

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 773
HOUSE BILL 526

AN ACT TO CREATE THE BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE
PATHOLOGISTS AND AUDIOLOGISTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 90 of the General Statutes is hereby amended by adding a new Article at the end thereof to read as follows:

"ARTICLE 22.

"LICENSURE ACT FOR SPEECH AND LANGUAGE PATHOLOGISTS AND
AUDIOLOGISTS.

"§ 90-292. **Declaration of policy.** — It is declared to be a policy of the State of North Carolina that, in order to safeguard the public health, safety, and welfare; to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons and from unprofessional conduct on the part of qualified speech and language pathologists and audiologists and to help assure the availability of the highest possible quality speech and language pathology and audiology services to the communicatively handicapped people of this State, it is necessary to provide regulatory authority over persons offering speech and language pathology and audiology services to the public.

"§ 90-293. **Definitions.** — As used in this Article, unless the context otherwise requires:

- (1) 'Board' means the Board of Examiners for Speech and Language Pathologists and Audiologists.
- (2) 'License' means a license issued by the Board under the provisions of this Article, including a temporary license.
- (3) 'Person' means an individual, organization, or corporate body, except that only individuals can be licensed under this Article.
- (4) 'Speech and language pathologist' means any person who represents himself to the public by title or by description of services, methods, or procedures as one who evaluates, examines, instructs, or counsels persons suffering from conditions or disorders affecting speech and language. A person is deemed to be a speech and language pathologist if he offers such services under any title incorporating the words 'speech pathology', 'speech pathologist', 'speech correction', 'speech correctionist', 'speech therapy', 'speech therapist', 'speech clinic', 'speech clinician', 'language pathologist', 'language therapist', 'logopedist', 'communication disorders', 'communicologist', 'voice therapist', 'voice pathologist', or any similar title or description of service.
- (5) 'Audiologist' means any person who engages in the practice of audiology. A person is deemed to be an audiologist if he offers services to the public under any title incorporating the terms of 'audiology', 'audiologist', 'audiological', 'hearing clinic', 'hearing clinician', 'hearing therapist', or any similar title or description of service; provided, however, that a person licensed under Chapter 93D of the General Statutes may use the term 'National Hearing Aid Society, Certified Hearing Aid Audiologist' except in public representations, advertising and telephone directory listings.

- (6) 'The practice of speech and language pathology' means the application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, counseling, instruction, habilitation, or rehabilitation related to the development and disorders of speech, voice, or language for the purpose of identifying, preventing, ameliorating, or modifying such disorders.
- (7) 'The practice of audiology' means the application of principles, methods, and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, or rehabilitation related to hearing and disorders of hearing for the purpose of identifying, preventing, ameliorating, or modifying such disorders and conditions in individuals and/or groups of individuals. A person licensed under this Article may not engage in the dispensing, fitting and selling of hearing aids unless that person is also licensed under Chapter 93D of the General Statutes. For the purpose of this subsection, the words 'habilitation' and 'rehabilitation' shall include auditory training, speech reading, hearing aid use evaluation and recommendations, and fabrication of earmolds and similar accessories for clinical testing purposes only.
- (8) 'Unethical conduct' means:
 - (i) The obtaining of any fee by fraud or misrepresentation.
 - (ii) Employing directly or indirectly any suspended or unregistered person to perform any work covered by this Article,
 - (iii) 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,
 - (iv) Falsely representing that the services of a licensed physician will be employed in the practice of speech and language pathology or audiology, or using the term 'doctor' in reference to anyone other than a licensed physician involved in said practice, or falsely implying in any manner that the services of a licensed physician are routinely used in said practice.

"§ 90-294. License required; Article not applicable to certain activities. — (a) Licensure shall be granted in either speech and language pathology or audiology independently. A person may be licensed in both areas if he is qualified.

(b) No person may practice or hold himself out as being able to practice speech and language pathology or audiology in this State unless such person holds a current, unsuspended, unrevoked license issued by the Board as provided in this Article or holds a current, unsuspended, unrevoked license of endorsement pursuant to G.S. 90-296. The license required by this section shall be kept conspicuously posted in such person's office or place of business at all times. Nothing in this Article, however, shall be considered to prevent a qualified person licensed in this State under any other law from engaging in the profession for which such person is licensed.

- (c) 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, except that an individual is not exempt from this Article who does work as a speech and language pathologist or audiologist outside the scope of such employment for which a fee may be paid directly or indirectly to such person by or for the recipient of the service.

