

Senate Engrossed

speech-language pathologists; assistants

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 250
SENATE BILL 1458

AN ACT

AMENDING SECTIONS 36-1901, 36-1902, 36-1904 AND 36-1906, ARIZONA REVISED STATUTES; REPEALING SECTION 36-1910, ARIZONA REVISED STATUTES; AMENDING SECTION 36-1922, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 17, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-1925; AMENDING SECTIONS 36-1934 AND 36-1940.04, ARIZONA REVISED STATUTES; RELATING TO SPEECH-LANGUAGE PATHOLOGISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-1901, Arizona Revised Statutes, is amended to
3 read:

4 **36-1901. Definitions**

5 In this chapter, unless the context otherwise requires:

6 1. "Accredited program" means a program leading to the award of a
7 degree in audiology that is accredited by an organization recognized for
8 that purpose by the United States department of education.

9 2. "Approved training program" means a postsecondary
10 speech-language pathology assistant training program that is approved by
11 the director.

12 3. "Assistive listening device or system" means an amplification
13 system that is specifically designed to improve the signal-to-noise ratio
14 for the listener who is ~~hearing impaired~~ DEAF OR HARD OF HEARING, TO
15 reduce interference from noise in the background and TO enhance hearing
16 levels at a distance by picking up sound from as close to the source as
17 possible and sending it directly to the ear of the listener, excluding
18 hearing aids.

19 4. "Audiologist" means a person who engages in the practice of
20 audiology and who meets the requirements prescribed in this chapter.

21 5. "Audiology" means the nonmedical and nonsurgical application of
22 principles, methods and procedures of measurement, testing, evaluation and
23 prediction that are related to hearing, its disorders and related
24 communication impairments for the purpose of nonmedical diagnosis,
25 prevention, amelioration or modification of these disorders and
26 conditions.

27 6. "Clinical interaction" means a fieldwork practicum in
28 speech-language pathology that is supervised by a licensed speech-language
29 pathologist.

30 7. "Department" means the department of health services.

31 8. "Direct supervision":

32 (a) Means ~~the on-site, in-view observation~~ A LICENSED
33 SPEECH-LANGUAGE PATHOLOGIST OBSERVES and ~~guidance of~~ GUIDES a
34 speech-language pathology assistant ~~by a licensed speech-language~~
35 ~~pathologist~~ while the speech-language pathology assistant performs an
36 assigned clinical activity.

37 (b) INCLUDES THE SUPERVISING LICENSED SPEECH-LANGUAGE PATHOLOGIST
38 VIEWING AND COMMUNICATING WITH THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT VIA
39 TELECOMMUNICATION TECHNOLOGY AS THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT
40 PROVIDES CLINICAL ACTIVITIES IF THE SUPERVISING LICENSED SPEECH-LANGUAGE
41 PATHOLOGIST CAN PROVIDE ONGOING IMMEDIATE FEEDBACK THROUGHOUT THE CLINICAL
42 ACTIVITY BEING PROVIDED.

43 (c) DOES NOT INCLUDE THE SUPERVISING LICENSED SPEECH-LANGUAGE
44 PATHOLOGIST REVIEWING A TAPE SESSION AT A LATER TIME.

45 9. "Director" means the director of the department.

1 10. "Disorders of communication" means an organic or nonorganic
2 condition that impedes the normal process of human communication and
3 includes disorders of speech, articulation, fluency, voice, verbal and
4 written language, auditory comprehension, cognition and communications and
5 oral, pharyngeal and laryngeal sensorimotor competencies.

6 11. "Disorders of hearing" means an organic or nonorganic
7 condition, whether peripheral or central, that impedes the normal process
8 of human communication and includes disorders of auditory sensitivity,
9 acuity, function or processing.

10 12. "Hearing aid" means any wearable instrument or device designed
11 for or represented as aiding or improving human hearing or as aiding,
12 improving or compensating for defective human hearing, and any parts,
13 attachments or accessories of the instrument or device, including ear
14 molds, but excluding batteries and cords.

15 13. "Hearing aid dispenser" means any person who engages in the
16 practice of fitting and dispensing hearing aids.

17 14. "Indirect supervision" means supervisory activities, other than
18 direct supervision, that are performed by a licensed speech-language
19 pathologist and that may include ~~consultation, record review~~ CONSULTING,
20 REVIEWING RECORDS and ~~review~~ REVIEWING and ~~evaluation of~~ EVALUATING
21 audiotaped or videotaped sessions.

22 15. "Letter of concern" means an advisory letter to notify a
23 licensee that, while there is insufficient evidence to support
24 disciplinary action, the director believes the licensee should modify or
25 eliminate certain practices and that continuation of the activities that
26 led to the information being submitted to the director may result in
27 action against the licensee.

28 16. "License" means a license issued by the director under this
29 chapter and includes a temporary license.

30 17. "Nonmedical diagnosing" means the art or act of identifying a
31 communication disorder from its signs and symptoms. Nonmedical diagnosing
32 does not include diagnosing a medical disease.

33 18. "Practice of audiology" means:

34 (a) Rendering or offering to render to a person or persons who have
35 or who are suspected of having disorders of hearing any service in
36 audiology, including prevention, identification, evaluation, consultation,
37 habilitation, rehabilitation, instruction and research.

