

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 236
Health Care Committee Substitute Adopted 3/22/23
Third Edition Engrossed 3/29/23

Short Title: Modernize Audiology Practice Laws.

(Public)

Sponsors:

Referred to:

March 9, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE THE GENERAL STATUTES OF NORTH CAROLINA GOVERNING
3 THE PRACTICE OF AUDIOLOGY TO BETTER REFLECT THE CHANGES IN
4 EDUCATION, EXPERIENCE, AND PRACTICE OF THE PROFESSION IN ORDER TO
5 ENHANCE THE HEALTH AND WELFARE OF NORTH CAROLINA CITIZENS.

6 Whereas, it is the intention of the North Carolina General Assembly to promote the
7 health and welfare of the citizens of this State; and

8 Whereas, the COVID-19 pandemic has placed increasing demands on all health care
9 professionals; and

10 Whereas, it is the intention of the North Carolina General Assembly that statutes
11 governing the profession of audiology reflect current practices, improvements, and other
12 developments that have occurred in the profession; and

13 Whereas, the current statutory language does not fully encompass current practices,
14 improvements, and other developments; Now, therefore,
15 The General Assembly of North Carolina enacts:

16 SECTION 1.(a) G.S. 90-292 reads as rewritten:

17 "§ 90-292. Declaration of policy.

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

25 SECTION 1.(b) G.S. 90-293 reads as rewritten:

26 "§ 90-293. Definitions.

27 As used in this Article, unless the context otherwise requires:

- 28 (1) "~~Audiologist~~" means any Audiologist. – Any person who engages is qualified
29 by education, training, and clinical experience and is licensed under this
30 Article to engage in the practice of audiology. The audiologist is an
31 independent hearing health care practitioner providing services in hospitals,
32 clinics, schools, private practices, and other settings in which audiologic
33 services are relevant. A person is deemed to be or to hold himself or herself
34 out as being an audiologist if he or she offers services to the public under any
35 title incorporating the terms of "audiology," "audiologist," "audiological,"



- 1 "audiological consultant," "hearing aid audiologist," "hearing clinic," "hearing
2 clinician," "hearing therapist," "hearing specialist," "hearing aid clinician," or
3 any variation, synonym, coinage, or similar title or description of
4 service-service that expresses, employs, or implies these terms, names, or
5 functions.
- 6 (2) ~~"Board" means the Board.~~ – The Board of Examiners for Speech and
7 Language Pathologists and Audiologists.
- 8 (3) ~~"License" means a License.~~ – A license issued by the Board under the
9 provisions of this Article, including a temporary license.
- 10 (3a) Over-the-counter hearing aid. – As defined in 21 C.F.R. § 800.30(b).
- 11 (4) ~~"Person" means an Person.~~ – Any individual, organization, association,
12 partnership, company, trust, or corporate body, except that only individuals
13 can be licensed under this Article. Any reference in this Article to a "licensed
14 person" shall mean a natural, individual person.
- 15 (5) ~~"Speech and language pathologist" means any Speech and language~~
16 ~~pathologist.~~ – Any person who represents himself or herself to the public by
17 title or by description of services, methods, or procedures as one who
18 evaluates, examines, instructs, counsels, or treats persons suffering from
19 conditions or disorders affecting speech and language or swallowing. A
20 person is deemed to be a speech and language pathologist if the person offers
21 such services under any title incorporating the words "speech pathology,"
22 "speech pathologist," "speech correction," "speech correctionist," "speech
23 therapy," "speech therapist," "speech clinic," "speech clinician," "language
24 pathologist," "language therapist," "logopedist," "communication disorders,"
25 "communicologist," "voice therapist," "voice pathologist," or any similar title
26 or description of service.
- 27 (6) ~~"The practice of audiology" means the~~ The practice of audiology. – The
28 application of principles, methods, and procedures of measurement, testing,
29 evaluation, prediction, consultation, counseling, instruction, habilitation, or
30 rehabilitation related to hearing and vestibular disorders for the purpose of
31 identifying, preventing, ameliorating, or modifying such disorders and
32 conditions in individuals or groups of individuals. For the purpose of this
33 subdivision, the words "habilitation" and "rehabilitation" shall include
34 auditory training, speech reading, aural rehabilitation, hearing aid use
35 evaluation and recommendations, and fabrication of earmolds and similar
36 accessories for clinical testing purposes-related to disorders of the auditory
37 and vestibular systems. Areas of audiology practice include the following,
38 delivered to people across the lifespan:
- 39 a. Performing basic health screenings consistent with audiology training
40 by an accredited institution and continuing education. Screenings that
41 indicate the possibility of medical or other conditions that are outside
42 the scope of practice of an audiologist must be referred to appropriate
43 health care providers for further evaluation or management.
- 44 b. Eliciting patient histories, including the review of present and past
45 illnesses, current symptoms, reviewing appropriate audiologic test
46 results, obtaining or reviewing separately obtained history, reviewing
47 the outcome of procedures, and documentation of clinical information
48 in the electronic health record or other records.
- 49 c. Preventing hearing loss by designing, implementing, and coordinating
50 industrial, school, and community-based hearing conservation
51 programs (i) by educational outreach, including screening, to the