- (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 such person's course of study.
 - (3) The activities and services of a person who has recently become a resident of the State whose application for licensing with or without examination has been received by the Board, pending disposition of such application, if the person was licensed to perform such services by a state with standards equivalent to or exceeding those of this State, as determined by the Board.
 - (4) A person who holds a valid and current credential as a speech and language pathologist or audiologist issued by the North Carolina Department of Public Instruction or who is employed by the North Carolina Schools for the Deaf and Blind, if such person practices speech and language pathology or audiology in a salaried position solely within the confines or under the jurisdiction of the Department of Public Instruction or the Department of Human Resources respectively.
 - (d) Nothing in this Article shall apply to a physician licensed to practice medicine, or to any person employed by such a physician in the course of his practice of medicine.
 - (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 act do not apply to registered nurses and licensed practical nurses or other certified technicians trained to perform audiometric screening tests in industrial operations and whose work is under the supervision of a company physician, consulting physician or licensed audiologist.
 - (g) The provisions of this act do not apply to persons who are now or may become engaged in counseling or instructing laryngectomees in the methods, techniques or problems of learning to speak again.
- "§ 90-295. Qualifications of applicants for licensure.** — To be eligible for licensure by the Board as a speech and language pathologist or audiologist, the applicant must:
- (a) Possess at least a master's degree in speech and language pathology or audiology or qualifications deemed equivalent by the Board under regulations duly adopted under this Article. Such degree or equivalent qualifications shall be from an accredited institution.
 - (b) Submit transcripts from one or more accredited colleges or universities presenting evidence of the completion of 60 semester hours constituting a well- integrated program of course study dealing with the normal aspects of human communication, development thereof, disorders thereof, and clinical techniques for evaluation and management of such disorders.
 - (1) Twelve of these 60 semester hours must be obtained in courses that provide information that pertains to normal development and use of speech, language and hearing.
 - (2) Thirty of these 60 semester hours must be in courses that provide information relative to communication disorders and information about and training in evaluation and management of speech, language, and hearing disorders. At least 24 of these 30 semester hours must be in courses in the professional area (speech and language pathology or audiology) for which the license is requested, and no less than six semester hours may be in audiology for the license in speech and language pathology or in speech and language pathology for the license in audiology. Moreover, no more than six semester hours may be in courses that provide credit for clinical practice obtained during academic training.

- (3) Credit for study of information pertaining to related fields that augment the work of the clinical practitioner of speech and language pathology and/or audiology may also apply toward the total 60 semester hours.
- (4) Thirty of the total 60 semester hours that are required for a license must be in courses that are acceptable toward a graduate degree by the college or university in which they are taken. Moreover, 21 of those 30 semester hours must be within the 24 semester hours required in the professional area (speech and language pathology or audiology) for which the license is requested or within the six semester hours required in the other area.

(c) Submit evidence of the completion of a minimum of 300 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.

(d) Present written evidence from a licensed and/or American Speech and Hearing Association certified speech and language pathologist or audiologist supervisor of nine months of full-time professional experience in which bona fide clinical work has been accomplished in the major professional area (speech and language pathology or audiology) in which the license is being sought. This experience must follow the completion of the requirements listed in paragraphs(a), (b) and (c). Full time is defined as at least nine months in a calendar year and a minimum of 30 hours per week. Half time is defined as at least 18 months in two calendar years and a minimum of 20 hours per week.

(e) Pass an examination approved by the Board. The Board shall determine the subject and scope of the examination. Written examinations may be supplemented by such oral examinations as the Board shall determine. An applicant who fails his examination may be re-examined at a subsequent examination upon payment of another examination fee.

"§ 90-296. Examinations. — (a) An applicant for registration who has satisfied the requirements of G.S. 90-295 shall appear at a time and place and before persons the Board designates, to be examined by written and/or practical tests, in order to determine such person's qualifications to practice speech and language pathology and audiology.

(b) The Board shall give at least two examinations of the type prescribed in paragraph (a) of this section in each year, and additional examinations as the volume of applications makes appropriate.

(c) An examination shall not be required as a prerequisite for a license for a person who holds a Certificate of Clinical Competence issued by the American Speech and Hearing Association in the specialized area for which such person seeks a license.

"§ 90-297. Registration and issuance of licenses; licenses for persons licensed in other jurisdiction or engaged in practice on date of act. — (a) Upon payment of the fee, the Board shall license each applicant who satisfactorily completes the license requirements.

(b) If the Board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to this Article for the practice of audiology or speech pathology, and that state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants pursuant to this Article are qualified to practice audiology or speech pathology, the Board may issue licenses to applicants therefor who hold current, unsuspended, and unrevoked certificates or licenses to practice audiology or speech pathology in the other state or jurisdiction upon payment of the license fee.

(c) The Board shall waive the examination and educational requirements for those applicants who, on the effective date of this act, are actively engaged in the practice of speech and language pathology or audiology upon proof of bona fide practice presented to the Board on or before December 31, 1975.

"§ 90-298. Temporary license. — (a) An applicant who fulfills all of the requirements of G.S. 90-295 except those requirements relating to experience, as set forth in subsection (d) of G.S.

90-295, and who has not previously applied to take the examination provided under subsection (e) of G.S. 90-295, may apply to the Board for a temporary license.

