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HOUSE BILL 2714

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State of Washington

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By Representatives Linville, King, Johanson, J. Kohl, Wood, Kremen, Scott, Jones, Kessler, Pruitt, Anderson, Grant, Caver, Dorn, Quall, Ogden, L. Johnson, Lemmon, Hansen, Mastin, Springer, L. Thomas, G. Cole, Valle, Zellinsky and Shin

Read first time 01/21/94. Referred to Committee on Health Care.

1 AN ACT Relating to regulating speech-language and hearing service;  
2 adding a new chapter to Title 18 RCW; and providing an effective date.

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

4 NEW SECTION. **Sec. 1.** In order to safeguard the public safety and  
5 welfare, to protect the public from being misled by incompetent,  
6 unethical, and unauthorized persons, and to assure the highest degree  
7 of professional conduct and competency, it is the purpose of this  
8 chapter to strengthen existing regulation offering speech-language and  
9 hearing service to the public.

10 NEW SECTION. **Sec. 2.** Unless the context requires otherwise, the  
11 definitions in this section apply throughout this chapter.

12 (1) "Board" means the board of speech-language pathology and  
13 audiology created by this chapter.

14 (2) "Department" means the department of health.

15 (3) "Secretary" means the secretary of health.

16 (4) "Speech-language pathology" means the application of  
17 principles, methods, and procedures related to the development and  
18 disorders, whether of organic or nonorganic origin, that impede oral,

1 pharyngeal, or laryngeal sensorimotor competencies, and the normal  
2 process of human communication including, but not limited to, disorders  
3 and related disorders of speech, articulation, fluency, voice, verbal  
4 and written language, auditory comprehension, cognition/communication,  
5 and the application of augmentative communication treatment and devices  
6 for treatment of such disorders.

7 (5) "Audiology" means the application of principles, methods, and  
8 procedures related to hearing and the disorders of hearing and to  
9 related language and speech disorders, whether of organic or nonorganic  
10 origin, peripheral or central, that impede the normal process of human  
11 communication including, but not limited to disorders of auditory  
12 sensitivity, acuity, function, processing, or vestibular function, and  
13 the application of aural habilitation, rehabilitation, and appropriate  
14 devices, and cerumen management to treat such disorders.

15 (6) "Speech-language pathologist" means a person who engages in the  
16 practice of speech-language pathology and who meets the qualifications  
17 in this chapter.

18 (7) "Audiologist" means a person who engages in the practice of  
19 audiology and who meets the qualifications in this chapter.

20 (8) "Authorized health care practitioner" includes licensed  
21 physicians, osteopathic physicians, chiropractors, naturopaths,  
22 physical therapists, and occupational therapists.

23 (9) "Speech-language pathologist assistant" means a person who  
24 practices under the direction and supervision of a licensed speech-  
25 language pathologist and who meets the minimum qualifications in this  
26 chapter.

27 (10) "Audiologist assistant" means a person who practices under the  
28 direction and supervision of a licensed audiologist and who meets the  
29 minimum qualifications in this chapter.

30 NEW SECTION. **Sec. 3.** The state board of speech-language pathology  
31 and audiology is created. The board shall consist of seven members who  
32 shall be appointed by the governor. Of the initial appointments, two  
33 shall be appointed for a term of two years, two for a term of three  
34 years, and one for a term of four years. Thereafter, all appointments  
35 shall be for terms of four years. Three members of the board shall be  
36 speech-language pathologists licensed under this chapter and residing  
37 in this state, shall have at least five years' experience in the  
38 practice of speech pathology, and shall be actively engaged in practice

1 within two years of appointment. Three members of the board shall be  
2 audiologists licensed under this chapter and residing in this state,  
3 shall have at least five years' experience in the practice of  
4 audiology, and must be actively engaged in practice within two years of  
5 appointment. The seventh member shall be appointed from the public at  
6 large, shall be a resident of this state, shall have an interest in the  
7 rights of consumers of health services, and shall not be or have been  
8 a member of another licensing board, a licensee of a health occupation  
9 board, an employee of a health facility, nor derive his or her primary  
10 livelihood from the provision of health services at any level of  
11 responsibility. In making the appointments of speech-language  
12 pathologists and audiologists to the board, the governor shall consult  
13 with the appropriate professional associations. The appointments shall  
14 be made to reflect different practice settings. In the event that a  
15 member of the board, for any reason, cannot complete his or her term of  
16 office, the governor shall make another appointment in accordance with  
17 the appointment procedure in this section to fill the remainder of the  
18 term. No member may serve for more than two successive four-year  
19 terms. In making appointments to the board, the governor shall  
20 consider the need for geographic, ethnic, and cultural diversity.