38 (b) Participating in hearing conservation, hearing aid and
39 assistive listening device evaluation and hearing aid prescription
40 preparation, fitting, dispensing and orientation.

41 (c) Screening, identifying, assessing, nonmedical diagnosing,
42 preventing and rehabilitating peripheral and central auditory system
43 dysfunctions.

44 (d) Providing and interpreting behavioral and physiological
45 measurements of auditory and vestibular functions.

(e) Selecting, fitting and dispensing assistive listening and alerting devices and other systems and providing training in their use.

6 (g) Screening speech-language and other factors that affect
7 communication function in order to conduct an audiologic evaluation and an
8 initial identification of persons with other communications disorders and
9 making the appropriate referral.

10 (h) Planning, directing, conducting or supervising services.

11 19. "Practice of fitting and dispensing hearing aids"...

12 (a) Means ~~the measurement of~~ MEASURING human hearing by means of an
13 audiometer or by any other means, solely for the purpose of making
14 selections or adaptations of hearing aids, and ~~the~~ fitting, ~~and~~ SELLING
15 and servicing ~~of~~ hearing aids, including assistive listening devices, and
16 ~~the~~ making ~~of~~ impressions for ear molds. ~~and~~

17 (b) Includes identification, instruction, consultation,
18 rehabilitation and hearing conservation as these relate only to hearing
19 aids and related devices and, at the request of a physician or another
20 licensed health care professional, ~~the~~ making of audiograms for the
21 professional's use in consultation with ~~the hearing impaired~~ PERSONS WHO
22 ARE DEAF OR HARD OF HEARING. ~~The practice of fitting and dispensing~~
23 ~~hearing aids~~

24 (c) Does not include formal auditory training programs, lip reading
25 and speech conservation.

26 20. "Practice of speech-language pathology" means:

27 (a) Rendering or offering to render to an individual or groups of
28 individuals who have or are suspected of having disorders of communication
29 service in speech-language pathology, including prevention,
30 identification, evaluation, consultation, habilitation, rehabilitation,
31 instruction and research.

32 (b) Screening, identifying, assessing, interpreting, nonmedical
33 diagnosing and rehabilitating disorders of speech and language.

34 (c) Screening, identifying, assessing, interpreting, nonmedical
35 diagnosing and rehabilitating disorders of oral-pharyngeal functions and
36 related disorders.

37 (d) Screening, identifying, assessing, interpreting, nonmedical
38 diagnosing and rehabilitating cognitive and communication disorders.

39 (e) Assessing, selecting and developing augmentative and
40 alternative communication systems and providing training in ~~the use of~~
41 **USING** these systems and assistive listening devices.

42 (f) Providing aural rehabilitation and related counseling services
43 to ~~hearing impaired~~ persons WHO ARE DEAF OR HARD OF HEARING and their
44 families.

(g) Enhancing speech-language proficiency and communication effectiveness.

(h) Screening hearing and other factors for speech-language evaluation and initially identifying persons with other communication disorders and making the appropriate referral.

21. "Regular license" means each type of license issued by the director, except a temporary license.

22. "Sell" or "sale" means a transfer of title or of the right to use by lease, bailment or any other contract, but does not include transfers at wholesale to distributors or dealers.

23. "Speech-language pathology" means the nonmedical and nonsurgical application of principles, methods and procedures of assessment, testing, evaluation and prediction related to speech and language and its disorders and related communication impairments for the nonmedical diagnosis, prevention, amelioration or modification of these disorders and conditions.

24. "Speech-language pathology assistant" means a person who provides services prescribed in section 36-1940.04 ~~and~~ under the direction and supervision of a speech-language pathologist licensed pursuant to this chapter.

25. "Sponsor" means a person who is licensed pursuant to this chapter and who agrees to train or directly supervise a temporary licensee in the same field of practice.

26. "Temporary licensee" means a person who is licensed under this chapter for a specified period of time under the sponsorship of a person licensed pursuant to this chapter.

27. "Unprofessional conduct" means:

(a) Obtaining any fee or making any sale by fraud or misrepresentation.

(b) Employing directly or indirectly any suspended or unlicensed person to perform any work covered by this chapter.

(c) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or other representation, however disseminated or published, that is misleading, deceiving, improbable or untruthful.

(d) Advertising for sale a particular model, type or kind of product when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the advertised model, type or kind if the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind than that advertised.

(e) Representing that the professional services or advice of a physician will be used or made available in ~~the~~ selling, fitting, ~~adjustment, maintenance~~ **ADJUSTING, MAINTAINING** or ~~repair of~~ **REPAIRING** hearing aids if this is not true, or using the words "doctor", "clinic",

1 "clinical" or like words, abbreviations or symbols while failing to affix
2 the word, term or initials "audiology", "audiologic", "audiologist",
3 "doctor of audiology", "Au.D.", "Ph.D." or "Sc.D.".

4 (f) Defaming competitors by falsely imputing to them dishonorable
5 conduct, inability to perform contracts or questionable credit standing or
6 by other false representations, or falsely disparaging the products of
7 competitors in any respect, or their business methods, selling prices,
8 values, credit terms, policies or services.

