

A-Engrossed House Bill 2065

Ordered by the House May 6
Including House Amendments dated May 6

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for State Board of Examiners for Speech-Language Pathology and Audiology)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Revises provisions relating to speech-language pathologists and audiologists.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to State Board of Examiners for Speech-Language Pathology and Audiology; creating new
3 provisions; amending ORS 681.205, 681.220, 681.230, 681.260, 681.270, 681.280, 681.300, 681.320,
4 681.325, 681.340, 681.350, 681.360, 681.375, 681.400, 681.410, 681.420, 681.450, 681.480, 681.490,
5 681.505 and 681.605; repealing ORS 681.470; and declaring an emergency.

6 **Be It Enacted by the People of the State of Oregon:**

7 **SECTION 1.** ORS 681.205 is amended to read:

8 681.205. As used in this chapter, unless the context requires otherwise:

9 (1) "Approved college or university" means any college or university offering a full-time resident
10 program of study in speech-language pathology or audiology leading to a master's degree or equiv-
11 alent, [*such*] **the** program having been fully accredited or conditionally approved by the American
12 Speech-Language-Hearing Association, or its successor agency, or having been otherwise determined
13 by the [*board*] **State Board of Examiners for Speech-Language Pathology and Audiology** to
14 meet the association standards as specifically incorporated into board rules.

15 (2) "Audiologist" means a person who practices audiology and who uses publicly any title or
16 description of services incorporating the words "audiologist," "hearing clinician," "hearing
17 therapist" or any similar titles or descriptions of service.

18 [(3) "*Board*" means the State Board of Examiners for Speech-Language Pathology and
19 Audiology.]

20 [(4)] (3) "Conditional license" means a license issued to an applicant under ORS 681.325.

21 [(5)] (4) "Practice audiology" means:

22 (a) To apply the principles, methods[,] and procedures of measurement, prediction, evaluation,
23 testing, counseling, consultation and instruction that relate to the development and disorders of
24 hearing, vestibular functions and related language and speech disorders to prevent or modify the
25 disorders or to assist individuals in auditory and related skills for communication.

26 (b) **To fit or sell** [*"Practice audiology" includes the fitting or selling of*] hearing aids.

27 [(6)] (5) "Practice speech-language pathology" means to apply the principles, methods and pro-
28 cedures of measurement, prediction, evaluation, testing, counseling, consultation and instruction that

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 relate to the development and disorders of speech, voice, swallowing and related language and
2 hearing disorders to prevent or modify the disorders or to assist individuals in cognition-language
3 and communication skills.

4 [(7)] (6) "Speech-language pathologist" means [one] **a person** who practices speech-language
5 pathology and who uses publicly any title or description of services including but not limited to the
6 words "speech-language pathologist," "speech correctionist," "speech therapist," "speech clinician,"
7 "language pathologist," "language therapist" or any similar titles or descriptions of services.

8 [(8)] (7) "Speech-language pathology assistant" means a person who provides speech-language
9 pathology services under the direction and supervision of a speech-language pathologist licensed
10 under ORS 681.250.

11 [(9)] (8) "Unethical conduct" means:

12 (a) [The] Obtaining [of] any fee by fraud or misrepresentation.

13 (b) Employing directly or indirectly any [suspended or unlicensed person] **person who is unli-**
14 **censed or whose license is suspended** to perform any work covered by this chapter.

15 (c) Using or causing or promoting the use of any advertising matter, promotional literature,
16 testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however dis-
17 seminated or published, [which] **that** is misleading, deceiving, improbable or untruthful.

18 (d) Representing that the services or advice of a person licensed to practice medicine will be
19 used or made available in the practice of speech-language pathology or audiology if that is not true,
20 or using the word "doctor" or "professor" or other like words, abbreviations, or symbols inaccur-
21 rately.

