

REFERENCE TITLE: **speech-language pathologists; assistants**

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

## **SB 1458**

Introduced by  
Senator Barto

### **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, 36-1940, 36-1940.02 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 TAPED SESSION AT A LATER TIME.

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

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

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

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

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

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

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

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

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

18. "Practice of audiology" means:

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

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

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

(d) Providing and interpreting behavioral and physiological 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 27. "Unprofessional conduct" means:

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

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

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

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

42 (e) Representing that the professional services or advice of a  
43 physician will be used or made available in ~~the~~ selling, fitting,  
44 ~~adjustment, maintenance~~ ADJUSTING, MAINTAINING or ~~repair of~~ REPAIRING  
45 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~~

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

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

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

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

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

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

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

B. The director may:

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

2. Issue and renew a license.

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

4. Appoint an ~~examining~~ ADVISORY committee to assist in ~~the conduct of the examination of~~ EXAMINING applicants for a hearing aid dispenser's license AND TO COLLABORATE WITH AND ASSIST THE DIRECTOR IN DISCIPLINARY MATTERS, IF REQUESTED, OR ANY OTHER DUTIES PRESCRIBED IN THIS CHAPTER.

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

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

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

C. The advisory committee appointed pursuant to subsection ~~A, paragraph 1~~ B OF THIS SECTION consists of THE FOLLOWING MEMBERS:

1. The director OR THE DIRECTOR'S DESIGNEE. ;

2. Two physicians WHO ARE licensed under title 32, chapter 13 or 17, one of whom is a specialist in otolaryngology. ;



1           3. Two licensed audiologists, one of whom dispenses hearing  
2 aids. ~~;~~

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

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

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

9           7. Two licensed hearing aid dispensers who are not licensed to  
10 practice audiology.

11           8. TWO LICENSED SPEECH-LANGUAGE PATHOLOGY ASSISTANTS.

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

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

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

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

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

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

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

35           ~~2. Prescribing disciplinary procedures.~~

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

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

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

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

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

3           36-1904. Issuance of license; renewal of license; continuing  
4                   education; military members

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

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

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

26           1. **FOR ALL LICENSEES, IN THE EVENT OF A PUBLIC HEALTH EMERGENCY**  
27 **DECLARATION.**

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

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

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

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

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

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

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

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

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

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

36-1906. Registering place of business with director

A. A person who holds a license shall notify the director in writing of the address of the place or places where the person engages in the practice of fitting and dispensing hearing aids, **THE PRACTICE OF**

1 audiology or THE PRACTICE OF speech-language pathology and OF any  
2 SUBSEQUENT change of address.

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

7 Sec. 5. Repeal

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

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

11 36-1922. Reciprocity

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

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

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

24 36-1925. Educational materials; bills of sale; notice  
25 requirements

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

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

31 36-1934. Denial, revocation or suspension of license;  
32 hearings; alternative sanctions

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 9. Section 36-1940, Arizona Revised Statutes, is amended to read:

36-1940. Audiology; licensure requirements; rules

A. A person who wishes to be licensed as an audiologist shall:

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

2. Submit evidence satisfactory to the director that the applicant has:

(a) OBTAINED a doctoral degree with an emphasis in audiology from ~~a nationally or regionally accredited college or university in an accredited program consistent with the standards of this state's universities~~ RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

(b) Completed supervised clinical rotations in audiology from a nationally or regionally accredited college or university in an accredited program consistent with the standards of this state's universities.

3. Pass an examination pursuant to section 36-1902, subsection G. ~~The applicant must have completed the examination within three years before the date of application for licensure pursuant to this article.~~

4. Be of good moral character.

5. Not have had a license revoked or suspended by a state within the past two years and not be presently ineligible for licensure in any state because of a prior revocation or suspension.

B. A person who has a doctoral degree in audiology and who wishes to be licensed as an audiologist to fit and dispense hearing aids shall:

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

1           2. Submit evidence satisfactory to the director that the applicant  
2 has:

3           (a) **OBTAINED** a doctoral degree with an emphasis in audiology from  
4 ~~a nationally or regionally accredited college or university in a program~~  
5 ~~consistent with the standards of this state's universities~~ **AN ACCREDITED**  
6 **PROGRAM RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.**

7           (b) Completed supervised clinical rotations in audiology from a  
8 nationally or regionally accredited college or a university in an  
9 accredited program that is consistent with the standards of this state's  
10 universities.