(b) Upon receiving an application for a temporary license accompanied by a fee in an amount established by the General Assembly, the Board shall issue a temporary license, which entitles the applicant to practice speech and language pathology or audiology for a period of eight weeks after the conclusion of the next examination given after the date of issue.

(c) No temporary license shall be issued by the Board under this section unless the applicant shows to the satisfaction of the Board that the applicant is or will be supervised and trained by a person who holds a valid license under this Article.

(d) If a person who holds a temporary license issued under this section does not take the next examination given after the date of issue, the temporary license shall not be renewed.

"§ 90-299. Licensee to notify Board of place of practice. — (a) A person who holds a license shall notify the Board in writing of the address of the place or places where he engages or intends to engage in the practice of speech and language pathology or audiology.

(b) The Board shall keep a record of the places of practice of licensees.

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

"§ 90-300. Renewal of licenses. — A licensee shall annually pay to the Board a fee in an amount established by the General Assembly for a renewal of his license. A 30-day grace period shall be allowed after expiration of a license during which the license may be renewed on payment of a fee in an amount established by the General Assembly. The Board may suspend the license of any person who fails to renew his license before the expiration of the 30-day grace period. After expiration of the grace period, the Board may renew such a license upon the payment of a fee in an amount established by the General Assembly. No person who applies for renewal, whose license was suspended for failure to renew, shall be required to submit to any examination as a condition of renewal.

"§ 90-301. Grounds for suspension or revocation of license. — Any person licensed under this Article may have his license revoked or suspended for a fixed period by the Board under the provisions of North Carolina General Statutes, Chapter 150, for any of the following causes.

- (1) His license has been secured by fraud or deceit practiced upon the Board.
- (2) Fraud or deceit in connection with his services rendered as an audiologist or speech pathologist.
- (3) Unprofessional conduct as defined by the rules established by the Board or violation of the code of ethics made and published by the Board.
- (4) Violation of any lawful order, rule or regulation rendered or adopted by the Board.
- (5) Any violation of the provisions of this Article.

"§ 90-302. Prohibited acts and practices. — No person may: (1) Sell, barter, transfer or offer to sell or barter a license.

- (2) Purchase or procure by barter a license with intent to use it as evidence of the holder's qualification to practice audiology or speech pathology.
- (3) Alter a license.
- (4) Use or attempt to use a valid license which has been purchased, fraudulently obtained, counterfeited or materially altered.
- (5) Make a false, material statement in an application for a North Carolina license.

"§ 90-303. Board of Examiners for speech and language pathology and audiology, qualifications, appointment and terms of members; vacancies; meetings; etc. — (a) There shall be a Board of Examiners for speech and language pathologists and audiologists, which shall be composed of five members, who shall all be residents of this State. Two members shall

have a paid work experience in audiology for at least five years and hold a certificate of clinical competence in audiology of the American Speech and Hearing Association. Two members shall have paid work experience in speech pathology for at least five years and hold a certificate of clinical competence in speech pathology of the American Speech and Hearing Association. One member shall be a physician who is licensed to practice medicine in the State of North Carolina.

(b) The members of the Board shall be appointed by the Governor.

(c) The initial Board shall have members appointed for terms of one year, two years, three years, four years, and five years. Thereafter, Board members shall be appointed for a term of five years.

(d) Members of the Board shall receive no compensation for their service, but shall receive the same per diem, subsistence and travel allowance as provided in G.S. 138-5.

"§ 90-304. Powers and duties of Board. — 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 and regulations including but not limited to regulations which establish ethical standards of practice and to amend or repeal the same.
- (4) To issue annually a list stating the names of persons currently licensed under the provisions of this Article.
- (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.

"§ 90-305. Fees. — Persons subject to licensure under this act shall pay the following fees to the Board:

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| (1) | Application fee | \$25.00 |
| (2) | Examination fee | \$25.00 |
| (3) | Initial license fee | \$25.00 |
| (4) | Renewal license | \$25.00 |
| (5) | Temporary license | \$25.00 |
| (6) | Delinquency fee | \$10.00 |

"§ 90-306. Penalty for violation. — Any person, partnership or corporation which engages in the professional practices required to be licensed under this act without obtaining such license, and who is not expressly exempt from the provisions of this act, shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars(\$500.00) or be imprisoned for a period not exceeding six months, or both, in the discretion of the court.

"§ 90-307. Severability provision. — If any part of this act is for any reason held unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of the act; and it shall be construed to have been the legislative intent to pass this act without such unconstitutional, invalid, or inoperative part therein; and the remainder of this act, after the exclusion of such part or parts, shall be valid as if such parts were not contained therein."

Sec. 2. G.S. 150-9 is hereby amended in line 2 by adding after the word "mean" and before the word "the" the words "the Board of Examiners for Speech and Language Pathologists and Audiologists".

Sec. 3. This act shall become effective on October 1, 1975.

In the General Assembly read three times and ratified, this the 24th day of June, 1975.