22 (e) Permitting [another to use a license or conditional license issued by the board] **a person other**
23 **than the license or conditional license holder to use the license or conditional license.**

24 (f) [Violation of] **Violating** the [code of ethics] **ethical standards of practice** adopted [and pub-
25 lished] by the board **under ORS 681.420.**

26 **SECTION 2.** ORS 681.220 is amended to read:

27 681.220. It is declared to be a policy of this state that **it is necessary to provide regulatory**
28 **authority over persons offering speech-language pathology and audiology services to the**
29 **public[,] in order to:**

30 (1) Safeguard the public health, safety[,] and welfare[, and to];

31 (2) Protect the public from being misled by incompetent, unscrupulous[,] and unauthorized
32 persons[, and to];

33 (3) Protect the public from unprofessional conduct by qualified speech-language pathologists and
34 audiologists[,] and

35 (4) [To] Help [assure] **ensure** the availability of the highest possible quality speech-language
36 pathology and audiology services to the communicatively disabled people of this state[, it is neces-
37 sary to provide regulatory authority over persons offering speech-language pathology and audiology
38 services to the public].

39 **SECTION 3.** ORS 681.230 is amended to read:

40 681.230. (1) Nothing in this chapter is intended to prevent a person licensed in this state under
41 any other law from engaging in the profession for which the person is licensed.

42 [(2) Nothing in this chapter is intended to restrict or prevent activities of a speech-language
43 pathology or audiology nature or the use of the official title of the position for which they were em-
44 ployed on the part of the following persons:]

45 [(a) Persons who hold a valid and current credential as a speech and hearing specialist issued by

1 *the Teacher Standards and Practices Commission.*]

2 *[(b) Speech-language pathologists or audiologists employed by federal agencies.]*

3 *[(c) Speech-language pathologists or audiologists employed by approved colleges or universities.]*

4 **(2) Nothing in this chapter is intended to restrict or prevent a person from engaging in**
 5 **speech-language pathology or audiology activities or from using the official title of the posi-**
 6 **tion for which the person is employed if the person:**

7 **(a)(A) Holds a valid and current teaching license with a communications disorder**
 8 **endorsement issued by the Teacher Standards and Practices Commission; and**

9 **(B) Is employed by an education service district, a school district or a charter school;**
 10 **or**

11 **(b) Is a speech-language pathologist or audiologist who is:**

12 **(A) Employed by a federal agency; or**

13 **(B) Employed by an approved college or university.**

14 (3) *[Persons performing]* **A person who performs** activities described in subsection (2) of this
 15 section who *[are]* **is** not licensed under this chapter must do so solely within the confines of or under
 16 the jurisdiction of the organization in which *[they are]* **the person is** employed and *[shall]* **may** not
 17 offer to render speech-language pathology or audiology services to the public for compensation over
 18 and above the salary *[they receive]* **the person receives** for performance of *[their]* **the person's** of-
 19 ficial duties with organizations in which *[they are]* **the person is** employed. However, without ob-
 20 taining a license under this chapter, *[such persons]* **a person** may consult or disseminate *[their]* **the**
 21 **person's** research findings and scientific information to other *[such]* accredited academic insti-
 22 tutions or governmental agencies. *[They]* **The person** also may offer lectures to the public for a fee,
 23 monetary or otherwise, without being licensed under this chapter.

24 (4) Nothing in this chapter is intended to restrict activities and services of a student of
 25 speech-language pathology from pursuing a course of study in speech-language pathology at an ap-
 26 proved college or university or an approved clinical training facility. However, these activities and
 27 services must constitute a part of the supervised course of study of the student and *[no]* **a fee**
 28 *[shall]* **may not** accrue directly or indirectly to the student. *[Such persons]* **A student** shall be
 29 designated by *[such]* **a title such** as "Speech-language Pathology Intern," "Speech-language
 30 Pathology Trainee" or other *[such]* title clearly indicating the training status appropriate to the
 31 level of training of the student.

32 (5) Nothing in this chapter is intended to restrict the activities and services of a student of
 33 audiology from pursuing a course of study in audiology at an approved college or university or an
 34 approved clinical training facility. However, these activities and services must constitute a part of
 35 the supervised course of study of the student and *[no fee shall]* **a fee may not** accrue directly or
 36 indirectly to the student. *[Such persons]* **The student** shall be designated by *[such]* **a title such** as
 37 "Audiology Intern," "Audiology Trainee" or other *[such]* title clearly indicating the training status
 38 appropriate to the level of training of the student.

39 (6) Nothing in this chapter is intended to restrict any person holding a Class A certificate issued
 40 by the Conference of Executives of American Schools of the Deaf from performing the functions for
 41 which the person qualifies.

42 (7) Nothing in this chapter is intended to restrict any person holding a license in this state as
 43 a hearing aid specialist from consulting with respect to the selling of hearing aids *[according to]*
 44 **under** ORS chapter 694.