11           3. Pass an examination pursuant to section 36-1902, subsection G.  
12 ~~The applicant must have completed the examination within three years~~  
13 ~~before the date of application for licensure pursuant to this article.~~

14           ~~4. Pass an examination approved by the director in jurisprudence~~  
15 ~~and ethics related to this chapter within six months after initial~~  
16 ~~licensure. The director shall offer the examination at least four times~~  
17 ~~each calendar year.~~

18           ~~5.~~ 4. Be of good moral character.

19           ~~6.~~ 5. Not have had a license revoked or suspended by a state  
20 within the past two years and not be presently ineligible for licensure in  
21 any state because of a prior revocation or suspension.

22           C. A person who wishes to be licensed as an audiologist to fit and  
23 dispense hearing aids and who was awarded a master's degree in audiology  
24 before December 31, 2007 must:

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

27           2. Submit evidence satisfactory to the director that the applicant  
28 meets the requirements prescribed in section 36-1940.02, subsection C for  
29 a waiver of the educational and clinical rotation requirements of this  
30 article.

31           3. Pass an audiology examination pursuant to section 36-1902,  
32 subsection E. The applicant must have completed the examination within  
33 three years before the date of application for licensure pursuant to this  
34 article unless the applicant is currently practicing audiology and meets  
35 the audiology examination waiver requirements of section 36-1940.02,  
36 subsection D.

37           4. Pass the hearing aid dispenser's examination pursuant to section  
38 36-1924.

39           5. Be of good moral character.

40           6. Not have had a license to practice as an audiologist or hearing  
41 aid dispenser revoked or suspended by another state within the past two  
42 years and not currently be ineligible for licensure in any state because  
43 of a prior revocation or suspension.

44           D. The director shall adopt rules prescribing criteria for approved  
45 postgraduate professional experience.

Sec. 10. Section 36-1940.02, Arizona Revised Statutes, is amended to read:

36-1940.02. Waiver of licensure and examination requirements

A. The advisory committee appointed under section 36-1902 may recommend to the director a waiver of the educational requirements of sections 36-1940 and 36-1940.01 if an applicant submits proof satisfactory to the department that the applicant received professional education in another country equivalent to the education and practicum requirements of this article.

B. The department shall waive the EDUCATIONAL, CLINICAL PRACTICUM, POSTGRADUATE PROFESSIONAL EXPERIENCE AND examination requirements of section 36-1940.01 ~~under either of the following conditions~~ IF THE APPLICANT EITHER:

1. ~~The applicant~~ Presents proof satisfactory to the department that the applicant is currently licensed in a state, district or territory of this country that has standards that are at least equivalent to those of this state.

2. ~~The applicant~~ Holds a certificate of clinical competence in speech-language pathology from a nationally recognized speech-language hearing association approved by the department in the field for which the applicant is applying for licensure.

C. The department shall waive the ~~education~~ EDUCATIONAL and clinical rotation requirements of section 36-1940 if an applicant submits proof satisfactory to the director that the applicant ~~either~~ MEETS ONE OF THE FOLLOWING:

1. Is currently licensed in a state that has standards that are at least equivalent to those of this state.

2. Has a master's degree in audiology that was awarded by an accredited program before December 31, 2007 and has completed postgraduate professional experience in audiology as approved by the director.

3. HOLDS A CERTIFICATE OF CLINICAL COMPETENCE IN AUDIOLOGY FROM A NATIONALLY RECOGNIZED SPEECH-LANGUAGE HEARING ASSOCIATION APPROVED BY THE DEPARTMENT IN THE FIELD FOR WHICH THE APPLICANT IS APPLYING FOR LICENSURE.

D. The department shall waive the audiology examination requirements of section 36-1940 if ~~either~~ THE APPLICANT MEETS ONE OF THE FOLLOWING:

1. ~~The applicant~~ Presents proof satisfactory to the department that the applicant is currently licensed and practicing audiology in this state or in another state that has standards that are at least equivalent to those of this state.

2. ~~The applicant~~ Presents proof satisfactory to the department that the applicant is currently practicing audiology under the authority and supervision of an agency of the United States government or of another board, agency or department of another state and holds a certificate in audiology from a recognized credentialing body approved by the director.

3. HOLDS A CERTIFICATE OF CLINICAL COMPETENCE IN AUDIOLOGY FROM A  
NATIONALLY RECOGNIZED SPEECH-LANGUAGE HEARING ASSOCIATION APPROVED BY THE  
DEPARTMENT IN THE FIELD FOR WHICH THE APPLICANT IS APPLYING FOR LICENSURE.

