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2 89th General Assembly
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4

As Engrossed: H2/6/13
A Bill

HOUSE BILL 1172

5 By: Representative Fite
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND VARIOUS SECTIONS OF THE LAW
9 CONCERNING THE BOARD OF EXAMINERS IN SPEECH-LANGUAGE
10 PATHOLOGY AND AUDIOLOGY; AND FOR OTHER PURPOSES.
11

12
13 **Subtitle**

14 TO AMEND VARIOUS SECTIONS OF THE LAW
15 CONCERNING THE BOARD OF EXAMINERS IN
16 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 17-100-103 is amended to read as follows:
22 17-100-103. Definitions.

23 As used in this chapter:

24 ~~(1) "ASHA" means the American Speech Language Hearing~~
25 ~~Association;~~

26 ~~(2) "Association" means the Arkansas Speech Language Hearing~~
27 ~~Association;~~

28 ~~(3)~~(1) "Audiologist" means an individual who practices audiology
29 by any title or description of services incorporating the words
30 "audiologist", "hearing clinician", "hearing therapist", or any similar title
31 or description of services;

32 ~~(4)~~(A)(2) "Audiology" means the application of principles,
33 methods, and procedures of measurement, testing, evaluation, prediction,
34 consultation, counseling, instruction, habilitation, or rehabilitation
35 *related to hearing and balance disorders of hearing the auditory system for*
36 *the purpose of evaluating, identifying, preventing, ameliorating, or*



1 modifying such disorders and conditions in individuals and groups of
2 individuals.

3 ~~(B) As used in this subdivision (4), "habilitation" and~~
4 ~~"rehabilitation" include, but are not limited to, hearing aid evaluation and~~
5 ~~recommendations, auditory training, and speech reading;~~

6 ~~(5) "Board" means the Board of Examiners in Speech Language~~
7 ~~Pathology and Audiology;~~

8 ~~(6)(3)~~ "Person" means any individual, organization, or corporate
9 body, except that only an individual may be licensed under this chapter;

10 ~~(7)(4)~~ "Speech-language pathologist" means an individual who
11 practices speech-language pathology by any title or description of services
12 incorporating the words "speech-language pathologist", "speech therapist",
13 "speech correctionist", "speech clinician", "language pathologist", "language
14 therapist", "logopedist", "communicologist", "voice therapist", "voice
15 pathologist", or any similar title or description of service;

16 ~~(8)(5)~~ "Speech-language pathology" means the application of
17 principles, methods, and procedures for the measurement, testing, evaluation,
18 prediction, counseling, instruction, habilitation, or rehabilitation related
19 to the development and disorders of speech, voice, or language, and dysphagia
20 for the purpose of evaluating, preventing, ameliorating, or modifying such
21 disorders and conditions in individuals and groups of individuals; ~~and~~

22 ~~(9)(6)~~ "Speech-language pathology support personnel" or any
23 variation, synonym, or coinage of the term means an individual who holds a
24 bachelor's degree in speech pathology or ~~any other~~ an individual who meets
25 minimum qualifications established by the board, which are less than those
26 established by this chapter as necessary for licensing as a speech-language
27 pathologist, and who provides services as prescribed, directed, and
28 supervised by a speech-language pathologist licensed under this chapter;

29 (7) "Telepractice" means telespeech, teleaudiology, teleSLP,
30 telehealth, or telerehabilitation when used separately or together; and

31 (8) "Telepractice service" means the application of
32 telecommunication technology equivalent in quality to services delivered
33 face-to-face to deliver speech-language pathology or audiology services, or
34 both, at a distance for assessment, intervention or consultation, or both.

35

36 SECTION 2. Arkansas Code § 17-100-104(8)(B) and (C), concerning

1 exemptions from regulation by the Board of Examiners in Speech-Language
2 Pathology and Audiology, are amended to read as follows:

3 (B) The supervision of the ~~licensed speech language~~
4 ~~pathologist~~ bachelor's level personnel shall be ~~pursuant to the Pilot Project~~
5 ~~for Use of Speech Language Assistants in Schools~~ in accordance with the rules
6 adopted by the board.

7 (C) ~~Bachelor's degree level personnel shall be limited to~~
8 ~~performing the scope of responsibilities and shall be subject to the same~~
9 ~~restrictions set forth in the Pilot Project for Use of Speech Language~~
10 ~~Assistants in Schools~~ The board shall adopt rules that set forth the scope
11 and restrictions relating to bachelor's level personnel.

12

13 SECTION 3. Arkansas Code § 17-100-201(b)(2)(A), concerning the members
14 of the Board of Examiners in Speech-Language Pathology and Audiology, is
15 amended to read as follows:

16 (2)(A)(i) Seven (7) members of the board shall be appointed from
17 names submitted by the Arkansas Speech-Language-Hearing Association, the
18 American Academy of Audiology, or other professional groups or individuals.

19 (ii) Not less than thirty (30) days before the end
20 of each fiscal year, the association ~~shall~~ may recommend not more than three
21 (3) persons for each vacancy.