45 (8) Nothing in this chapter is intended to exempt an audiologist from licensure under ORS

1 694.025.

2 **(9) Notwithstanding subsections (4) and (5) of this section, the State Board of Examiners**
 3 **for Speech-Language Pathology and Audiology may adopt rules authorizing payment of a**
 4 **stipend to students of speech-language pathology and students of audiology who are pursuing**
 5 **a course of study at an approved college or university or an approved clinical training facil-**
 6 **ity.**

7 **SECTION 4.** ORS 681.260 is amended to read:

8 681.260. (1) *[To be]* **An applicant is** eligible for licensing by the State Board of Examiners for
 9 Speech-Language Pathology and Audiology as a speech-language pathologist *[or audiologist, the ap-*
 10 *PLICANT MUST]* **if the applicant:**

11 *[(1)]* **(a) [Possess] Possesses** at least a master's degree or equivalent in the area of speech-
 12 language pathology *[or audiology]* from an approved college or university.

13 *[(2)]* **(b) [Submit] Submits** transcripts from one or more approved colleges or universities pre-
 14 senting evidence of the completion of **at least** 60 semester hours constituting a well-integrated
 15 program that includes **at least** 18 semester hours in courses that provide fundamental information
 16 applicable to normal development and use of speech, hearing[,] and language, and **at least** 42 se-
 17 mester hours in courses that provide information about and training in the management of speech,
 18 hearing[,] and language disorders and that provide information supplementary to these fields.[.]

19 *[(a) Of 42 semester hours required, no fewer than six may be in audiology for the speech-language*
 20 *pathologist or in speech-language pathology for the audiologist.]*

21 *[(b) No more than six of these 42 semester hours may be in courses that provide academic credit*
 22 *for clinical practice.]*

23 *[(c) Of these 42 semester hours, at least 24, not including credit for thesis or dissertation, must be*
 24 *in courses in the field for which the license is requested and 30 of these 42 semester hours must be in*
 25 *courses acceptable toward a graduate degree by the college or university in which these courses are*
 26 *taken.]*

27 *[(3)]* **(c) [Submit] Submits** evidence of the completion of a minimum of 275 clock hours of
 28 supervised, direct clinical experience with individuals presenting a variety of disorders of
 29 communication[.]. The experience *[being]* **must be** obtained within the training institution or in one
 30 of its cooperating programs.

31 *[(4)]* **(d) [Present] Presents** written evidence from a licensed or certified speech-language
 32 pathologist *[or audiologist]* supervisor of nine months of full-time[, *or its part-time equivalent,*] post-
 33 educational professional employment, **or its part-time equivalent, that is** pertinent to the
 34 **speech-language pathologist** license *[being sought]*. **For purposes of this paragraph, "full-time"**
 35 **means** at least nine months in a calendar year and a minimum of 30 hours per week[.], **and** "part-
 36 time equivalent" means:

37 *[(a)]* **(A)** 15 to 19 hours per week during a period of at least 72 weeks.

38 *[(b)]* **(B)** 20 to 24 hours per week during a period of at least 60 weeks.

39 *[(c)]* **(C)** 25 to 29 hours per week during a period of at least 48 weeks.

40 *[(5)]* **(e) [Pass] Passes** an examination approved by the board. The board shall determine the
 41 subject and scope of the examinations. Written examinations may be supplemented by *[such]* oral
 42 examinations as the board *[shall determine]* **determines**. An applicant who fails the examination may
 43 be reexamined at a subsequent examination.

44 **(2) Of the 42 semester hours required under subsection (1)(b) of this section:**

45 **(a) No fewer than six semester hours may be in audiology;**

1 (b) No more than six semester hours may be in courses that provide academic credit for
2 clinical practice;

3 (c) At least 24 semester hours, not including credit for thesis or dissertation, must be in
4 courses in the field for which the license is requested; and

5 (d) At least 30 semester hours must be in courses acceptable toward a graduate degree
6 by the college or university in which those courses are taken.

7 **SECTION 5.** Section 6 of this 2005 Act is added to and made a part of ORS chapter 681.

