

CERTIFICATION OF ENROLLMENT

SENATE BILL 5358

59th Legislature
2005 Regular Session

Passed by the Senate March 9, 2005
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 5, 2005
YEAS 93 NAYS 1

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5358** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5358

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senators Keiser and Parlette

Read first time 01/21/2005. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to speech-language pathologists and audiologists;
2 and amending RCW 18.35.010, 18.35.020, 18.35.060, and 18.35.195.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.35.010 and 2002 c 310 s 1 are each amended to read
5 as follows:

6 As used in this chapter, unless the context requires otherwise:

7 (1) "Assistive listening device or system" means an amplification
8 system that is specifically designed to improve the signal to noise
9 ratio for the listener, reduce interference from noise in the
10 background, and enhance hearing levels at a distance by picking up
11 sound from as close to source as possible and sending it directly to
12 the ear of the listener, excluding hearing instruments as defined in
13 this chapter.

14 (2) "Licensed audiologist" means a person who is licensed by the
15 department to engage in the practice of audiology and meets the
16 qualifications in this chapter.

17 (3) "Audiology" means the application of principles, methods, and
18 procedures related to hearing and the disorders of hearing and to
19 related language and speech disorders, whether of organic or nonorganic

1 origin, peripheral or central, that impede the normal process of human
2 communication including, but not limited to, disorders of auditory
3 sensitivity, acuity, function, processing, or vestibular function, the
4 application of aural habilitation, rehabilitation, and appropriate
5 devices including fitting and dispensing of hearing instruments, and
6 cerumen management to treat such disorders.

7 (4) "Board" means the board of hearing and speech.

8 (5) "Department" means the department of health.

9 (~~(6) ("Direct supervision" means that the supervisor is physically~~
10 ~~present and in the same room with the interim permit holder, observing~~
11 ~~the nondiagnostic testing, fitting, and dispensing activities at all~~
12 ~~times.~~

13 (~~(7)~~) "Establishment" means any permanent site housing a person
14 engaging in the practice of fitting and dispensing of hearing
15 instruments by a hearing instrument fitter/dispenser or audiologist;
16 where the client can have personal contact and counsel during the
17 firm's business hours; where business is conducted; and the address of
18 which is given to the state for the purpose of bonding.

19 (~~(+8)~~) (7) "Facility" means any permanent site housing a person
20 engaging in the practice of speech-language pathology and/or audiology,
21 excluding the sale, lease, or rental of hearing instruments.

22 (~~(+9)~~) (8) "Fitting and dispensing of hearing instruments" means
23 the sale, lease, or rental or attempted sale, lease, or rental of
24 hearing instruments together with the selection and modification of
25 hearing instruments and the administration of nondiagnostic tests as
26 specified by RCW 18.35.110 and the use of procedures essential to the
27 performance of these functions; and includes recommending specific
28 hearing instrument systems, specific hearing instruments, or specific
29 hearing instrument characteristics, the taking of impressions for ear
30 molds for these purposes, the use of nondiagnostic procedures and
31 equipment to verify the appropriateness of the hearing instrument
32 fitting, and hearing instrument orientation. The fitting and
33 dispensing of hearing instruments as defined by this chapter may be
34 equally provided by a licensed hearing instrument fitter/dispenser or
35 licensed audiologist.

36 (~~(+10)~~) (9) "Good standing" means a licensed hearing instrument
37 fitter/dispenser, licensed audiologist, or licensed speech-language

1 pathologist whose license has not been subject to sanctions pursuant to
2 chapter 18.130 RCW or sanctions by other states, territories, or the
3 District of Columbia in the last two years.

4 ~~((11))~~ (10) "Hearing instrument" means any wearable prosthetic
5 instrument or device designed for or represented as aiding, improving,
6 compensating for, or correcting defective human hearing and any parts,
7 attachments, or accessories of such an instrument or device, excluding
8 batteries and cords, ear molds, and assistive listening devices.

9 ~~((12))~~ (11) "Hearing instrument fitter/dispenser" means a person
10 who is licensed to engage in the practice of fitting and dispensing of
11 hearing instruments and meets the qualifications of this chapter.

12 ~~((13))~~ (12) "Interim permit holder" means a person who holds the
13 permit created under RCW 18.35.060 and who practices under the
14 ~~(direct)~~ supervision of a licensed hearing instrument
15 fitter/dispenser, licensed speech-language pathologist, or licensed
16 audiologist.

17 ~~((14))~~ (13) "Secretary" means the secretary of health.