22

23 SECTION 4. Arkansas Code § 17-100-201(d), concerning the members of
24 the Board of Examiners in Speech-Language Pathology and Audiology, is amended
25 to read as follows:

26 (d)(1) In the event of a midterm vacancy, the association ~~shall~~ may
27 recommend as soon as practicable not more than three (3) persons to fill the
28 professional, consumer, or public representative vacancies.

29 (2) As soon ~~thereafter~~ as practicable after a recommendation
30 under subdivision (d)(1) of this section has been made, the Governor shall
31 appoint one (1) of these persons who shall fill the unexpired term.

32

33 SECTION 5. Arkansas Code § 17-100-206(d) and (e), concerning funds for
34 the Board of Examiners in Speech-Language Pathology and Audiology, are
35 amended to read as follows:

36 (d)(1) The board shall be financed from income accruing ~~to it~~ from

1 fees, licenses, and other ~~charges collected by the board, and all such moneys~~
2 ~~are appropriated to the board~~ income collected by the board.

3 (2) All employee salaries and other expenses, which may include
4 full or partial financing of continuing professional education programs
5 ~~promulgated~~ adopted by the board under § 17-100-306, shall be paid as
6 budgeted after budgets are approved or within the limitations of any
7 appropriation for that purpose ~~which~~ that may be included in any appropriate
8 Arkansas appropriations law.

9 (e) The board will have the authority to establish and change fees for
10 application, examination, renewal, inactive, reactivation, and delinquency
11 purposes.

12
13 SECTION 6. Arkansas Code § 17-100-207(a), concerning licensing of
14 audiologists, is amended to read as follows:

15 (a) Notwithstanding § 17-84-101 et seq. or any other law to the
16 contrary, ~~no~~ a person who is licensed by the Board of Examiners in Speech-
17 Language Pathology and Audiology under § 17-100-301 et seq. as an audiologist
18 in this state shall not be required to be licensed by the Arkansas Board of
19 Hearing Instrument Dispensers. ~~However, the Board of Examiners in Speech-~~
20 ~~Language Pathology and Audiology shall, no later than July 1 of each year,~~
21 ~~provide to the Arkansas Board of Hearing Instrument Dispensers a list of all~~
22 ~~audiologists licensed by the Board of Examiners in Speech-Language Pathology~~
23 ~~and Audiology.~~

24
25 SECTION 7. Arkansas Code § 17-100-302(a)-(c), concerning eligibility
26 for licensure by the Board of Examiners in Speech-Language Pathology and
27 Audiology, are amended to read as follows:

28 (a) The Board of Examiners in Speech-Language Pathology and Audiology
29 shall issue a license to ~~any~~ a person who meets the requirements of this
30 chapter and pays to the board the ~~initial license~~ application for initial
31 license fee prescribed in § 17-100-308.

32 (b) To be eligible for licensure by the board as a speech-language
33 pathologist or audiologist, a person shall:

34 (1) Be of good moral character;

35 (2) Possess at least a master's degree in the area of speech-
36 language pathology or ~~audiology, as the case may be,~~ a master's degree in

1 audiology obtained on or before December 30, 2006, or a doctoral degree
2 obtained after January 1, 2007, from an educational institution recognized by
3 the board;

4 (3) Submit evidence of the completion of the educational,
5 clinical experience, and employment requirements, which shall be based on
6 appropriate national standards and prescribed by the rules ~~and regulations~~
7 adopted ~~pursuant to~~ under this chapter; and

8 (4) Pass an examination approved by the board before the board
9 approves a license. ~~This examination may be taken either before or after the~~
10 ~~completion of the employment requirement specified pursuant to subdivision~~
11 ~~(b)(3) of this section.~~

12 (c) The board shall issue a provisional license to ~~any~~ a person who
13 meets the requirements of this chapter, submits the appropriate application,
14 and pays to the board the ~~initial license~~ application for initial license fee
15 prescribed in § 17-100-308.

16
17 SECTION 8. Arkansas Code § 17-100-303 is amended to read as follows:

18 17-100-303. Licensure – Examination.

19 (a)(1) A person eligible for licensure under § 17-100-302 and desirous
20 of licensure shall make application ~~for examination~~ to the Board of Examiners
21 in Speech-Language Pathology and Audiology ~~at least thirty (30) days prior to~~
22 ~~the date of examination~~ upon a form and in such a manner as the board shall
23 prescribe.

24 (2) Any application shall be accompanied by the fee prescribed
25 by § 17-100-308, which shall in no case be refunded.

26 (b)(1) Each applicant for licensure under this chapter shall be
27 examined by the board in a written examination if the board deems a written
28 examination to be appropriate.

29 (2) Standards for acceptable performance shall be established.

30 (3) Applicants shall be examined at a time and place and under
31 such supervision as the board may determine. Examinations shall be given at
32 such places within this state as the board may determine at least two (2)
33 times each year, and the board shall make public, in a manner it considers
34 appropriate, and shall appropriately notify all individual applicants of, the
35 time and place of the administration of examinations.