8 **SECTION 6.** (1) An applicant is eligible for licensing by the State Board of Examiners for
9 Speech-Language Pathology and Audiology as an audiologist if the applicant:

10 (a) Possesses a Doctor of Audiology degree from an educational institution accredited by
11 a body recognized by the United States Department of Education and submits transcripts
12 from the educational institution that awarded the Doctor of Audiology degree to the appli-
13 cant; or

14 (b) Possesses a master's degree or equivalent in the area of audiology from an approved
15 college or university and submits all of the following to the board:

16 (A) Transcripts from one or more approved colleges or universities presenting evidence
17 of the completion of at least 60 semester hours constituting a well-integrated program that
18 includes at least 18 semester hours in courses that provide fundamental information appli-
19 cable to normal development and use of speech, hearing and language, and at least 42 se-
20 mester hours in courses that provide information about and training in the management of
21 speech, hearing and language disorders and that provide information supplementary to those
22 fields.

23 (B) Evidence of the completion of a minimum of 275 clock hours of supervised, direct
24 clinical experience with individuals presenting a variety of disorders of communication. The
25 experience must be obtained within the training institution or in one of its cooperating pro-
26 grams.

27 (C) Written evidence from a licensed or certified audiologist supervisor of nine months
28 of full-time post-educational professional employment, or its part-time equivalent, that is
29 pertinent to an audiology license. For purposes of this subparagraph, "full-time" means at
30 least nine months in a calendar year and a minimum of 30 hours per week, and "part-time
31 equivalent" means:

32 (i) 15 to 19 hours per week during a period of at least 72 weeks.

33 (ii) 20 to 24 hours per week during a period of at least 60 weeks.

34 (iii) 25 to 29 hours per week during a period of at least 48 weeks.

35 (2) Of the 42 semester hours required under subsection (1)(b) of this section:

36 (a) No fewer than six semester hours may be in speech-language pathology;

37 (b) No more than six semester hours may be in courses that provide academic credit for
38 clinical practice;

39 (c) At least 24 semester hours, not including credit for thesis or dissertation, must be in
40 courses in the field for which the license is requested; and

41 (d) At least 30 semester hours must be in courses acceptable toward a graduate degree
42 by the college or university in which those courses are taken.

43 (3) In addition to meeting the requirements under subsection (1) of this section, an ap-
44 plicant must pass an examination approved by the board. The board shall determine the
45 subject and scope of the examinations. Written examinations may be supplemented by oral

1 **examinations as the board determines. An applicant who fails the examination may be reex-**
2 **amined at a subsequent examination.**

3 **SECTION 7.** ORS 681.270 is amended to read:

4 681.270. (1) A person desiring to obtain a license or conditional license from the State Board
5 of Examiners for Speech-Language Pathology and Audiology shall make application to the board.

6 (2) The application shall be made upon a form and [*shall be made in such a manner as the board*
7 *prescribes*] **in the manner prescribed by the board.**

8 (3) The application required by this section shall be accompanied by a nonrefundable application
9 fee [*prescribed by ORS 681.340*] **established by the board.**

10 **SECTION 8.** ORS 681.280 is amended to read:

11 681.280. [*A speech-language pathologist or audiologist who holds a Certificate of Clinical Compe-*
12 *tence from the American Speech-Language-Hearing Association and who has made application to the*
13 *State Board of Examiners for Speech-Language Pathology and Audiology for a license in this state*
14 *may perform activities and services of a speech-language pathologist or audiologist without a valid li-*
15 *cence pending disposition of application.*]

16 (1) **A speech-language pathologist who holds a Certificate of Clinical Competence from**
17 **the American Speech-Language Hearing Association and who has made application to the**
18 **State Board of Examiners for Speech-Language Pathology and Audiology for a license in this**
19 **state may perform activities and services of a speech-language pathologist without a valid**
20 **license pending disposition of the application.**

21 (2) **An audiologist who is certified by the American Board of Audiology or who holds a**
22 **Certificate of Clinical Competence from the American Speech-Language Hearing Association**
23 **and who has made application to the State Board of Examiners for Speech-Language**
24 **Pathology and Audiology for a license in this state may perform activities and services of**
25 **an audiologist without a valid license pending disposition of the application.**

26 **SECTION 9.** ORS 681.300 is amended to read:

27 681.300. [(1)] The State Board of Examiners for Speech-Language Pathology and Audiology may
28 waive the examination **described in ORS 681.290** and grant a license to:

29 (1) [*applicants who present*] **An applicant who presents** proof of a current license in a state
30 [*which*] **that** has standards equivalent to [*those*] **the standards** of this state.