9 (g) Displaying competitive products in the licensee's show window,
10 shop or advertising in such manner as to falsely disparage such products.

11 (h) Representing falsely that competitors are unreliable.

12 (i) Quoting prices of competitive products without disclosing that
13 they are not the current prices, or showing, demonstrating or representing
14 competitive models as being current models when they are not current
15 models.

16 (j) Imitating or simulating the trademarks, trade names, brands or
17 labels of competitors with the capacity, tendency or effect of misleading
18 or deceiving purchasers or prospective purchasers.

19 (k) Using in the licensee's advertising the name, model name or
20 trademark of a particular manufacturer of hearing aids in such a manner as
21 to imply a relationship with the manufacturer that does not exist, or
22 otherwise to mislead or deceive purchasers or prospective purchasers.

23 (l) Using any trade name, corporate name, trademark or other trade
24 designation that has the capacity, tendency or effect of misleading or
25 deceiving purchasers or prospective purchasers as to the name, nature or
26 origin of any product of the industry, or of any material used in the
27 product, or that is false, deceptive or misleading in any other material
28 respect.

29 (m) Obtaining information concerning the business of a competitor
30 by bribery of an employee or agent of that competitor, by false or
31 misleading statements or representations, by the impersonation of one in
32 authority, or by any other unfair means.

33 (n) Giving directly or indirectly, offering to give, or ~~permitting~~
34 ~~ALLOWING~~ or causing to be given money or anything of value, except
35 miscellaneous advertising items of nominal value, to any person who
36 advises another in a professional capacity as an inducement to influence
37 that person or have that person influence others to purchase or contract
38 to purchase products sold or offered for sale by a hearing aid dispenser,
39 or to influence persons to refrain from dealing in the products of
40 competitors.

41 (o) Sharing any profits or sharing any percentage of a licensee's
42 income with any person who advises another in a professional capacity as
43 an inducement to influence that person or have that person influence
44 others to purchase or contract to purchase products sold or offered for

1 sale by a hearing aid dispenser or to dissuade persons from dealing in
2 products of competitors.

3 (p) Failing to comply with existing federal regulations regarding
4 ~~the~~ fitting and dispensing ~~of~~ a hearing aid.

5 (q) ~~Conviction BEING CONVICTED~~ of a felony or a misdemeanor that
6 involves moral turpitude.

7 (r) Fraudulently obtaining or attempting to obtain a license or a
8 temporary license for the applicant, the licensee or another person.

9 (s) Aiding or abetting unlicensed practice.

10 (t) Wilfully making or filing a false audiology, speech-language
11 pathology or hearing aid dispenser evaluation.

12 (u) ~~The use of USING~~ narcotics, alcohol or drugs to the extent that
13 ~~the performance of PERFORMING~~ professional duties is impaired.

14 (v) Betraying a professional confidence.

15 (w) ~~ENGAGING IN~~ any conduct, practice or condition that impairs the
16 ability of the licensee to safely and competently engage in the practice
17 of audiology, speech-language pathology or hearing aid dispensing.

18 (x) Providing services or promoting the sale of devices, appliances
19 or products to a person who cannot reasonably be expected to benefit from
20 these services, devices, appliances or products.

21 (y) Being disciplined by a licensing or disciplinary authority of
22 any state, territory or district of this country for an act that is
23 grounds for disciplinary action under this chapter.

24 (z) Violating any provision of this chapter or failing to comply
25 with rules adopted pursuant to this chapter.

26 (aa) Failing to refer an individual for medical evaluation if a
27 condition exists that is amenable to surgical or medical intervention
28 prescribed by the advisory committee and consistent with federal
29 regulations.

30 (bb) Practicing in a field or area within that licensee's defined
31 scope of practice in which the licensee has not either been tested, taken
32 a course leading to a degree, received supervised training, taken a
33 continuing education course or had adequate prior experience.

34 (cc) Failing to affix the word, term or initials "audiology",
35 "audiologic", "audiologist", "doctor of audiology", "Au.D.", "Ph.D." or
36 "Sc.D." in any sign, written communication or advertising media in which
37 the term "doctor" or the abbreviation "Dr." is used in relation to the
38 audiologist holding a doctoral degree.

39 Sec. 2. Section 36-1902, Arizona Revised Statutes, is amended to
40 read:

41 36-1902. Powers and duties of the director: advisory
42 committee; members

43 A. The director shall:

44 ~~1. Appoint an advisory committee to collaborate with and assist the~~
45 ~~director and to perform duties as prescribed by this chapter. The~~

1 ~~director shall inform the advisory committee regarding all disciplinary~~
2 ~~actions.~~

3 ~~2.~~ 1. Supervise and administer qualifying examinations to test the
4 knowledge and proficiency of applicants for a hearing aid dispenser's
5 license.

6 ~~3.~~ 2. Designate the time and place for holding examinations for a
7 hearing aid dispenser's license.

8 ~~4.~~ 3. License persons who apply for and pass the examination for a
9 license, and ~~WHO~~ possess all other qualifications required for the
10 practice of fitting and dispensing hearing aids, the practice of audiology
11 and the practice of speech-language pathology.

12 ~~5.~~ 4. License persons who apply for a license and ~~WHO~~ possess all
13 other qualifications required for licensure as a speech-language pathology
14 assistant.