21 The board may appoint an advisory committee of five members to give  
22 advice on matters affecting assistants regulated by this chapter.  
23 Three of the advisory committee members shall be speech-language  
24 pathologist assistants; the remaining members shall be audiologist  
25 assistants. In making appointments to the advisory committee, the  
26 board shall consider the need for geographic, ethnic, and cultural  
27 diversity.

28 The secretary of health shall furnish secretarial, clerical, and  
29 other assistance as the board may require. Each member of the board  
30 shall, in addition to travel expenses in accordance with RCW 43.03.050  
31 and 43.03.060, be compensated in accordance with RCW 43.03.240.

32 NEW SECTION. **Sec. 4.** The board has the following powers and  
33 duties:

34 (1) To supervise the administration of examinations to applicants  
35 for licensure or registration under this chapter;

36 (2) To pass upon the qualifications of applicants for licensure or  
37 registration and to certify to the secretary qualified applicants;

1 (3) To make rules necessary or proper to carry out the purposes of  
2 this chapter;

3 (4) To establish and administer requirements for continuing  
4 competency. The board may establish continuing competency requirements  
5 as a prerequisite to renewing a license under this chapter;

6 (5) To keep an official record of all its proceedings. The record  
7 is evidence of all proceedings of the board that are set forth in the  
8 record;

9 (6) To adopt standards for duties, roles, and responsibilities of  
10 supportive personnel to speech-language pathologists and audiologists,  
11 including but not limited to the ratio of speech-language pathologists  
12 and audiologists to supervised supportive personnel and the frequency,  
13 duration, and documentation of supervision;

14 (7) To adopt rules, if the board finds it appropriate, in response  
15 to questions put to it by professional health associations, speech-  
16 language pathologists, audiologists, speech-language pathologist  
17 assistants, audiologist assistants, and consumers in this state  
18 concerning the authority of speech-language pathologists and  
19 audiologists to perform particular acts.

20 NEW SECTION. **Sec. 5.** The board shall adopt rules relating to  
21 standards for appropriateness of speech-language pathology and  
22 audiology care, including dispensing of hearing aids and other devices  
23 by audiologists and communication devices by speech-language  
24 pathologists. Violation of the standards adopted by rule under this  
25 section is unprofessional conduct under this chapter and chapter 18.130  
26 RCW.

27 NEW SECTION. **Sec. 6.** The board shall elect from its members a  
28 chair and vice-chair/secretary, who shall serve for one year and until  
29 their successors are elected. The chair shall rotate among the speech-  
30 language pathologists, audiologists, and consumer serving on the board.  
31 The board shall meet at least once a year and upon the call of the  
32 chair at times and places as the chair designates. Four members  
33 constitute a quorum of the full board for the transaction of business.  
34 A quorum must also include a speech-language pathologist and an  
35 audiologist. Meetings of the board shall be open and public, except  
36 the board may hold executive sessions to the extent permitted by  
37 chapter 42.30 RCW.

1        NEW SECTION.    **Sec. 7.**    The uniform disciplinary act, chapter 18.130  
2    RCW, governs unregulated practice, the issuance and denial of licenses  
3    and registrations, and the discipline of persons regulated under this  
4    chapter.

5        NEW SECTION.    **Sec. 8.**    (1)(a) An applicant for a license as a  
6    speech-language pathologist or audiologist must have the following  
7    minimum qualifications:

8        (i) Be of good moral character;

9        (ii) Have a master's degree or the equivalent from a program at a  
10    board-approved institution of higher learning, which includes  
11    completion of a supervised clinical practicum experience; and

12        (iii) Complete a postgraduate professional work experience approved  
13    by the board.

14        (b) The applicant shall present proof of qualifications to the  
15    board in the manner and on forms prescribed by the board.

16        (2)(a) An applicant for registration as a speech-language  
17    pathologist assistant or audiologist assistant must have the following  
18    minimum qualifications:

19        (i) Be of good moral character;

20        (ii) Be a graduate of an educational program that is approved by  
21    the board; and

22        (iii) Have appropriate clinical experience that has been approved  
23    by the board.

24        (b) The applicant shall present proof of qualifications to the  
25    board in the manner and on forms prescribed by the board.

26        (3) At the time of applying, the applicant shall pay to the state  
27    treasurer a fee determined by the secretary as provided in RCW  
28    43.70.250.

29        NEW SECTION.    **Sec. 9.**    (1) The department, upon approval by the  
30    board, shall issue an interim permit authorizing an applicant for  
31    licensure who meets the minimum qualifications stated in section  
32    8(1)(a)(i) and (ii) of this act to practice under supervision pending  
33    notification of the results of the first licensure examination for  
34    which the applicant is eligible.

35        (2) For purposes of this section "supervision" means supervision of  
36    a holder of an interim permit by a licensed speech-language pathologist  
37    or audiologist. Supervision shall include, but not be limited to,

1 consultation regarding evaluation, treatment plan, treatment program,  
2 and progress of each assigned patient or client at appropriate  
3 intervals and documentation by the licensed speech-language pathologist  
4 or audiologist.