31 (2) [*The board may waive the examination and grant a license to those*] **An applicant** who [*hold*]
32 **holds** the Certificate of Clinical Competence of the American Speech-Language-Hearing Association
33 in the area for which [*they are*] **the person is** applying for a license.

34 [(3)] *The board shall waive the examination and the requirements of ORS 681.260 (2) to (5) and*
35 *grant a license to practice audiology to any applicant who holds a master's degree in speech pathology*
36 *and audiology from an Oregon university if the applicant originally applied for a license to practice*
37 *audiology within one year after July 3, 1973, but acquired the degree by June 15, 1975.]*

38 (3) **An audiology applicant who is certified by the American Board of Audiology.**

39 **SECTION 10.** ORS 681.320 is amended to read:

40 681.320. (1) On or before January 30 of each even-numbered year, each licensed speech-language
41 pathologist or audiologist shall submit to the State Board of Examiners for Speech-Language
42 Pathology and Audiology an application for renewal of license and pay the renewal fee established
43 [*in ORS 681.340*] **by the board.** The application shall include the following:

44 (a) Evidence of participation in professional development. Participation in professional devel-
45 opment [*shall include*] **includes** continuing education or other demonstrations of professional devel-

1 opment [as] **that** the board may recognize by rule.]; and]

2 (b) Evidence of compliance with all other requirements established by the board.

3 (2) [No] **A** person who applies for renewal and whose license has expired[, shall] **may not** be
4 required to submit to any examination as a condition to renewal if the renewal application is made
5 within four years from the date of [such] expiration **of the license**.

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

10 (4) A license revoked on disciplinary grounds is subject to expiration and [it] may not be re-
11 newed. If [it] **the license** is reinstated after its expiration, the licensee, as a condition of rein-
12 statement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last
13 preceding regular renewal date before the date on which it is reinstated, plus [the] **a** delinquency
14 fee, if any, accrued at the time of [its] revocation **of the license**.

15 (5) A person who fails to renew a license within the four years after its expiration may not re-
16 new [it, and] **the license**. The license [shall] **may** not be restored, reissued or reinstated thereafter,
17 but the person may reapply for and obtain a new license if the person meets the requirements of this
18 chapter **and rules adopted by the board**.

19 **SECTION 11.** ORS 681.325 is amended to read:

20 681.325. (1) [The purpose of] A conditional license [is to permit] **permits** an individual to practice
21 speech-language pathology or audiology while [completing] **the person completes** the licensing re-
22 quirements of this chapter.

23 (2) The State Board of Examiners for Speech-Language Pathology and Audiology may issue a
24 conditional license to practice speech-language pathology or audiology to an applicant who:

25 (a) Except for the examination and supervised post-graduate professional practice in speech-
26 language pathology or audiology, meets the license requirements under ORS 681.260 **or section 6**
27 **of this 2005 Act**; and

28 (b) Demonstrates to the satisfaction of the board that for the term of the conditional license the
29 applicant will practice speech-language pathology or audiology only under the supervision of [an
30 individual described under subsection (3) of this section] **a speech-language pathologist or**
31 **audiologist under this chapter**.

32 [(3) A conditional license authorizes the licensee to practice speech-language pathology or audiology
33 under the supervision of:]

34 [(a) A fully licensed speech-language pathologist or audiologist; or]

35 [(b) An individual who holds a certificate of clinical competence in speech-language pathology or
36 audiology from:]

37 [(A) The American Speech-Language-Hearing Association; or]

38 [(B) Any other organization acceptable to the board.]

39 [(4)] **(3)** A conditional license expires on the first anniversary of its effective date.

40 [(5)] **(4)** The board may renew the conditional license for one additional one-year term if the
41 holder:

42 (a) Continues to meet the requirements of subsection (2) of this section;

43 (b) Submits a conditional license renewal application to the board on the form that the board
44 requires; and

45 (c) Pays to the board a conditional license renewal fee [set in ORS 681.340] **established by the**

1 **board.**

2 **SECTION 12.** ORS 681.340 is amended to read:

3 681.340. (1) The State Board of Examiners for Speech-Language Pathology and Audiology may,
4 **by rule**, impose [*the following*] fees [*in connection with a license or conditional license as a speech-*
5 *language pathologist or audiologist*] **for the following**:

6 (a) License fee and renewal thereof [*in the amount of \$100*].

