

By Mr. Cimino of Milford, petition of the Massachusetts Speech-Language-Hearing Association, Inc., and Salvatore P. Cimino for legislation to establish a board of licensure for regulating the practice of speech-language pathology and audiology. Health Care.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty.

AN ACT ESTABLISHING A BOARD OF LICENSURE FOR REGULATING THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 13 of the General Laws is hereby  
2 amended by inserting after Section 84, under the caption BOARD  
3 OF LICENSURE FOR SPEECH-LANGUAGE PATHOLOGY  
4 AND AUDIOLOGY, the following sections: —

5 *Section 85.* There shall be a board of licensure for speech-  
6 language pathology and audiology, in this section and in sections  
7 eighty-six to eighty-seven called the board, consisting of five  
8 members appointed by the governor. Appointments shall be for a  
9 period of three years except for the initial appointments of which  
10 one shall be for one year, two shall be for two years and two shall be  
11 for three years. No member shall be appointed for more than two  
12 consecutive terms. In the event of a vacancy in the office of a  
13 member of the board other than by expiration of a term, the  
14 governor shall appoint a person to fill the vacancy for the  
15 unexpired term. The members of the board shall fulfill the  
16 requirements defined below.

17 One member shall be a public member who is a resident of the  
18 Commonwealth; two members shall be certified speech-language  
19 pathologists who have had not less than three years' experience  
20 practicing speech-language pathology in the Commonwealth

21 immediately preceding appointment; and two members shall be  
22 certified audiologists who have had not less than three years'  
23 experience practicing audiology in the Commonwealth im-  
24 mediately preceding appointment.

25 The governor shall make the appointments of the speech-  
26 language pathologists and audiologists from a list of names  
27 submitted by the Massachusetts Speech and Hearing Association.

28 The board shall elect annually by majority vote a chairperson  
29 and a secretary. Three members of the board shall constitute a  
30 quorum to do business, provided that at least one speech-language  
31 pathologist and one audiologist are present. The board shall meet  
32 at least quarterly or more often upon the call of the chairperson of  
33 the board.

34 Members shall receive no compensation for their services but  
35 shall be entitled to reasonable travel and other expenses provided  
36 that the expenses of the members of the board, the cost of  
37 personnel providing services to the board and all other expenses  
38 associated with the operation of the board are generated by  
39 licensure fees.

40 *Section 86.* The board shall establish the requirements for  
41 licensure, establish ethical standards, investigate complaints,  
42 evaluate the qualifications of applicants, supervise examinations  
43 and grant licenses to those who pass the examination and who are  
44 determined to be qualified as speech-language pathologists or  
45 audiologists.

46 *Section 87.* The board shall adopt such rules and regulations  
47 consistent with law as it may deem necessary in the performance of  
48 its duties.

1 SECTION 2. Chapter 112 of the General Laws is hereby  
2 amended by inserting after Section 134, under the caption  
3 LICENSING OF SPEECH-LANGUAGE PATHOLOGISTS  
4 AND AUDIOLOGISTS, the following sections: —

5 *Section 138.* As used in this section and sections one hundred  
6 and thirty-nine to one hundred and forty-seven, inclusive, the  
7 following words shall have the following meanings, unless the  
8 context clearly indicates a different meaning: —

9 “Board” means the board of licensure for speech-language  
10 pathology and audiology.

11 “Speech-language pathologist” means any person who is duly  
12 licensed as a speech-language pathologist in the Commonwealth  
13 and who engages in the practice of speech-language pathology.

14 “Speech-language pathology” means the application of prin-  
15 ciples, methods and procedures of measurement, prediction,  
16 evaluation, testing, counseling, consultation and remediation  
17 related to the development and disorders of voice, speech and  
18 language. Any representation to the public by title or by  
19 description of services, methods or procedures for the evaluation,  
20 examination, counseling or remediation of persons suffering or  
21 suspected of suffering from conditions or disorders affecting voice,  
22 speech and language shall be considered to be the practice of  
23 speech-language pathology.