- 1 public, schools, and other health care professionals and governmental
2 entities and (ii) by counseling and treating those at risk for hearing loss
3 with behavioral or nutritional modification strategies related to
4 noise-induced hearing loss prevention or with active or passive
5 hearing protection devices.
- 6 d. Identifying dysfunction of hearing, balance, and other auditory-related
7 systems by developing and overseeing hearing and balance-related
8 screening programs for persons of all ages, including newborn and
9 school screening programs.
- 10 e. Conducting audiological examination and audiologic diagnosis and
11 treatment, as authorized in this subdivision, of hearing and vestibular
12 disorders revealed through the administration of behavioral,
13 psychoacoustic, electrophysiologic tests of the peripheral and central
14 auditory and vestibular systems using standardized test procedures,
15 including, but not limited to, audiometry, tympanometry, acoustic
16 reflex, or other immittance measures, otoacoustic emissions, auditory
17 evoked potentials, video and electronystagmography, and other tests
18 of human equilibrium and tests of central auditory function using
19 calibrated instrumentation leading to the diagnosis of auditory and
20 vestibular dysfunction abnormality.
- 21 f. Assessing the candidacy of persons with hearing loss for cochlear
22 implants, auditory brainstem implants, middle ear implantable hearing
23 aids, fully implantable hearing aids, bone-anchored hearing aids, and
24 post-surgery audiologic testing, follow-up assessment, and
25 nonmedical management.
- 26 g. Offering audiologic decision making for treatment for persons with
27 impairment of auditory function utilizing amplification or other
28 hearing impairment assistive devices, or auditory training.
- 29 h. Prescribing, ordering the use of, selecting, fitting, evaluating, and
30 dispensing hearing aids and other amplification or hearing-assistive or
31 hearing-protective systems and audiologic rehabilitation to optimize
32 use. The sale of an over-the-counter hearing aid is solely a financial
33 transaction and, without additional services, does not constitute
34 treatment by an audiologist.
- 35 i. Fitting and mapping of cochlear implants and audiologic rehabilitation
36 to optimize device use.
- 37 j. Fitting of middle ear implantable hearing aids, fully implantable
38 hearing aids and bone-anchored hearing aids, and audiologic
39 rehabilitation to optimize device use.
- 40 k. Conducting otoscopic examinations, removing cerumen obstructions,
41 and taking ear canal impressions.
- 42 l. Providing audiologic examination, audiological decision making, and
43 audiological treatment of persons with tinnitus, including determining
44 candidacy, treatment selection and provision, and providing ongoing
45 management, using techniques, including biofeedback, masking,
46 sound enrichment, hearing aids and other devices, education,
47 counseling, or other relevant tinnitus therapies.
- 48 m. Counseling on the psychosocial aspects of hearing loss and the use of
49 amplification systems.
- 50 n. Providing aural habilitation and rehabilitation across the life span,
51 including the provision of counseling related to appropriate devices,

such as amplification, cochlear implants, bone-anchored hearing aids, other assistive listening devices, which may include auditory, auditory-visual, and visual training, communication strategies training, and counseling related to psychosocial consequences of hearing loss.