7 (b) Delinquency fee [*in the amount of \$10*].

8 (c) Application fee [*in the amount of \$30*].

9 (d) Inactive license fee [*in the amount of \$20*].

10 (e) Conditional license fee and renewal thereof [*in the amount of \$50*].

11 [(f) *Prorated license fee in the amount of \$50 for the second year for an active licensee and \$10 in*
12 *the second year for an inactive licensee.*]

13 (2) Every person to whom a license is issued shall, as a condition precedent to its issuance, and
14 in addition to any application, examination or other fee, pay the prescribed initial license fee. The
15 board may, by [*regulation*] **rule**, provide for waiver of such fee where the license is issued less than
16 45 days before the date on which it will expire.

17 **(3) Fees established by the board under subsection (1) of this section shall be in accord-**
18 **ance with ORS 291.050 to 291.060.**

19 [(3)] (4) The fees collected by the board [*shall be*] **are** exclusive and [*no*] **a** municipality [*shall*
20 *have the right to*] **may not** require any person licensed under the provisions of this chapter to fur-
21 nish any bond or pass any examination.

22 **SECTION 13.** ORS 681.350 is amended to read:

23 681.350. (1) The State Board of Examiners for Speech-Language Pathology and Audiology may
24 refuse to issue **or renew** any license or conditional license, may suspend or revoke any license or
25 conditional license, may reprimand any licensee or conditional licensee or may place any licensee
26 or conditional licensee on probation if the applicant, licensee or conditional licensee has [*been guilty*
27 *of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety*
28 *of the public. Such unprofessional conduct includes, but is not limited to*]:

29 (a) [*Obtaining*] **Obtained or attempted to obtain** a license or conditional license by means of
30 fraud, misrepresentation, or concealment of material facts.

31 (b) [*Being found guilty of unprofessional conduct, or having*] Violated **any** ethical standards of
32 practice established [*pursuant to*] **under** ORS 681.420 [(5)].

33 (c) [*Violating*] **Violated** any lawful order or rule of the board.

34 (d) [*Violating*] **Violated** any provisions of this chapter.

35 **(e) Been disciplined by a professional licensing board in another state or in this state.**

36 (2) [*Denial, suspension or revocation of a license or conditional license, pursuant to subsection (1)*
37 *of this section is permissible only after a hearing which*] **An applicant, a licensee or a conditional**
38 **licensee is entitled to an opportunity for a hearing that** complies with all applicable require-
39 ments of ORS chapter 183 **before the board takes final action under subsection (1) of this sec-**
40 **tion.**

41 [(3) *One year after denial, suspension or revocation of a license or conditional license, a person*
42 *may reapply. The board may in its discretion require an examination for reinstatement.*]

43 [(4) *Where an applicant, licensee or conditional licensee has been convicted of a felony or a crime*
44 *involving moral turpitude, the board may suspend or revoke the license or conditional license, or may*
45 *decline to issue a license or conditional license, when:*]

1 *[(a) The time for appeal has elapsed;]*

2 *[(b) The judgment of conviction has been affirmed on appeal; or]*

3 *[(c) A sentence of probation is imposed suspending the imposition of any other sentence.]*

4 *[(5) The board may impose a civil penalty not to exceed \$1,000 for any of the causes stated in*
5 *subsection (1) of this section.]*

6 **(3) A person whose license has been revoked or whose application for a license has been**
7 **denied may apply for reinstatement or licensure only under conditions, if any, set forth in**
8 **the board's final order of revocation or denial of license.**

9 **(4) In disciplining a licensee or a conditional licensee, the board may impose any disci-**
10 **plinary action the board finds proper, including assessment of costs of the disciplinary pro-**
11 **ceedings as a civil penalty.**

12 **SECTION 14.** ORS 681.360 is amended to read:

13 681.360. (1) A person may not perform the duties of a speech-language pathology assistant or
14 use the title speech-language pathology assistant without a certificate to do so issued *[pursuant to]*
15 **under** this section.