24 “Audiologist” means any person who is duly licensed as an  
25 audiologist in the Commonwealth and who engages in the practice  
26 of audiology.

27 “Audiology” means the applications of principles, methods and  
28 procedures of measurement, prediction, evaluation, testing,  
29 counseling, consultation and remediation related to the develop-  
30 ment and disorders of speech, language and learning for the  
31 purposes of identifying, evaluating or modifying an individual’s  
32 hearing and the planning, direction or participation in identifica-  
33 tion and hearing conservation programs. Any representation to  
34 the public by title or by description of services, methods or  
35 procedures for the evaluation, examination, counseling or  
36 remediation of persons suffering or suspected of suffering from  
37 conditions or disorders affecting hearing shall be considered to be  
38 the practice of audiology. Remediation includes, but is not limited  
39 to, hearing aid evaluation, recommendation, fitting and dispensing  
40 and aural habilitation/rehabilitation.

41 *Section 139.* The board:

42 (1) Shall evaluate the qualifications of applicants, supervise  
43 examinations and grant licenses to those persons who pass the  
44 examination and who are determined to be qualified as speech-  
45 language pathologists or audiologists. Examinations shall be held



46 at such times and places as may be determined by the board and at  
47 least two examinations for each discipline shall be held in each  
48 calendar year. An applicant who fails the examination shall be  
49 allowed to take the examination two additional times. Fourth and  
50 subsequent examinations shall be at the discretion of the board.

51 (2) may require applicants for license renewal to be reexamined  
52 and/or to present evidence of the satisfactory completion of  
53 continuing education requirements as determined and published  
54 by the board.

55 (3) shall receive and investigate complaints relating to the  
56 practice of speech-language pathology and audiology and may  
57 report the same to the proper prosecuting officers where  
58 appropriate. The board may, after a hearing held pursuant to  
59 Chapter Thirty A, revoke, suspend or place on probation the  
60 license of or reprimand a speech-language pathologist or  
61 audiologist if such person:

62 (a) fraudulently procures a license;

63 (b) has violated any provision of the laws of the Commonwealth  
64 relating to the practice of speech-language pathology and  
65 audiology or any rule or regulation adopted thereunder;

66 (c) has committed professional misconduct in the practice of  
67 speech-language pathology or audiology;

68 (d) has practiced speech-language pathology or audiology while  
69 the ability to practice is impaired by alcohol or drugs;

70 (e) provided, however, that any person whose license is revoked  
71 may apply for relicensure after one year from the date of  
72 revocation and the board may in its discretion grant such  
73 relicensure upon such terms and conditions as the board may deem  
74 appropriate;

75 (4) shall prepare annually a list of the names and addresses of  
76 persons who are licensed to practice speech-language pathology or  
77 audiology in the Commonwealth.

78 *Section 140.* A person who desires to be licensed as a speech-  
79 language pathologist or audiologist shall apply to the board in  
80 writing on an application form prescribed and furnished by the  
81 board. At the time of filing the application, an applicant for  
82 licensure shall pay to the board a fee. The board from time to time  
83 shall determine the amount of the fee.

84 *Section 141.* The board may at its discretion and without  
85 examination license as a speech-language pathologist or  
86 audiologist any applicant who is duly licensed or registered under  
87 the laws of another state or territory in the United States, the  
88 District of Columbia or the Commonwealth of Puerto Rico, pro-  
89 vided that the applicant meets the requirements for licensure in the  
90 Commonwealth and upon payment of the appropriate fee. The  
91 board from time to time shall determine the amount of the fee.

92 *Section 142.* The board shall license as a speech-language  
93 pathologist or audiologist each applicant who meets the re-  
94 quirements set forth in Section 144. It shall issue to each person so  
95 licensed a certificate of licensure which shall be conclusive evidence  
96 of the right of such person to practice.

97 *Section 143.* Every licensed speech-language pathologist or  
98 audiologist shall apply to the board every two years on dates  
99 determined by the board for renewal of his license and shall pay a  
100 fee to the board. The board from time to time shall determine the  
101 amount of the fee.