36 (4) The board may examine in whatever theoretical or applied

1 fields of speech pathology and audiology it considers appropriate and may
2 examine with regard to a person's professional skills and judgment in the
3 utilization of speech pathology or audiology techniques and methods.

4 (5) The board shall maintain a permanent record of all
5 examination results.

6
7 SECTION 9. Arkansas Code § 17-100-304(b) and (c) concerning
8 reciprocity for licensure by the Board of Examiners in Speech-Language
9 Pathology and Audiology, are amended to read as follows:

10 (b) The board may waive the examination and grant a license to any
11 person certified as clinically competent by the American Speech-Language-
12 Hearing Association, the American Academy of Audiology, or the American Board
13 of Audiology in the area for which the person is applying for licensure.

14 (c) A person certified by American Speech-Language-Hearing
15 Association, the American Academy of Audiology, or the American Board of
16 Audiology or licensed under the law of another state, a territory of the
17 United States, or the District of Columbia and that has requirements at least
18 equal to those of Arkansas as a speech pathologist or audiologist who has
19 applied for ~~examination~~ a license and paid the appropriate fees may perform
20 speech pathology and audiology services in this state ~~prior to a~~
21 ~~determination by the board that the person has successfully completed~~
22 ~~examination for licensure.~~

23
24 SECTION 10. Arkansas Code § 17-100-305 is amended to read as follows:
25 17-100-305. Annual renewal.

26 (a) Licenses issued under this chapter expire and become invalid at
27 12:00 midnight, June 30 of each year if not renewed.

28 (b) ~~Every~~ To maintain a license, a person licensed under this chapter
29 ~~shall, on or before June 30 of each year,~~ pay a fee for renewal of license to
30 the Board of Examiners in Speech-Language Pathology and Audiology on or
31 before June 30 of each year.

32 (c)(1)(A) If a request for renewal is postmarked on or before July 15:

33 (i) The request shall not be considered late; and

34 (ii) The licensee shall not be:

35 (a) Considered as practicing without a
36 license; or

(b) Charged a late fee.

~~(B) In the event that~~ If payment of the renewal fee is rendered after ~~June 30~~ postmarked on or after July 16 of any given year, the board may renew a license upon payment of the renewal of license fee plus a late renewal payment penalty, which shall equal the amount prescribed pursuant to ~~§ 17-100-308(a)(4)~~ multiplied by the number of full months which have elapsed since expiration of the license for late penalty per month under § 17-100-308.

(C) A license renewed under this subsection becomes effective on the day after the request for renewal is postmarked.

~~(2) No~~ A person who requests renewal of a license, whose license has expired, shall not be required to submit to examination as a condition to renewal ~~if such a renewal application is made within two (2) years from the date of expiration.~~

(d) A suspended license is subject to expiration and may be renewed as provided in this section, but the renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in any other conduct or activity in violation of the order or judgment by which the license was suspended.

~~(e) A license revoked on disciplinary grounds is subject to expiration as provided in subsection (a) of this section, but it may not be renewed. If the license 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 late renewal payment penalty defined in subdivision (c)(1) of this section.~~

~~(f)(e)(1)~~ Any A person who fails to renew his or her license within five (5) years after the date of its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter.

(2) However, the person may apply for and obtain a new license if he or she meets the requirements of this chapter.

SECTION 11. Arkansas Code § 17-100-307(c), concerning reinstatement of licenses by the Board of Examiners in Speech-Language Pathology and Audiology, is amended to read as follows:

(c)(1) One (1) year from No sooner than five (5) years after the date

1 of revocation of a license under this section, ~~application may be made to the~~
 2 ~~board for reinstatement~~ an applicant may again apply for licensure.

3 ~~(2) The board shall have discretion to~~ may accept or reject an
 4 application for ~~reinstatement~~ licensure under this section and may ~~require an~~
 5 ~~examination for reinstatement~~ impose additional requirements.

6
 7 SECTION 12. Arkansas Code § 17-100-308 is amended to read as follows:
 8 17-100-308. Fees.

9 (a) The Board of Examiners in Speech-Language Pathology and Audiology
 10 shall prescribe and publish in a manner that it deems appropriate fees in
 11 amounts determined by the board for the following purposes:

12 (1) Application for ~~examination~~ initial license;

13 ~~(2) Initial licensing;~~

14 ~~(3)(2) Renewal of license; and~~

15 ~~(4)(3) Late penalty per month;~~

16 (4) In active; and

17 (5) Reactivation.

18 (b) ~~Every person to whom a license is issued pursuant to this chapter,~~
 19 ~~as a condition precedent to its issuance and in addition to any application,~~
 20 ~~examination, or other fee, shall pay the prescribed initial license fee. The~~
 21 board may by ~~regulation~~ rule provide for the waiver of all or part of ~~such~~
 22 ~~fee where~~ the renewal fee if the license is issued less than one hundred
 23 twenty (120) days before the date on which it will expire.

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 25 /s/Fite

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 28 **APPROVED: 03/01/2013**