o. Administering of electrophysiologic examination of neural function related to the auditory or vestibular system, including sensory and motor-evoked potentials, preoperative and postoperative evaluation of neural function, neurophysiologic intraoperative monitoring of the central nervous system, and cranial nerve function. An audiologist shall not perform neurophysiologic intraoperative monitoring except upon delegation from and under the overall direction of a physician, and the audiologist shall be qualified to perform those procedures.

p. Referring persons with auditory and vestibular dysfunction abnormalities to an appropriate physician for medical evaluation when indicated based upon audiologic and vestibular test results.

q. Participating as members of a team to implement goals for treatment of balance disorders, including habituation exercises, retraining exercises and adaptation techniques, and providing assessment and treatment of Benign Paroxysmal Positional Vertigo (BPPV) using canalith positioning maneuvers or other appropriate techniques for assessment and treatment.

r. Communication with the patient, family, or caregivers, whether through face-to-face or non-face-to-face electronic means.

s. Providing audiologic treatment services for infants and children with hearing impairment and their families in accordance with G.S. 90-294A.

(7) ~~"The practice of speech and language pathology" means the pathology. –~~ The application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, counseling, treating, instruction, habilitation, or rehabilitation related to the development and disorders of speech, voice, language, communication, cognitive-communication, and swallowing for the purpose of identifying, preventing, ameliorating, or modifying such disorders.

...
(9) ~~"Accredited college or university" means an university. – An~~ institution of higher learning accredited by the Southern Association of Colleges and Universities, or accredited by a similarly recognized association of another locale."

SECTION 1.(c) G.S. 90-294 reads as rewritten:

"§ 90-294. License required; Article not applicable to certain activities.

...
(c1) The provisions of this Article do not apply to:

(1) The activities, services, and use of an official title by a person employed by an agency of the federal government and solely in connection with such employment.

(1a) The selling of over-the-counter hearing aids, as defined in this Article.

(2) The activities and services of a student or trainee in speech and language pathology or audiology pursuing a course of study in an accredited college or university, or working in a training center program approved by the Board, if these activities and services constitute a part of the person's course of

~~study-study and that student or trainee is not registered with the Board as an assistant under G.S. 90-298.1.~~

- (3) ~~Individuals—The fitting and selling of hearing aids by individuals licensed under Chapter 93D of the General Statutes.~~

...

(e) ~~This Article shall not be construed to prevent any person licensed in this State under Chapter 93D of the General Statutes of North Carolina from the practice of fitting and selling hearing aids.~~

(f) The provisions of this Article do not apply to registered nurses and licensed practical nurses or other certified technicians trained to perform audiometric screening tests and whose work is under the supervision of a physician, consulting physician, or licensed audiologist, unless he or she is registered with the Board as an assistant under G.S. 90-298.1.

...

(i) Nothing in this Article shall apply to a licensed physical therapy or occupational therapy practitioner providing evaluation and treatment of swallowing disorders, ~~eognitive/communication~~ cognitive-communication deficits, and balance functions within the context of his or her licensed practice."

SECTION 1.(d) Article 22 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-294A. Treatment of minors.

(a) Audiologists licensed under this Article may treat minors by administering nonmedical audiologic services to minors of all ages with hearing impairment, from birth to less than 18 years of age. Only individuals licensed to practice medicine under Article 1 of this Chapter or working under the supervision of an individual licensed to practice medicine under Article 1 of this Chapter or a person licensed under this Article shall make an assessment of a minor for hearing impairment treatment or manage hearing rehabilitative services of a minor for hearing impairment.