102 *Section 144.* To be eligible for license by the board as a  
103 speech-language pathologist or audiologist, an applicant shall:

- 104 (1) be of good moral character;
- 105 (2) possess at a minimum (a) a bachelor's degree or its  
106 equivalent and (b) a master's degree or its equivalent in the area of  
107 speech-language pathology or audiology granted by an  
108 educational institution which incorporates academic course work  
109 and the minimum hours of supervised training required by the  
110 national certifying body for speech-language pathology and  
111 audiology;
- 112 (3) have completed the period of supervised professional  
113 practice in the area in which the license is being sought required by  
114 the national certifying body for speech-language pathology and  
115 audiology;
- 116 (4) pass an examination approved by the board except that such  
117 examination may be waived by the board for applicants who hold a  
118 current and valid certificate of clinical competence in speech-  
119 language pathology or audiology from the national certifying body  
120 for speech-language pathology and audiology.

121 *Section 145.* The provisions of sections 138 to 147, inclusive,  
122 shall not prohibit the activities and services of:

123 (1) a qualified person licensed in the Commonwealth under any  
124 other law from engaging in the profession or business for which he  
125 is licensed. This shall include activities and services by a physician  
126 licensed to practice medicine and surgery and by a person  
127 employed by and under the direct supervision of such a physician.

128 (2) a person engaged in the specialty of hearing aid fitting and  
129 sales, provided that no separate or additional fee for hearing  
130 testing or interpretation of such tests is received; and provided  
131 further, that the person fitting or selling such hearing aids does not  
132 present himself as an audiologist unless such a person is licensed as  
133 an audiologist in the Commonwealth. This clause does not  
134 preclude remuneration for any other service offered solely in  
135 conjunction with the fitting or maintaining of a hearing aid.

136 (3) a teacher of esophageal speech, a certified industrial  
137 audiometric technician or an audiometric screening technician  
138 provided that such person engages in no other practice of speech-  
139 language pathology or audiology.

140 (4) a person engaged in fulfilling the requirements set forth in  
141 sections 144(2) and 144(3).

142 *Section 146.* No person shall hold himself out as a speech-  
143 language pathologist or practice speech-language pathology in the  
144 Commonwealth unless he is licensed in accordance with the  
145 requirements of section 144. No person not so licensed may use in  
146 connection with his name or place of business the title speech-  
147 language pathologist or any other similar title or description.

148 No person shall hold himself out as an audiologist or practice  
149 audiology in the Commonwealth unless he is licensed in  
150 accordance with the requirements of section 144. No person not so  
151 licensed may use in connection with his name or place of business  
152 the title audiologist or any other similar title or description.

153 *Section 147.* Any person who violates any provision of sections  
154 139 to 146, inclusive, or who willfully makes a false oath or  
155 affirmation in any case in which an oath or affirmation is required  
156 under said sections, or who obtains or attempts to obtain  
157 registration by any willful fraudulent representation shall be



158 punished by a fine of not less than five hundred dollars nor more  
159 than one thousand dollars.

1 SECTION 3. The board shall waive the requirements set forth  
2 in sections 144(2)(b) and 144(3) of Section 2 of this Act for  
3 applicants who, on the effective date of this Act, are actively  
4 engaged in the practice of speech-language pathology in the  
5 Commonwealth upon proof of professional practice satisfactory  
6 to the board. The board shall also waive the requirement set forth  
7 in section 144(3) of Section 2 of this Act for applicants who, on the  
8 effective date of this Act, are actively engaged in the practice of  
9 audiology in the Commonwealth upon proof of professional  
10 practice satisfactory to the board.

11 The board shall waive the examination requirement set forth in  
12 section 144(4) of Section 2 of this Act for applicants who, on the  
13 effective date of this Act, are actively engaged in the practice of  
14 speech-language pathology or audiology in the Commonwealth.

1 SECTION 4. All persons who, on the effective date of this Act,  
2 are actively engaged in the practice of speech-language pathology  
3 or audiology in the Commonwealth shall apply for a license in  
4 speech-language pathology or audiology within one year after the  
5 effective date of this Act.