15 ~~6.~~ 5. Authorize all disbursements necessary to carry out this
16 chapter.

17 ~~7.~~ 6. Ensure the public's health and safety by adopting and
18 enforcing qualification standards for licensees and applicants for
19 licensure under this chapter.

20 **7. APPOINT AN ADVISORY COMMITTEE TO ASSIST IN EXAMINING APPLICANTS
21 FOR A HEARING AID DISPENSER'S LICENSE AND TO COLLABORATE WITH AND ASSIST
22 THE DIRECTOR IN DISCIPLINARY MATTERS, IF REQUESTED, OR ANY OTHER DUTIES
23 PRESCRIBED IN THIS CHAPTER.**

24 B. The director may:

25 1. Purchase and maintain, or rent, equipment and facilities
26 necessary to carry out the examination of applicants for a license.

27 2. Issue and renew a license.

28 3. Deny, suspend, revoke or refuse renewal of a license or file a
29 letter of concern, issue a decree of censure, prescribe probation, impose
30 a civil penalty or restrict or limit the practice of a licensee pursuant
31 to this chapter.

32 ~~4. Appoint an examining committee to assist in the conduct of the
33 examination of applicants for a hearing aid dispenser's license.~~

34 ~~5.~~ 4. Make and publish rules that are not inconsistent with the
35 laws of this state and that are necessary to carry out this chapter.

36 ~~6.~~ 5. Require the periodic inspection of testing equipment and
37 facilities of persons ~~engaging~~ **WHO ARE ENGAGED** in the practice of fitting
38 and dispensing hearing aids, **THE PRACTICE OF** audiology and **THE PRACTICE OF**
39 speech-language pathology.

40 ~~7.~~ 6. Require a licensee to produce customer records of patients
41 involved in complaints on file with the department.

42 C. The advisory committee appointed pursuant to subsection A,
43 paragraph ~~7~~ **7 OF THIS SECTION** consists of **THE FOLLOWING MEMBERS:**

44 1. The director **OR** **DIRECTOR'S DESIGNEE.** ~~—~~

1 2. Two physicians WHO ARE licensed under title 32, chapter 13 or
2 17, one of whom is a specialist in otolaryngology. ,
3 3. Two licensed audiologists, one of whom dispenses hearing
4 aids. ,

5 4. Two licensed speech-language pathologists, ONE OF WHOM PROVIDES
6 SERVICES IN A SCHOOL SETTING.

7 5. Two public members, one of whom is ~~hearing impaired~~, DEAF OR
8 HARD OF HEARING.

9 6. One member of the ~~Arizona~~ commission for the deaf and the hard
10 of hearing who is not licensed pursuant to this chapter. ~~and~~

11 7. Two licensed hearing aid dispensers who are not licensed to
12 practice audiology.

13 8. TWO LICENSED SPEECH-LANGUAGE PATHOLOGY ASSISTANTS.

14 D. Committee members who are licensed under this chapter shall have
15 at least five years' experience immediately preceding the appointment in
16 their field of practice in this state. COMMITTEE MEMBERS SHALL SERVE A
17 TWO-YEAR TERM.

18 D. ~~The examining committee authorized pursuant to subsection B,~~
19 ~~paragraph 4 consists of one otolaryngologist, two licensed dispensing~~
20 ~~audiologists and two licensed hearing aid dispensers. Committee members~~
21 ~~who are licensed under this chapter shall have at least five years'~~
22 ~~experience immediately preceding the appointment in their field of~~
23 ~~practice in this state. The findings of the examining committee shall be~~
24 ~~advisory to the director.~~

25 E. The director shall verify that ~~the~~ EACH audiology licensee has
26 passed a nationally recognized examination approved by the director.

27 F. The director shall verify that ~~the~~ EACH speech-language
28 pathology licensee has passed a nationally recognized examination approved
29 by the director.

30 G. The director may recognize a nationally recognized
31 speech-language hearing association or audiology association examination,
32 or both, as an approved examination.

33 H. ~~The advisory committee shall provide recommendations to the~~
34 ~~director in the following areas, on which the director shall act within a~~
35 ~~reasonable period of time:~~

36 1. ~~Issuance and renewal of a license.~~

37 2. ~~Prescribing disciplinary procedures.~~

38 3. ~~Appointment of an examining committee to assist in the conduct~~
39 ~~of the examination of applicants for a hearing aid dispenser's license.~~

40 4. ~~Adopting rules that are not inconsistent with the laws of this~~
41 ~~state and that are necessary to carry out this chapter.~~

42 5. ~~Requiring the periodic inspection of testing equipment and~~
43 ~~facilities of persons engaging in the practice of fitting and dispensing~~
44 ~~hearing aids, audiology and speech-language pathology.~~

1 6. ~~Requiring a licensee to produce customer records of patients~~
2 ~~involved in complaints on file with the department of health services.~~

3 Sec. 3. Section 36-1904, Arizona Revised Statutes, is amended to
4 read:

5 36-1904. Issuance of license; renewal of license; continuing
6 education; military members

7 A. The director shall issue a regular license to each applicant who
8 meets the requirements of this chapter. A regular license is valid for
9 two years.