5 (3) If an interim permittee fails the examination, the permit  
6 expires upon notice to the permittee and is not renewable.

7 NEW SECTION. **Sec. 10.** All qualified applicants for a license as  
8 a speech-language pathologist or audiologist shall be examined by the  
9 board at a time and place as the board may determine. The examinations  
10 shall include appropriate subject matter to ensure the competence of  
11 the applicant. The board may use nationally recognized tests in the  
12 fields of speech-language pathology and audiology to determine if  
13 applicants are qualified for licensure. The examination for  
14 audiologists shall be comparable to the requirements of RCW 18.35.070.  
15 Examinations shall be held within the state at least once a year, at  
16 such time and place as the board shall determine. An applicant who  
17 fails an examination may apply for reexamination upon payment of a  
18 reexamination fee. The reexamination fee shall be set by the secretary  
19 under RCW 43.70.250.

20 NEW SECTION. **Sec. 11.** Upon recommendation of the board, the  
21 secretary of health shall license as a speech-language pathologist or  
22 audiologist applicants who successfully pass the examination for  
23 licensure as a speech-language pathologist or audiologist. The  
24 secretary shall furnish licenses to licensees. This license may be in  
25 lieu of the license required by chapter 18.35 RCW.

26 NEW SECTION. **Sec. 12.** Upon recommendation by the board, the  
27 secretary shall register as a speech-language pathologist assistant or  
28 an audiologist assistant applicants who successfully meet the  
29 requirements in section 8(2) of this act and who provide to the  
30 secretary the name and license number of the supervising speech-  
31 language pathologist or audiologist. The secretary shall furnish  
32 registrations to registrants.

33 NEW SECTION. **Sec. 13.** (1) Upon the recommendation of the board,  
34 the secretary shall license as a speech-language pathologist or  
35 audiologist a person who is a speech-language pathologist or

1 audiologist licensed under the laws of another state or territory or  
2 the District of Columbia if the qualifications for the license required  
3 of the applicant were substantially equal to the requirements under  
4 this chapter. The secretary shall furnish licenses to licensees. At  
5 the time of making application, the applicant shall pay to the state  
6 treasurer a fee determined by the secretary as provided in RCW  
7 43.70.250.

8 (2) The board shall waive the examination and grant a license to a  
9 person engaged in the profession of speech-language pathology or  
10 audiology in this state on the effective date of this section if the  
11 board determines that the person meets commonly accepted standards for  
12 the profession, as established by rule of the board. Persons eligible  
13 for licensure under this subsection shall apply for a license before  
14 July 1, 1996.

15 (3) The board shall waive the requirements of section 8(2)(a)(ii)  
16 and (iii) of this act and shall register speech-language pathologist  
17 assistants and audiologist assistants engaged in practice in this state  
18 on the effective date of this section upon presentation of two sworn  
19 affidavits. One affidavit shall be made by the speech-language  
20 pathologist assistant or audiologist assistant and contain information  
21 about educational background and clinical experience. One affidavit  
22 shall be made by either the speech-language pathologist or audiologist  
23 who has supervised the assistant and shall contain information  
24 verifying the assistant's work experience or by the speech-language  
25 pathologist or audiologist who will be supervising the assistant,  
26 whichever is applicable. Persons eligible for registration under this  
27 subsection shall apply for registration before July 1, 1996.

28 NEW SECTION. **Sec. 14.** (1) Every licensed speech-language  
29 pathologist or audiologist shall apply to the secretary for a renewal  
30 of the license and pay to the state treasurer a fee determined by the  
31 secretary as provided in RCW 43.70.250. The license of a speech-  
32 language pathologist or audiologist who failed to renew the license  
33 within thirty days of the date set by the secretary for renewal shall  
34 automatically lapse. Within three years from the date of lapse and  
35 upon the recommendation of the board, the secretary may revive a lapsed  
36 license upon the payment of all past unpaid renewal fees and a penalty  
37 fee to be determined by the secretary. The board may require  
38 reexamination of an applicant whose license has lapsed for more than

1 three years and who has not continuously engaged in lawful practice in  
2 another state or territory, or waive reexamination in favor of evidence  
3 of continuing education satisfactory to the board.

4 (2) A person licensed under this chapter and not actively  
5 practicing either speech-language pathology or audiology may be placed  
6 on inactive status by the department at the written request of the  
7 licensee. The board shall define by rule the conditions for inactive  
8 status licensure. In addition to the requirements of RCW 43.24.086,  
9 the licensing fee for a licensee on inactive status shall be directly  
10 related to the costs of administering an inactive license by the  
11 department. A person on inactive status may be voluntarily placed on  
12 active status by notifying the department in writing, paying the  
13 remainder of the licensing for the licensing year, and complying with  
14 subsection (3) of this section.