18 ~~((15))~~ (14) "Licensed speech-language pathologist" means a person
19 who is licensed by the department to engage in the practice of speech-
20 language pathology and meets the qualifications of this chapter.

21 ~~((16))~~ (15) "Speech-language pathology" means the application of
22 principles, methods, and procedures related to the development and
23 disorders, whether of organic or nonorganic origin, that impede oral,
24 pharyngeal, or laryngeal sensorimotor competencies and the normal
25 process of human communication including, but not limited to, disorders
26 and related disorders of speech, articulation, fluency, voice, verbal
27 and written language, auditory comprehension, cognition/communication,
28 and the application of augmentative communication treatment and devices
29 for treatment of such disorders.

30 **Sec. 2.** RCW 18.35.020 and 2002 c 310 s 2 are each amended to read
31 as follows:

32 (1) No person shall engage in the fitting and dispensing of hearing
33 instruments or imply or represent that he or she is engaged in the
34 fitting and dispensing of hearing instruments unless he or she is a
35 licensed hearing instrument fitter/dispenser or a licensed audiologist
36 or holds an interim permit issued by the department as provided in this
37 chapter and is an owner or employee of an establishment that is bonded

1 as provided by RCW 18.35.240. The owner or manager of an establishment
2 that dispenses hearing instruments is responsible under this chapter
3 for all transactions made in the establishment name or conducted on its
4 premises by agents or persons employed by the establishment engaged in
5 fitting and dispensing of hearing instruments. Every establishment
6 that fits and dispenses shall have in its employ at least one licensed
7 hearing instrument fitter/dispenser or licensed audiologist at all
8 times, and shall annually submit proof that all testing equipment at
9 that establishment that is required by the board to be calibrated has
10 been properly calibrated.

11 (2) Effective January 1, 2003, no person shall engage in the
12 practice of audiology or imply or represent that he or she is engaged
13 in the practice of audiology unless he or she is a licensed audiologist
14 or holds an audiology interim permit issued by the department as
15 provided in this chapter. Audiologists who are certified as
16 educational staff associates by the state board of education are
17 excluded unless they elect to become licensed under this chapter.
18 However, a person certified by the state board of education as an
19 educational staff associate who practices outside the school setting
20 must be a licensed audiologist.

21 (3) Effective January 1, 2003, no person shall engage in the
22 practice of speech-language pathology or imply or represent that he or
23 she is engaged in the practice of speech-language pathology unless he
24 or she is a licensed speech-language pathologist or holds a speech-
25 language pathology interim permit issued by the department as provided
26 in this chapter. Speech-language pathologists who are certified as
27 educational staff associates by the state board of education are
28 excluded unless they elect to become licensed under this chapter.
29 However, a person certified by the state board of education as an
30 educational staff associate who practices outside the school setting
31 must be a licensed speech-language pathologist.

32 **Sec. 3.** RCW 18.35.060 and 2002 c 310 s 6 are each amended to read
33 as follows:

34 The department, upon approval by the board, shall issue an interim
35 permit authorizing an applicant for speech-language pathologist
36 licensure or audiologist licensure who, except for the postgraduate
37 professional experience and the examination requirements, meets the

1 academic and practicum requirements of RCW 18.35.040(2) to practice
2 under (~~direct~~) supervision. The interim permit is valid for a period
3 of one year from date of issuance. The board shall determine
4 conditions for the interim permit.

5 **Sec. 4.** RCW 18.35.195 and 2002 c 310 s 21 are each amended to read
6 as follows:

7 (1) This chapter shall not apply to military or federal government
8 employees.

9 (2) This chapter does not prohibit or regulate:

10 (a) Fitting or dispensing by students enrolled in a board-approved
11 program who are directly supervised by a licensed hearing instrument
12 fitter/dispenser, a licensed audiologist under the provisions of this
13 chapter, or an instructor at a two-year hearing instrument
14 fitter/dispenser degree program that is approved by the board;

15 (b) Hearing instrument fitter/dispensers, speech-language
16 pathologists, or audiologists of other states, territories, or
17 countries, or the District of Columbia while appearing as clinicians of
18 bona fide educational seminars sponsored by speech-language pathology,
19 audiology, hearing instrument fitter/dispenser, medical, or other
20 healing art professional associations so long as such activities do not
21 go beyond the scope of practice defined by this chapter; and

22 (c) The practice of audiology or speech-language pathology by
23 persons certified by the state board of education as educational staff
24 associates, except for those persons electing to be licensed under this
25 chapter. However, a person certified by the state board of education
26 as an educational staff associate who practices outside the school
27 setting must be a licensed audiologist or licensed speech-language
28 pathologist.

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