10 B. A licensee shall renew a regular license every two years on
11 payment of the renewal fee prescribed in section 36-1908. There is a
12 thirty-day grace period after the expiration of a regular license. During
13 this period the licensee may renew a regular license on payment of a late
14 fee in addition to the renewal fee.

15 C. When renewing a regular license as a hearing aid dispenser, the
16 licensee shall provide proof of having completed at least twenty-four
17 hours of continuing education within the prior twenty-four months.
18 Courses sponsored by a single manufacturer of hearing aids may not satisfy
19 more than eight hours of continuing education within the prior twenty-four
20 months. At least eight hours of continuing education must be from courses
21 taught in person that offer a hands-on opportunity for instruction in
22 dispensing-related techniques. Courses on topics that provide a hearing
23 aid dispenser an opportunity to stay current on business or client service
24 practices or trends in the profession or that contribute to the
25 professional or business competence of a hearing aid dispenser may qualify
26 for up to one-third of the continuing education requirement. **THE
27 IN-PERSON COURSE REQUIREMENT MAY BE WAIVED BY THE DIRECTOR:**

28 1. FOR ALL LICENSEES, IN THE EVENT OF A PUBLIC HEALTH EMERGENCY
29 DECLARATION.

30 2. FOR AN INDIVIDUAL LICENSEE, IN THE EVENT OF A BONA FIDE
31 EMERGENCY THAT PREVENTS THE LICENSEE FROM ATTENDING IN-PERSON COURSES FOR
32 AN INDEFINITE PERIOD OF TIME.

33 D. When renewing a regular license in audiology or in
34 speech-language pathology, the licensee shall provide proof of having
35 completed at least twenty hours of continuing education within the prior
36 twenty-four months. Courses sponsored by a single manufacturer of hearing
37 aids may not satisfy more than eight hours of continuing education within
38 the prior twenty-four months for persons with a license in audiology.

39 E. The director by rule shall provide standards for continuing
40 education courses required by this section. Educational courses that are
41 developed by professional organizations of hearing aid dispensers,
42 audiologists or speech language pathologists and that are used by those
43 associations to comply with continuing education requirements are deemed
44 to comply with department standards.

1 F. The director may refuse to renew a regular license for any cause
2 provided in section 36-1934.

3 G. A person who does not renew a regular license as prescribed by
4 this section shall apply for a new license pursuant to the requirements of
5 this chapter. If an application is received by the director within one
6 year after the expiration date of the license, the applicant is not
7 required to take an examination.

8 H. A person who reapplys for a regular license issued pursuant to
9 this chapter must provide proof of completion of the continuing education
10 hours prescribed by subsection C or D of this section within the previous
11 twenty-four months before the date of reapplication.

12 I. A license issued pursuant to this chapter to any member of the
13 Arizona national guard or the United States armed forces reserves does not
14 expire while the member is serving on federal active duty and is extended
15 one hundred eighty days after the member returns from federal active duty
16 if the member, or the legal representative of the member, notifies the
17 director of the federal active duty status of the member. A license
18 issued pursuant to this chapter to any member serving in the regular
19 component of the United States armed forces is extended one hundred eighty
20 days after the date of expiration if the member, or the legal
21 representative of the member, notifies the director of the federal active
22 duty status of the member. If the license is renewed during the
23 applicable extended time period after the member returns from federal
24 active duty, the member is responsible only for normal fees and activities
25 relating to renewal of the license and shall not be charged any additional
26 costs such as late fees or delinquency fees. The member, or the legal
27 representative of the member, shall present to the director a copy of the
28 member's official military orders, a redacted military identification card
29 or a written verification from the member's commanding officer before the
30 end of the applicable extended time period in order to qualify for the
31 extension.

32 J. A license issued pursuant to this chapter to any member of the
33 Arizona national guard, the United States armed forces reserves or the
34 regular component of the United States armed forces does not expire and is
35 extended one hundred eighty days after the date the military member is
36 able to perform activities necessary under the license if the member both:

37 1. Is released from active duty service.

38 2. Suffers an injury as a result of active duty service that
39 temporarily prevents the member from being able to perform activities
40 necessary under the license.

41 Sec. 4. Section 36-1906, Arizona Revised Statutes, is amended to
42 read:

43 36-1906. Registering place of business with director

44 A. A person who holds a license shall notify the director in
45 writing of the address of the place or places where the person engages in

1 the practice of fitting and dispensing hearing aids, THE PRACTICE OF
2 audiology or THE PRACTICE OF speech-language pathology and OF any
3 SUBSEQUENT change of address.

4 B. The director shall keep a record of the places of practice of
5 persons who hold licenses. ~~Any notice required to be given by the~~
~~director to a person who holds a license may be given by mailing it to~~
~~that person at the address given by that person to the director.~~

8 Sec. 5. Repeal

9 Section 36-1910, Arizona Revised Statutes, is repealed.

10 Sec. 6. Section 36-1922, Arizona Revised Statutes, is amended to
11 read:

12 36-1922. Reciprocity

13 A. The director may issue a license to a person who is currently
14 licensed in another state or jurisdiction that the director determines
15 meets the minimum licensure requirements of this chapter. The person
16 shall apply for licensure and pay all applicable fees as prescribed by
17 this chapter ~~and shall pass an examination approved by the director in~~
~~jurisprudence and ethics related to this chapter within six months after~~
~~initial licensure. The director shall offer the examination at least four~~
~~times each calendar year.~~

21 B. The applicant shall provide information the director determines
22 is necessary to investigate the status of the applicant's current license.