(b) Audiologists licensed under this Article may provide clinical treatment, home intervention, family support, case management, and other audiologic services, including audiologic identification, assessment, audiologic diagnosis, and treatment programs to minors of all ages.

(c) Audiologists may participate in the development of Individualized Educational Programs and Individual Family Service Plans; consult in matters pertaining to classroom acoustics, assistive listening systems, hearing aids, communication, and psychosocial effects of hearing loss; and maintain classroom assistive systems and students' personal hearing aids. The audiologist may administer hearing screening programs in schools and train and supervise non-audiologists performing hearing screening in an educational setting.

(d) Over-the-counter hearing aids are not appropriate for individuals under 18 years of age and do not apply to this section."

SECTION 1.(e) G.S. 90-295(a) reads as rewritten:

"(a) To be eligible for permanent licensure by the Board as a speech and language pathologist, the applicant must:

...

- (3) Submit evidence of the completion of a minimum of 400 clock hours of supervised, direct clinical experience with individuals who present a variety of communication disorders. This experience must have been obtained within the training institution or in one of its cooperating programs in the following areas: (i) Speech—Adult (20 diagnostic and 20 therapeutic); Children (20 diagnostic and 20 therapeutic); and (ii) Language—Adult (20 diagnostic and 20 therapeutic); Children (20 diagnostic and 20 therapeutic).—programs. Each

1 new applicant must submit a verified clinical clock hour summary sheet
 2 signed by the clinic or program director, in addition to completion of the
 3 license application.

- 4 (4) Present written evidence of nine months of full-time professional experience
 5 in which ~~bona fide~~ clinical work has been accomplished in speech and
 6 language pathology. The professional work must have been supervised by a
 7 speech and language pathologist who is State-licensed or certified by the
 8 American Speech-Language-Hearing Association. This experience must
 9 follow the completion of the requirements listed in subdivisions (1), (2) and
 10 (3). Full time is defined as at least nine months in a calendar year and a
 11 minimum of 30 hours per week. Half time is defined as at least 18 months in
 12 two calendar years and a minimum of 20 hours per week. The supervision
 13 must be performed by a person who holds a valid license under this Article,
 14 or certificate of clinical competence from the American
 15 Speech-Language-Hearing Association, in speech and language pathology.

16"

17 **SECTION 1.(f)** G.S. 90-298.1 reads as rewritten:

18 **"§ 90-298.1. Registered assistant.**

19 A licensed speech and language pathologist or a licensed audiologist may register with the
 20 Board an assistant who works under the licensee's supervision if all of the following requirements
 21 are met:

- 22 (1) The assistant meets the qualifications for registered assistants adopted by the
 23 Board.
 24 (2) The licensee who supervises the assistant pays the registration fee set by the
 25 Board.
 26 (3) The registration fee must be remitted to the Board by the supervisor, assistant,
 27 or employer before the assistant can be registered.

28 A registration of an assistant must be renewed annually. To renew the registration of an
 29 assistant, the licensee who supervises the assistant must submit an application for renewal and
 30 pay the renewal fee. An initial or renewal fee for registering an assistant may not exceed the
 31 renewal license fee set under G.S. 90-305."

32 **SECTION 1.(g)** G.S. 90-299 reads as rewritten:

33 **"§ 90-299. Licensee to notify Board of place of practice.**

34 (a) A person who holds a license or registration with the Board shall notify the Board in
 35 writing of the address of the place or places where he engages or intends to engage in the practice
 36 of speech and language pathology or audiology.

37 (b) The Board shall keep a record of the places of practice of ~~licensees~~ licensees and
 38 registered assistants.

39 (c) Any notice required to be given by the Board to a licensee or registered assistant may
 40 be given by mailing it to him at the address of the last place of practice of which he has notified
 41 the Board."