E. The department shall waive the hearing aid dispensing  
examination requirements of section 36-1940 if:

1. the applicant presents proof satisfactory to the department that  
the applicant holds a current license that includes dispensing and that is  
issued by another state that has standards that are at least equivalent to  
those of this state.

~~2. The applicant passes 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.~~

Sec. 11. Section 36-1940.04, Arizona Revised Statutes, is amended  
to read:

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

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

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

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

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

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

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

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

3. Be of good moral character.

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

~~B. The director shall grant a waiver of the requirements for  
licensure as provided by subsection A of this section until September 1,  
2007 to individuals who have performed the functions of a speech-language  
pathology assistant if the individual:~~

~~1. Has completed a minimum of forty semester credit hours of  
speech-language pathology technical course work.~~



1           ~~2. Has satisfactorily completed a minimum of two years of~~  
2 ~~experience as a speech-language pathology assistant under the supervision~~  
3 ~~of a licensed master's level speech-language pathologist.~~

4           ~~3. Is of good moral character.~~

5           ~~4. Has not had a license revoked or suspended by a state within the~~  
6 ~~past two years and is not presently ineligible for licensure in any state~~  
7 ~~because of a prior revocation or suspension.~~

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

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

15           1. Conduct speech and language screenings without interpretation,  
16 using screening protocols specified by the supervising speech-language  
17 pathologist.

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

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

29           4. Assist the speech-language pathologist in ~~the~~ collecting and  
30 tallying ~~of~~ data for assessment purposes, without ~~interpretation of~~  
31 ~~INTERPRETING~~ the data.

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

33           6. Assist with informal documentation during an intervention  
34 session by collecting and tallying data as directed by the speech-language  
35 pathologist, preparing materials and assisting with other clerical duties  
36 as specified by the supervising speech-language pathologist.

37           7. Schedule activities and prepare charts, records, graphs or other  
38 displays of data.

39           8. Perform checks and maintenance of equipment.

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

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

- 1 D. A speech-language pathology assistant shall not:
- 2 1. Conduct swallowing screening, assessment and intervention
- 3 protocols, including modified barium swallow studies.
- 4 2. Administer standardized or nonstandardized diagnostic tests, ~~OR~~ OR
- 5 formal or informal evaluations or interpret test results.
- 6 3. Participate in parent conferences, case conferences or any
- 7 interdisciplinary team meeting without the presence of the supervising
- 8 speech-language pathologist, except for individualized education program
- 9 or individual support plan meetings if the licensed ~~speech~~ SPEECH-LANGUAGE
- 10 pathologist has been excused by the individualized education program team
- 11 or the individual support plan team.
- 12 4. Write, develop or modify a patient's, client's or student's
- 13 treatment plan, individual support plan or individualized education
- 14 program in any way.
- 15 5. Provide intervention for patients, clients or students without
- 16 following the treatment plan, individual support plan or individualized
- 17 education program prepared by the supervising speech-language pathologist.
- 18 6. Sign any formal documents, including treatment plans, individual
- 19 support plans, individualized education programs, reimbursement forms or
- 20 reports.
- 21 7. Select patients, clients or students for services.
- 22 8. Discharge patients, clients or students from services.
- 23 9. Unless required by law, disclose clinical or confidential
- 24 information orally or in writing to anyone not designated by the
- 25 speech-language pathologist.
- 26 10. Make a referral for any additional service.
- 27 11. Communicate with the patient, client or student or with family
- 28 or others regarding any aspect of the patient, client or student status
- 29 without the specific consent of the supervising speech-language
- 30 pathologist.
- 31 12. Claim to be a speech-language pathologist.
- 32 13. Write a formal screening, diagnostic, progress or discharge
- 33 note.
- 34 14. Perform any task without the express knowledge and approval of
- 35 the supervising speech-language pathologist.
- 36 E. All services provided by a speech-language pathology assistant
- 37 shall be performed under the direction and supervision of a
- 38 speech-language pathologist WHO IS licensed pursuant to this chapter.
- 39 F. A licensed speech-language pathologist who supervises or directs
- 40 the services provided by a speech-language pathology assistant shall:
- 41 1. Have at least two years of full-time professional experience as
- 42 a licensed speech-language pathologist.
- 43 2. Provide direction and supervision to not more than two full-time
- 44 or three part-time speech-language pathology assistants at one time.

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

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

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

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

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

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

15 5. Document all periods of direct SUPERVISION and indirect  
16 supervision provided to a speech-language pathology assistant.

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