23 Sec. 7. Title 36, chapter 17, article 2, Arizona Revised Statutes,
24 is amended by adding section 36-1925, to read:

25 36-1925. Educational materials; bills of sale; notice
26 requirements

27 THE DEPARTMENT SHALL ESTABLISH AN AWARENESS CAMPAIGN FOR HEARING AID
28 DISPENSERS AND POST ON ITS WEBSITE EDUCATIONAL MATERIALS REGARDING THE
29 BILL OF SALE NOTICE REQUIREMENTS PRESCRIBED IN SECTION 36-1909.

30 Sec. 8. Section 36-1934, Arizona Revised Statutes, is amended to
31 read:

32 36-1934. Denial, revocation or suspension of license;
33 hearings; alternative sanctions

34 A. The director may deny, revoke or suspend a license issued under
35 this chapter for any of the following reasons:

36 1. ~~Conviction BEING CONVICTED~~ of a felony or misdemeanor involving
37 moral turpitude. The record of the conviction or a certified copy from the
38 clerk of the court where the conviction occurred or from the judge of that
39 court is sufficient evidence of conviction.

40 2. Securing a license under this chapter through fraud or deceit.

41 3. ~~COMMITTING~~ unprofessional conduct, or incompetence in the
42 conduct of ~~his~~ THE LICENSEE'S practice.

43 4. Using a false name or alias in the LICENSEE'S PROFESSIONAL
44 practice ~~of his profession~~.

45 5. Violating any of the provisions of this chapter.

1 6. Failing to comply with existing federal regulations regarding
2 ~~the~~ fitting and dispensing ~~of~~ a hearing aid.

3 B. If the director determines pursuant to a hearing that grounds
4 exist to revoke or suspend a license, the director may do so permanently
5 or for a fixed period of time and may impose conditions as prescribed by
6 rule.

7 C. The department may deny a license without holding a
8 hearing. After receiving notification of the denial, the applicant may
9 request a hearing to review the denial.

10 D. The department shall conduct any hearing to revoke or suspend a
11 license or impose a civil penalty under section 36-1939 pursuant to title
12 41, chapter 6, article 10.

13 E. Instead of denying, revoking or suspending a license, the
14 director may file a letter of concern, issue a decree of censure,
15 prescribe a period of probation or restrict or limit the practice of a
16 licensee.

17 F. ~~The director shall promptly notify a licensee's employer if the
18 director initiates a disciplinary action against the licensee.~~

19 Sec. 9. Section 36-1940.04, Arizona Revised Statutes, is amended to
20 read:

21 36-1940.04. Speech-language pathology assistants; licensure
22 requirements; scope of practice; supervision

23 A. A person who wishes to be licensed as a speech-language
24 ~~pathologist~~ ~~PATHOLOGY~~ assistant shall:

25 1. Submit a nonrefundable application fee as prescribed by section
26 36-1908.

27 2. Submit written evidence satisfactory to the director that the
28 applicant has completed:

29 (a) An approved training program for speech-language pathology
30 assistants or the equivalent from a nationally or regionally accredited
31 college or university that consisted of a minimum of sixty semester credit
32 hours of ~~course work~~ ~~COURSEWORK~~ with the following curriculum content:

33 (i) Twenty to forty semester credit hours of general education ~~OR A~~
34 ~~BACHELOR'S DEGREE~~.

35 (ii) Twenty to forty semester credit hours of speech-language
36 pathology technical ~~course work~~ ~~COURSEWORK~~.

37 (b) A minimum of one hundred hours of clinical interaction that
38 does not include observation, under the supervision of a licensed master's
39 level speech-language pathologist.

40 3. Be of good moral character.

41 4. Not have had a license revoked or suspended by a state within
42 the past two years and ~~is~~ not ~~BE~~ presently ineligible for licensure in any
43 state because of a prior revocation or suspension.

44 B. ~~The director shall grant a waiver of the requirements for~~
45 ~~licensure as provided by subsection A of this section until September 1,~~

1 ~~2007 to individuals who have performed the functions of a speech-language~~
2 ~~pathology assistant if the individual:~~

- 3 ~~1. Has completed a minimum of forty semester credit hours of~~
4 ~~speech-language pathology technical course work.~~
- 5 ~~2. Has satisfactorily completed a minimum of two years of~~
6 ~~experience as a speech-language pathology assistant under the supervision~~
7 ~~of a licensed master's level speech-language pathologist.~~
- 8 ~~3. Is of good moral character.~~
- 9 ~~4. Has not had a license revoked or suspended by a state within the~~
10 ~~past two years and is not presently ineligible for licensure in any state~~
11 ~~because of a prior revocation or suspension.~~

12 B. THE DIRECTOR MAY WAIVE THE REQUIREMENTS OF SUBSECTION A,
13 PARAGRAPH 2 OF THIS SECTION IF THE APPLICANT HOLDS CERTIFICATION AS A
14 SPEECH-LANGUAGE PATHOLOGY ASSISTANT FROM A NATIONALLY RECOGNIZED
15 SPEECH-LANGUAGE HEARING ASSOCIATION APPROVED BY THE DEPARTMENT IN THE
16 FIELD FOR WHICH THE APPLICANT IS APPLYING FOR LICENSURE.

