents a person licensed in this state under any other law from engaging in the profession or business for which he is licensed.

(2) Nothing in this chapter ~~shall--restrict~~ restricts or ~~prevent~~ prevents activities of a speech speech-language pathology or audiology nature or the use of the official title of the position for which they were employed on the part of a speech speech-language pathologist or audiologist

employed by federal agencies.

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

(4) Nothing in this chapter ~~shall--restrict~~ restricts activities and services of a student in speech speech-language pathology or audiology from pursuing a course of study in speech speech-language pathology or audiology at an accredited or approved college or university or an approved clinical training facility. However, these activities and services must constitute a part of his supervised course of study, and ~~no a fee shall may not~~ accrue directly or indirectly to the student. These persons ~~shall~~ must be designated by the title "speech

1 speech-language pathology (or audiology) intern", "speech
2 speech-language pathology (or audiology) trainee", or a
3 title clearly indicating the training status appropriate to
4 his level of training.

5 (5) Nothing in this chapter ~~shall restrict~~ restricts a
6 person from another state from offering speech
7 speech-language pathology or audiology services in this
8 state if ~~such~~ these services are performed for no more than
9 5 days in any calendar year and if the services are
10 performed in cooperation with a speech speech-language
11 pathologist or audiologist licensed under this chapter.
12 However, by securing a temporary license from the board
13 subject to ~~such~~ limitations as the board may impose, a
14 person not a resident of this state who is not licensed
15 under this chapter but who is licensed under the law of
16 another state ~~which that~~ has established licensure
17 requirements at least equivalent to those established by
18 this chapter or who is the holder of the ASHA certificate of
19 clinical competency in speech speech-language pathology or
20 audiology or its equivalent may offer speech speech-language
21 pathology or audiology services in this state for no more
22 than 30 days in any calendar year if ~~such~~ the services are
23 performed in cooperation with a speech speech-language
24 pathologist or audiologist licensed under this chapter.

25 (6) Nothing in this chapter ~~shall restrict~~ restricts

1 any person holding a class A certificate issued by the
2 conference of executives of American schools of the deaf
3 from performing the functions for which he qualifies.

4 (7) Nothing in this chapter ~~shall restrict~~ restricts
5 any person who holds a certificate of registration in this
6 state as a hearing aid dealer from performing those
7 functions for which he qualifies and ~~which that~~ are
8 described in Title 37, chapter 16.

9 (8) Nothing in this chapter exempts an audiologist who
10 sells, dispenses, or fits hearing aids from the licensing
11 requirements or other provisions of Title 37, chapter 16."

12 **Section 4.** Section 37-15-305, MCA, is amended to read:

13 "37-15-305. Practice pending disposition of
14 application -- ~~waiver ---provisional-license~~. (1) A speech
15 speech-language pathologist or audiologist who holds ASHA
16 certification or equivalent or is licensed in another state
17 and who has made application to the board for a license in
18 this state may perform activities and services of a speech
19 speech-language pathology or audiology nature without a
20 valid license pending disposition of application.

21 (2) ~~Prior to July 17, 1976, a provisional license may~~
22 ~~be issued to an individual who holds a bachelor's degree~~
23 ~~with a major in speech pathology or audiology, who has~~
24 ~~accumulated 175 clock hours of clinical practicum, and who~~
25 ~~has worked in this state as a speech pathologist or~~

1 audiologist-for-at-least-1-academic-year-The--provisionally
 2 licensed--speech--pathologist-or-audiologist-must-work-under
 3 the-direct-supervision-of-a--licensed--or--certified--speech
 4 pathologist--or--audiologist---The--extent--to-which-direct
 5 supervision-will-be-provided-for-the-provisionally--licensed
 6 speech--pathologist-or-audiologist-will-be-determined-by-the
 7 supervising-clinician---Generally,--the--supervising--speech
 8 pathologist--or--audiologist-shall-provide-direct-assistance
 9 to--the--provisionally--licensed--speech--pathologist--or
 10 audiologist--at-least-4-days-per-month--Most-of-the-contacts
 11 by-the-supervising-speech-pathologist-or--audiologist--shall
 12 be--in--person,--but--other--avenues-of-contact-may-be-made.
 13 Those-persons-granted-provisional-licensure--shall--complete
 14 the---academic---clinical---practicum,--and--examination
 15 requirements-for-licensure-within--6--years--after--July--1,
 16 1975--Twelve-quarter-hour-credits-of-additional-professional
 17 training--towards--licensure--qualifications,--or--any-other
 18 proposed-educational-plan-that-leads-to--the--same--goal--as
 19 presented--to--and--approved--by-the-board,--must-be-obtained
 20 every--2--years--for--renewal--of--provisional--licensure.
 21 Provisionally-licensed-speech-pathologists-or-audiologists
 22 who-have-not-attained-appropriate-eligibility-status--within
 23 6--years--of--July--1,--1975,--will-no-longer-be-eligible-to
 24 practice-speech-pathology--or--audiology--in--the--state--of
 25 Montana,--except--for--those-persons--granted-certification