42 **SECTION 1.(h)** G.S. 90-301 reads as rewritten:

43 **"§ 90-301. Grounds for ~~suspension or revocation~~ suspension, revocation, or denial of**
 44 **license license or registration.**

45 Any person licensed or registered under this Article may have his or her license or registration
 46 revoked or suspended for a fixed period by the Board or may have his or her application for
 47 license or registration denied by the Board under the provisions of North Carolina General
 48 Statutes, Chapter 150B, for any of the following causes:

- 49 (1) His or her license or registration has been secured by fraud or deceit practiced
 50 upon the Board.

- (2) Fraud or deceit in connection with his or her services rendered as an audiologist or speech and language pathologist.
- (3) Unethical or immoral conduct as defined in this Article or in a code of ethics adopted by the Board.
- (4) Violation of any lawful order, rule or regulation rendered or adopted by the Board.
- (5) Failure to exercise a reasonable degree of professional skill and care in the delivery of professional services.
- (6) Any violation of the provisions of this Article.
- (7) Failure to exercise good moral conduct as defined in rules adopted by the Board or in a code of moral conduct adopted by the Board."

SECTION 1.(i) G.S. 90-303(c) reads as rewritten:

"§ 90-303. Board of Examiners for speech and language pathology and audiology; qualifications, appointment and terms of members; vacancies; meetings, etc.

...

(c) ~~The initial Board shall have members appointed for terms of one year, two years, three years, four years, and five years. All board members serving on June 30, 1981, shall be eligible to complete their respective terms. No member appointed to a term on or after July 1, 1981, shall serve more than two complete consecutive three-year terms.~~

SECTION 1.(j) G.S. 90-304 reads as rewritten:

"§ 90-304. Powers and duties of Board.

- (a) The powers and duties of the Board are as follows:
 - (1) To administer, coordinate, and enforce the provisions of this Article, establish fees, evaluate the qualifications of applicants, supervise the examination of applicants, and issue subpoenas, examine witnesses, and administer oaths, and investigate persons engaging in practices which violate the provisions of this Article.
 - (2) To conduct hearings and keep records and minutes as necessary to an orderly dispatch of business.
 - (3) To adopt responsible rules including rules that establish ethical standards of practice and require continuing professional education and to amend or repeal the same.
 - (4) To ~~issue annually~~ provide a list stating the names of persons currently licensed under the provisions of this ~~Article~~ Article on the Board's website.
 - (5) To employ such personnel as determined by its needs and budget.
 - (6) To adopt seals by which it shall authenticate their proceedings, copies of the proceedings, records and the acts of the Board, and licenses.
 - (7) To bring an action to restrain or enjoin violations of this Article in addition to and not in lieu of criminal prosecution or proceedings to revoke or suspend licenses issued under this Article.

(b) The Board shall not adopt or enforce any rule or regulation which prohibits advertising except for false or misleading advertising."

SECTION 1.(k) G.S. 90-305 reads as rewritten:

"§ 90-305. Fees.

Persons subject to licensure or registration under this Article shall pay fees to the Board not to exceed the following:

- (1) Application fee\$30.00
- (2) Examination fee30.00
- (3) Initial license fee100.00
- (4) Renewal license fee.....100.00
- (5) Temporary license40.00

1 (6) Delinquency fee25.00."

2 SECTION 1.(l) G.S. 90-306 reads as rewritten:

3 "§ 90-306. Penalty for violation.

4 Any person, partnership, or corporation ~~who or which~~ that willfully violates the provisions
5 of this Article shall be guilty of a Class 2 misdemeanor."

6 SECTION 2. The Board of Examiners for Speech and Language Pathologists and
7 Audiologists may adopt temporary rules to implement the provisions of this act.

8 SECTION 3. Section 1 of this act becomes effective October 1, 2023. The remainder
9 of this act is effective when it becomes law.