17 C. A speech-language pathology assistant may do the following under
18 the supervision of ~~the~~ A licensed speech-language pathologist:

19 1. Conduct speech and language screenings without interpretation,
20 using screening protocols specified by the supervising speech-language
21 pathologist.

22 2. Provide direct treatment assistance, including feeding for
23 nutritional purposes to patients, clients or students except for patients,
24 clients or students with dysphagia, identified by the supervising
25 speech-language pathologist by following written treatment plans,
26 individualized education programs, individual support plans or protocols
27 developed by the supervising speech-language pathologist.

28 3. Document patient, client or student progress toward meeting
29 established objectives as stated in the treatment plan, individual support
30 plan or individualized education program without ~~interpretation of~~
31 ~~INTERPRETING~~ the findings, and report this information to the supervising
32 speech-language pathologist.

33 4. Assist the speech-language pathologist in ~~the~~ collecting and
34 tallying ~~of~~ data for assessment purposes, without ~~interpretation of~~
35 ~~INTERPRETING~~ the data.

36 5. Act as a second-language interpreter during assessments.

37 6. Assist with informal documentation during an intervention
38 session by collecting and tallying data as directed by the speech-language
39 pathologist, preparing materials and assisting with other clerical duties
40 as specified by the supervising speech-language pathologist.

41 7. Schedule activities and prepare charts, records, graphs or other
42 displays of data.

43 8. Perform checks and maintenance of equipment.

44 9. Participate with the speech-language pathologist in research
45 projects, in-service training and public relations programs.

1 10. Sign and initial treatment notes for review and ~~co-signature~~
2 ~~COSIGNATURE~~ by the supervising speech-language pathologist.

3 D. A speech-language pathology assistant shall not:

4 1. Conduct swallowing screening, assessment and intervention
5 protocols, including modified barium swallow studies.

6 2. Administer standardized or nonstandardized diagnostic tests, ~~— OR~~
7 formal or informal evaluations or interpret test results.

8 3. Participate in parent conferences, case conferences or any
9 interdisciplinary team meeting without the presence of the supervising
10 speech-language pathologist, except for individualized education program
11 or individual support plan meetings if the licensed ~~speech~~ **SPEECH-LANGUAGE**
12 pathologist has been excused by the individualized education program team
13 or the individual support plan team.

14 4. Write, develop or modify a patient's, client's or student's
15 treatment plan, individual support plan or individualized education
16 program in any way.

17 5. Provide intervention for patients, clients or students without
18 following the treatment plan, individual support plan or individualized
19 education program prepared by the supervising speech-language pathologist.

20 6. Sign any formal documents, including treatment plans, individual
21 support plans, individualized education programs, reimbursement forms or
22 reports.

23 7. Select patients, clients or students for services.

24 8. Discharge patients, clients or students from services.

25 9. Unless required by law, disclose clinical or confidential
26 information orally or in writing to anyone not designated by the
27 speech-language pathologist.

28 10. Make a referral for any additional service.

29 11. Communicate with the patient, client or student or with family
30 or others regarding any aspect of the patient, client or student status
31 without the specific consent of the supervising speech-language
32 pathologist.

33 12. Claim to be a speech-language pathologist.

34 13. Write a formal screening, diagnostic, progress or discharge
35 note.

36 14. Perform any task without the express knowledge and approval of
37 the supervising speech-language pathologist.

38 E. All services provided by a speech-language pathology assistant
39 shall be performed under the direction and supervision of a
40 speech-language pathologist **WHO IS** licensed pursuant to this chapter.

41 F. A licensed speech-language pathologist who supervises or directs
42 the services provided by a speech-language pathology assistant shall:

43 1. Have at least two years of full-time professional experience as
44 a licensed speech-language pathologist.

1 2. Provide direction and supervision to not more than two full-time
2 or three part-time speech-language pathology assistants at one time.

3 3. Ensure that the amount and type of supervision and direction
4 provided to a speech-language pathology assistant is consistent with the
5 individual's skills and experience, the needs of the patient, client or
6 student served, the setting in which services are provided and the tasks
7 assigned and provide:

8 (a) ~~A minimum of AT LEAST twenty per cent PERCENT~~ direct
9 supervision and ten ~~per cent~~ PERCENT indirect supervision of all ~~of~~ the
10 time that ~~a~~ THE speech-language pathology assistant is providing services
11 during the INDIVIDUAL'S first ninety days of ~~the person's~~ employment.