1 under-subsection-(5)-of-this-section,--but-may-work-as-speech
 2 pathology-or-audiology-aides,--as-defined-in-this-chapter.

3 {3}(2) The board shall waive the examination and grant
 4 a license to applicants who present proof of a current
 5 license in a state which has standards equivalent to or
 6 greater than those of this state.

7 {4}(3) The board shall waive the examination and grant
 8 a license to those who hold the certificate of clinical
 9 competence of the American speech speech-language and
 10 hearing association in the area for which they are applying
 11 for a license.

12 {5}(4) The board shall, on presentation and
 13 documentation in writing by a petitioner, have the
 14 prerogative of granting licensure to an individual who does
 15 not have all the formal requirements specified in this
 16 chapter. This prerogative shall be used only for unusual or
 17 special circumstances and shall be determined by the board
 18 in each individual case."

19 Section 5. Section 37-15-308, MCA, is amended to read:

20 "37-15-308. Renewal. (1) Each licensed speech
 21 speech-language pathologist or audiologist shall on--or
 22 before--October-31-of-each-year pay to the board the fee for
 23 the renewal of his license according to rules adopted by the
 24 department.

25 (2) The department shall notify each person licensed

1 under this chapter relative to the date of expiration of his
2 license and the amount of the renewal fee. This notice ~~shall~~
3 must be mailed to each licensed speech speech-language
4 pathologist or audiologist at least 1 month before the
5 expiration of the license.

6 (3) Renewal may be made at any time during the 60 days
7 prior to the expiration date by application therefor. A
8 renewal application must be accompanied with documentation
9 satisfactory to the board that the applicant has fulfilled
10 his continuing educational requirements as provided in
11 37-15-309.

12 (4) Failure on the part of any licensed person to pay
13 the renewal fee by the expiration date does not deprive him
14 of the right to renew his license, but the fee shall be
15 increased 10% for each month that the payment of the renewal
16 fee is delayed after the expiration date. The maximum fee
17 for delayed renewal shall not exceed twice the normal
18 renewal fee.

19 (5) Application for renewal following a lapse of 1
20 year or more shall be subject to review by the board, and
21 the applicant may be requested to complete an examination
22 successfully if the board so determines.

23 (6) A suspended license is subject to expiration and
24 may be renewed as provided in this section, but such renewal
25 does not entitle the licensee, while the license remains

1 suspended, to engage in the licensed activity or in any
2 other activity or conduct which violates the order or
3 judgment by which the license was suspended.

4 (7) A license revoked on disciplinary grounds is
5 subject to expiration, and it may not be renewed. If it is
6 reinstated after its expiration, the licensee, as a
7 condition of reinstatement, shall pay a reinstatement fee in
8 an amount equal to the renewal fee in effect on the last
9 preceding regular renewal date before the date on which it
10 is reinstated plus the delinquency fee, if any, accrued at
11 the time of its revocation.

12 (8) A person who fails to renew his license within the
13 ~~4~~ 2 years after its expiration may not renew it, and it may
14 not be restored, reissued, or reinstated thereafter; but
15 such a person may reapply for and obtain a new license if he
16 meets the requirements of this chapter."

17 NEW SECTION. Section 6. Name change. Whenever the
18 term "speech pathology" or "speech pathologist" is used in
19 the Montana Code Annotated or laws newly enacted by the 51st
20 legislature, the code commissioner shall change the term to
21 "speech-language pathology" or "speech-language
22 pathologist", respectively.

23 NEW SECTION. Section 7. Extension of authority. Any
24 existing authority to make rules on the subject of the
25 provisions of [this act] is extended to the provisions of

HB 0396/02

1 [this act].

-End-