15 (3) Inactive licensees applying for active licensure shall comply  
16 with requirements set forth by the board, which may include completion  
17 of continuing competency requirements or taking an examination.  
18 Persons who have inactive status in this state but who are actively  
19 licensed and in good standing in another state are not required to meet  
20 continuing competency requirements or to take the practical  
21 examinations.

22 NEW SECTION. **Sec. 15.** (1) A person who is not licensed with the  
23 secretary as a speech-language pathologist under the requirements of  
24 this chapter shall not represent himself or herself as being so  
25 licensed and shall not use in connection with his or her name the words  
26 including "speech pathologist," "language pathologist," "speech  
27 therapist," "language therapist," "speech correctionist," "language  
28 correctionist," "speech clinician," "language clinician," "voice  
29 pathologist," "logopedist," "communicologist," "aphasiologist,"  
30 "communication disorders specialist," or "phoniatriest" or a variation,  
31 synonym, word, sign, number, insignia, coinage, or whatever expresses,  
32 employs, or implies these terms, names, or functions as a speech-  
33 language pathologist.

34 (2) A person who is not licensed with the secretary as an  
35 audiologist under the requirements of this chapter shall not represent  
36 himself or herself as being so licensed and shall not use in connection  
37 with his or her name the words "audiologist," "audiometrist," "hearing  
38 therapist," "hearing clinician," "hearing aid audiologist,"



1 "educational audiologist," "audio prosthologist," "audiometric  
2 technician," "auditory integration specialist," or a variation,  
3 synonym, letter, word, sign, number, insignia, coinage, or whatever  
4 expresses, employs, or implies these terms, names, or functions of an  
5 audiologist.

6 (3) A person who is not registered as a speech-language pathologist  
7 assistant or an audiologist assistant may not use any term, including  
8 those specified in subsections (1) and (2) of this section to represent  
9 that he or she is registered to undertake the duties of such  
10 assistants.

11 (4) No person may practice speech-language pathology or audiology  
12 without first having a valid license.

13 (5) Nothing in this chapter prohibits a person licensed in this  
14 state under another act from engaging in the practice for which he or  
15 she is licensed.

16 (6) It is the duty of the prosecuting attorney of each county to  
17 prosecute all cases involving a violation of this chapter arising  
18 within his or her county. The attorney general may assist in the  
19 prosecution and shall appear at all hearings if requested to do so by  
20 the board.

21 NEW SECTION. **Sec. 16.** If a person violates the provisions of this  
22 chapter, the attorney general, prosecuting attorney, secretary, board,  
23 or a citizen of the state, may maintain an action in the name of the  
24 state to enjoin the person from practicing or holding himself or  
25 herself out as practicing speech-language pathology or audiology. The  
26 injunction does not relieve criminal prosecution but the remedy by  
27 injunction is in addition to the liability of the offender for criminal  
28 prosecution and the suspension or revocation of his or her license.

29 NEW SECTION. **Sec. 17.** The secretary shall keep a record of  
30 proceedings under this chapter and register of all persons licensed and  
31 registered under this chapter. The register shall show the name of  
32 every living licensed speech-language pathologist and audiologist, and  
33 every registered speech-language pathologist assistant and audiologist  
34 assistant, with his or her last known place of residence and the date  
35 and number of his or her license or registration.

36 NEW SECTION. **Sec. 18.** This chapter does not prohibit or regulate:

1 (1) The practice of speech-language pathology or audiology by  
2 students enrolled in approved institutions of higher learning as may be  
3 incidental to their course of study so long as such activities do not  
4 go beyond the scope of practice defined by this chapter;

5 (2) The practice of speech-language pathology or audiology by  
6 regulated speech-language pathologists or audiologists of other states  
7 or countries while appearing as clinicians of bona fide educational  
8 seminars sponsored by speech-language pathology, audiology, medical, or  
9 other healing art professional associations so long as such activities  
10 do not go beyond the scope of practice defined by this chapter;

11 (3) The practice of speech-language pathology or audiology in the  
12 armed services or by an employee of another branch of the federal  
13 government.

14 NEW SECTION. **Sec. 19.** The board shall adopt rules under chapter  
15 34.05 RCW for the administration of this chapter.

16 NEW SECTION. **Sec. 20.** If any provision of this act or its  
17 application to any person or circumstance is held invalid, the  
18 remainder of the act or the application of the provision to other  
19 persons or circumstances is not affected.

20 NEW SECTION. **Sec. 21.** Sections 1 through 20 of this act shall  
21 constitute a new chapter in Title 18 RCW.

22 NEW SECTION. **Sec. 22.** Section 15 of this act shall take effect on  
23 July 1, 1996.

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