12 (b) ~~Subsequent to AFTER~~ the first ninety days of ~~a~~ THE
13 speech-language pathology assistant's employment, ~~a minimum of ten per~~
14 ~~cent direct supervision and ten per cent indirect supervision of all of~~
15 ~~the time a speech-language pathologist assistant is providing service~~ THE
16 SUPERVISING SPEECH-LANGUAGE PATHOLOGIST MAY ADJUST THE AMOUNT OF
17 SUPERVISION IF THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST DETERMINES THAT
18 THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT MEETS APPROPRIATE COMPETENCIES AND
19 SKILL LEVELS REGARDING VARIOUS DISORDERS OF COMMUNICATION AND RELATED
20 DISORDERS. MINIMUM ONGOING SUPERVISION AFTER THE FIRST NINETY DAYS SHALL
21 INCLUDE DOCUMENTATION OF DIRECT AND INDIRECT SUPERVISION PROVIDED BY THE
22 SUPERVISING SPEECH-LANGUAGE PATHOLOGIST AND SHALL INCLUDE AT LEAST ONE
23 HOUR OF DIRECT SUPERVISION WEEKLY AND AS MUCH INDIRECT SUPERVISION AS
24 NEEDED TO MAINTAIN THE DELIVERY OF QUALITY SERVICES. MINIMUM ONGOING
25 SUPERVISION AFTER THE FIRST NINETY DAYS SHALL INCLUDE DOCUMENTATION BY THE
26 SUPERVISING SPEECH-LANGUAGE PATHOLOGIST OF THE SUPERVISOR'S DIRECT CONTACT
27 WITH AT LEAST TEN PERCENT OF THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S
28 PATIENTS, CLIENTS OR STUDENTS SERVED EACH QUARTER. THE SUPERVISING SPEECH-LANGUAGE
29 PATHOLOGIST SHALL ENSURE THAT THE TEN PERCENT DIRECT
30 CLIENT CONTACT VARIES EACH QUARTER. THE SUPERVISING SPEECH-LANGUAGE
31 PATHOLOGIST SHALL REQUIRE DIRECT SUPERVISION OF A SPEECH-LANGUAGE
32 PATHOLOGY ASSISTANT WHEN SERVICES ARE PROVIDED TO A MEDICALLY FRAGILE
33 INDIVIDUAL.

34 (b) AT LEAST TEN PERCENT DIRECT SUPERVISION AND TEN PERCENT
35 INDIRECT SUPERVISION OF ALL THE TIME THAT THE SPEECH-LANGUAGE PATHOLOGY
36 ASSISTANT IS PROVIDING SERVICES DURING THE INDIVIDUAL'S FIRST THIRTY DAYS
37 OF EMPLOYMENT IF THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT COMPLETED
38 SUPERVISION PURSUANT TO SUBDIVISION (a) OF THIS PARAGRAPH AT A PREVIOUS
39 EMPLOYER AND PROVIDES DOCUMENTATION OF THAT SUPERVISION TO THE SUPERVISING
40 SPEECH-LANGUAGE PATHOLOGIST. AFTER THE FIRST THIRTY DAYS OF THE
41 SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S EMPLOYMENT, THE SUPERVISING
42 SPEECH-LANGUAGE PATHOLOGIST MAY ADJUST THE AMOUNT OF SUPERVISION IF THE
43 SUPERVISING SPEECH-LANGUAGE PATHOLOGIST DETERMINES THAT THE
44 SPEECH-LANGUAGE PATHOLOGY ASSISTANT MEETS APPROPRIATE COMPETENCIES AND
45 SKILL LEVELS REGARDING VARIOUS DISORDERS OF COMMUNICATION AND RELATED

1 DISORDERS. MINIMUM ONGOING SUPERVISION AFTER THE FIRST THIRTY DAYS OF
2 EMPLOYMENT SHALL INCLUDE DOCUMENTATION OF DIRECT AND INDIRECT SUPERVISION
3 PROVIDED BY THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST AND SHALL INCLUDE
4 AT LEAST ONE HOUR OF DIRECT SUPERVISION WEEKLY AND AS MUCH INDIRECT
5 SUPERVISION AS NEEDED TO MAINTAIN THE DELIVERY OF QUALITY SERVICES.
6 MINIMUM ONGOING SUPERVISION AFTER THE FIRST NINETY DAYS SHALL INCLUDE
7 DOCUMENTATION BY THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST OF THE
8 SUPERVISOR'S DIRECT CONTACT WITH AT LEAST TEN PERCENT OF THE
9 SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S PATIENTS, CLIENTS OR STUDENTS SERVED
10 EACH QUARTER. THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST SHALL ENSURE
11 THAT THE TEN PERCENT DIRECT CLIENT CONTACT VARIES EACH QUARTER. THE
12 SUPERVISING SPEECH-LANGUAGE PATHOLOGIST SHALL REQUIRE DIRECT SUPERVISION
13 OF A SPEECH-LANGUAGE PATHOLOGY ASSISTANT WHEN SERVICES ARE PROVIDED TO A
14 MEDICALLY FRAGILE INDIVIDUAL.

15 4. Inform a patient, client or student when the services of a
16 speech-language pathology assistant are being provided.

17 5. Document all periods of direct **SUPERVISION** and indirect
18 supervision provided to a speech-language pathology assistant.

19 G. If more than one speech-language pathologist provides
20 supervision to a speech-language pathology assistant, one of the
21 speech-language pathologists shall be designated as the primary supervisor
22 who is responsible for coordinating any supervision provided by other
23 speech-language pathologists.

APPROVED BY THE GOVERNOR APRIL 16, 2021.

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