16 (2) To obtain a certificate to perform the duties of a speech-language pathology assistant, a
17 person shall:

18 (a) Submit an application in the form prescribed by the State Board of Examiners for Speech-
19 Language Pathology and Audiology;

20 (b) Pay the certificate fee established by the board;

21 (c) Demonstrate that the person meets the qualifications for certification established by the
22 board; and

23 (d) Comply with all other requirements for certification established by the board.

24 (3) A certificate issued under this section expires every two years. To renew a certificate to
25 perform the duties of a speech-language pathology assistant, a person shall:

26 (a) Submit the renewal application in the form prescribed by the board;

27 (b) Pay the renewal fee established by the board; and

28 (c) Comply with all other requirements for certificate renewal established by the board, includ-
29 ing but not limited to submission of evidence of participation in professional development activities.

30 (4) A *[speech-language pathologist licensed under this chapter]* **person** may not employ or other-
31 wise use the services of a speech-language pathology assistant unless the speech-language pathology
32 assistant is certified under this section.

33 *[(5) Nothing in this section prohibits an educational assistant as defined in ORS 342.120 from*
34 *performing duties assigned by a speech-language pathologist.]*

35 **(5) The board may establish by rule criteria under which a person not licensed under ORS**
36 **chapter 681 who holds a basic or standard teaching license in speech impaired or an initial**
37 **or continuing teaching license in communication disorders issued by the Teaching Standards**
38 **and Practices Commission may supervise a speech-language pathology assistant working in**
39 **a school.**

40 (6) The board may refuse to issue a certificate, or may suspend or revoke the certificate, of any
41 certified speech-language pathology assistant pursuant to the provisions of ORS 681.350.

42 **SECTION 15.** ORS 681.375 is amended to read:

43 681.375. The State Board of Examiners for Speech-Language Pathology and Audiology shall
44 adopt rules to define the role of speech-language pathology assistants, including but not limited to:

45 (1) The responsibilities of speech-language pathologists for the supervision and instruction of

1 speech-language pathology assistants, including the frequency, duration and documentation of direct,
2 on-site supervision and the quantity and content of instruction.

3 (2) The ratio of speech-language pathology assistants to speech-language pathologists.

4 (3) The scope of duties and restrictions on responsibilities of speech-language pathology assist-
5 ants.

6 (4) The qualifications that must be met before a speech-language pathology assistant may be
7 certified.

8 **(5) Clarification of the differences between the scope of duties of speech-language**
9 **pathology assistants and of educational assistants as described in ORS 681.360 (5).**

10 **SECTION 16.** ORS 681.400 is amended to read:

11 681.400. (1) There is established [*in the Department of Human Services*] a State Board of Exam-
12 iners for Speech-Language Pathology and Audiology consisting of seven members appointed by the
13 Governor.

14 (2) The term of office of each member is three years, but a member serves at the pleasure of the
15 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor
16 whose term begins on July 1 next following. A member is eligible for reappointment. If there is a
17 vacancy for any cause, the Governor shall make an appointment to become immediately effective for
18 the unexpired term.

19 **SECTION 17.** ORS 681.410 is amended to read:

20 681.410. (1) Of the membership of the State Board of Examiners for Speech-Language Pathology
21 and Audiology:

22 (a) All members must be [*citizens*] **residents** of this state.

23 (b) Two members [*shall*] **must** be audiologists[,] licensed under this chapter.

24 (c) Two members [*shall*] **must** be speech-language pathologists licensed under this chapter.

25 (d) One member [*shall*] **must** be a person licensed to practice medicine[,] who also holds board
26 certification from the American Board of Otolaryngology.

27 (e) Two members [*shall*] **must** be public members who do not possess the qualifications of any
28 member described in paragraphs (b) to (d) of this subsection.

29 (2) A member of the [*State*] board [*of Examiners for Speech-Language Pathology and Audiology*]
30 shall receive compensation and expenses as provided in ORS 292.495.

31 **SECTION 18.** ORS 681.420 is amended to read:

32 681.420. The State Board of Examiners for Speech-Language Pathology and Audiology shall:

33 (1) Administer, coordinate and enforce the provisions of this chapter;

34 (2) Evaluate the qualifications of applicants for any license as issued under this chapter and
35 supervise the examination of such applicants;

36 (3) Investigate persons engaging in practices which violate the provisions of this chapter;

37 (4) Conduct hearings and keep records and minutes as the board deems necessary to an orderly
38 dispatch of business;

39 (5) Adopt rules and regulations, including but not limited to governing ethical standards of
40 practice under this chapter; and

41 (6) Adopt a seal by which the board shall authenticate its proceedings. Copies of the pro-
42 ceedings, records and acts of the board, signed by the **executive director or** chairperson [*or secre-*
43 *tary*] of the board and stamped with the seal, shall be prima facie evidence of the truth of such
44 documents.

45 **SECTION 19.** ORS 681.450 is amended to read:

1 681.450. (1) Subject to applicable provisions of the State Personnel Relations Law, the State
2 Board of Examiners for Speech-Language Pathology and Audiology may *[employ a secretary]* **appoint**
3 **an executive director** and prescribe the duties and fix the compensation **of the executive direc-**
4 **tor.**

5 (2) **The executive director shall keep all records of the board and discharge any other**
6 **duties that the board may prescribe.**

7 (3) **The executive director may, within guidelines established by the Oregon Department**
8 **of Administrative Services, hire employees and enter into contracts for specific services**
9 **necessary to carry out the administration of this chapter.**

10 **SECTION 20.** ORS 681.480 is amended to read:

11 681.480. (1) **The State Board of Examiners for Speech-Language Pathology and Audiology**
12 **Account is established in the State Treasury separate and distinct from the General Fund.**

13 (2) All moneys received by the *[Department of Human Services]* **State Board of Examiners for**
14 **Speech-Language Pathology and Audiology** under this chapter shall be paid into the *[Public*
15 *Health Account in the General Fund in the State Treasury and such moneys hereby]* **State Board of**
16 **Examiners for Speech-Language Pathology and Audiology Account** and are appropriated con-
17 tinuously for the administration and enforcement of this chapter.

18 **SECTION 21.** ORS 681.490 is amended to read:

19 681.490. (1) *[Upon the complaint of any citizen of this state, or upon its own motion,]* The State
20 Board of Examiners for Speech-Language Pathology and Audiology:

21 (a) **May, upon its own motion,** investigate any alleged violation of this chapter.

22 (b) **Shall, upon the complaint of any resident of this state, investigate any alleged vio-**
23 **lation of this chapter.**

24 (2) In the conduct of investigations, the board may:

25 (a) Take evidence;

26 (b) Take the depositions of witnesses, including the person charged, in the manner provided by
27 law in civil cases;

28 (c) Compel the appearance of witnesses, including the person charged, before the board in per-
29 son the same as in civil cases;

30 (d) Require answers to interrogatories; and

31 (e) Compel the production of books, papers, accounts, documents and testimony pertaining to the
32 matter under investigation.

33 (3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas
34 over the signature of the board chairperson and the seal of the board in the name of the State of
35 Oregon.

36 (4) The board may bring a cause of action for injunction or other appropriate remedy to enforce
37 any provision of this chapter.

38 (5) **In addition to or in lieu of any other sanction permitted under this chapter, the board**
39 **may impose a civil penalty of up to \$5,000 for each violation of the provisions of this chapter**
40 **or rules adopted by the board under this chapter. A civil penalty imposed under this section**
41 **shall be imposed in the manner provided in ORS 183.745.**

42 **SECTION 22.** ORS 681.505 is amended to read:

43 681.505. (1) Any licensee of the State Board of Examiners for Speech-Language Pathology and
44 Audiology *[or member of the Oregon Speech-Language-Hearing Association]* shall, and any other per-
45 son may, report to the board any suspected violation of this chapter.

1 (2) [No] A person who has made a complaint as to the conduct of an applicant, licensee or
2 conditional licensee of the board or who has given information or testimony relative to a proposed
3 or pending proceeding for misconduct against the **applicant**, licensee **or conditional licensee** of the
4 board[, *shall be*] **is not** answerable for any such act in any proceeding except for perjury.

5 **SECTION 23.** ORS 681.605 is amended to read:

6 681.605. [No] A licensed audiologist [*shall*] **may not** deal in hearing aids, as [*those terms are*]
7 **that term is** defined in ORS 694.015, unless the audiologist is [*registered*] **licensed** in accordance
8 with ORS [*chapter 694*] **694.085**.

9 **SECTION 24.** ORS 681.470 is repealed.

10 **SECTION 25.** This 2005 Act being necessary for the immediate preservation of the public
11 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
12 **on its passage.**

13
