

ENROLLED ACT NO. 44, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to speech pathology and audiology; modifying requirements for licensure; modifying provisions for suspension, revocation and renewal of licenses; expanding list of persons eligible to serve on the board of speech pathology and audiology; providing for a vice chairman of the board; specifying functions of the board; modifying fees; modifying applicability of licensing provisions; providing for and revising definitions; making conforming amendments; removing obsolete language; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 33-33-101, 33-33-102(a)(i), (iii) through (viii) and by creating new paragraphs (ix) and (x), 33-33-103(a) and (b), 33-33-104(a)(i) through (v) and by creating a new paragraph (viii), 33-33-105, 33-33-201(a) through (d), 33-33-202, 33-33-203(b), 33-33-303(c) and (d)(iii), 33-33-304, 33-33-305(a)(intro), (iii), (iv), by creating a new paragraph (v), (b) and by creating a new subsection (e), 33-33-306(b) and by creating a new subsection (d) and 33-33-307(a)(intro) are amended to read:

33-33-101. Short title.

This act is cited as the "~~License-Practice~~ Act for ~~Speech~~ Speech-Language Pathologists and Audiologists".

33-33-102. Definitions.

(a) As used in this act:

(i) "Board" means the state board of examiners of ~~speech~~ speech-language pathology and audiology;

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(iii) "~~Speech~~Speech-language pathologist" means an individual who ~~practices speech~~engages in the practice of speech-language pathology;

(iv) "~~Speech~~Speech-language pathology" means the application of principles, methods and procedures for the measurement, ~~testing~~test administration, evaluation, prediction, counseling, instruction, training, habilitation or rehabilitation related to ~~the delayed~~ development of and disorders of ~~speech, voice or language communication, literacy and swallowing including speech production and fluency, language, cognition, voice, resonance and all aspects of swallowing including related feeding behaviors~~ for the purpose of evaluating, preventing, ameliorating or modifying ~~such~~these disorders and conditions in individuals or groups of individuals;

(v) "Audiologist" means an individual who ~~practices~~engages in the practice of audiology;

(vi) "Audiology" means the application of principles, methods and procedures of measurement, ~~testing~~test administration, evaluation, prediction, consultation, counseling, instruction, habilitation or rehabilitation related to ~~hearing and disorders of hearing~~the auditory and vestibular system for the purpose of evaluating, identifying, preventing, ameliorating or modifying such disorders and conditions in individuals or groups of individuals; ~~For the purposes of this subsection the words "habilitation" and "rehabilitation" include, but are not limited to hearing aid evaluation and recommendation;~~

(vii) "~~Speech~~Speech-language pathology aide" means an individual who meets minimum qualifications established by ~~the~~ board rule for ~~speech~~speech-language pathology aides, ~~which qualifications shall be less than~~

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~~those established for license as a speech pathologist,~~ and who works under the direct supervision of a licensed ~~speech~~ speech-language pathologist. ~~;~~ A speech-language pathology aide may:

(A) Assist with clerical work, client escort, preparation of therapeutic materials and equipment maintenance;

(B) Provide bilingual interpretation and translation for screening and assessment activities exclusive of clinical interpretation; and

(C) Assist with other duties under the direct supervision of a licensed speech-language pathologist.

(viii) ~~"Audiology aide~~ "Audiometric technician" means an individual who meets minimum qualifications established by ~~the board~~ rule for ~~audiology aides, which qualifications shall be less than those established for license as an audiologist,~~ audiometric technicians and who works under the direct supervision of a licensed audiologist; ~~;~~

(ix) "Speech-language pathology assistant" means an individual who meets minimum qualifications established by board rule for speech-language pathology assistants and who works under the supervision of a licensed speech-language pathologist. A speech-language pathology assistant may:

(A) Assist with speech, language and hearing screenings without clinical interpretation;

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(B) Provide bilingual interpretation and translation for screening and assessment activities exclusive of clinical interpretation;

(C) Follow documented treatment plans or protocols developed by the speech-language pathologist;

(D) Document client performance; and

(E) Report information to the supervising speech-language pathologist.

(x) "Telepractice" means the practice of speech-language pathology or audiology by electronic or other means by a speech-language pathologist or audiologist in one (1) location to a patient in another location, with or without an intervening health care provider.

33-33-103. Persons and practices affected.

(a) License shall be granted either in ~~speech~~ speech-language pathology or audiology independently, or both.

(b) No person shall practice or represent himself as a ~~speech~~ speech-language pathologist or audiologist unless licensed pursuant to this act.

33-33-104. Persons and practices not affected.

(a) Nothing in this chapter prevents or restricts:

(i) A physician or surgeon from engaging in the practice of medicine in this state, or a person under the supervision and control of a physician ~~or surgeon~~ from

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conducting hearing testing, provided the person is not called an audiologist;

(ii) A hearing aid dealer or ~~certified hearing aid audiologist~~ hearing aid specialist from engaging in the practice of fitting, ~~and selling~~ dealing or dispensing of hearing aids including testing of hearing for the purpose of such fitting;

(iii) A person who holds a valid and current certificate as a speech or hearing specialist, issued by the ~~department of education~~ professional teaching standards board from performing ~~speech~~ speech-language pathology or audiology services solely in the public schools or in programs for the developmentally disabled funded by the department of health. However, the person may, without obtaining a license under this act, consult with or disseminate his research findings and other scientific information to ~~speech~~ speech-language pathologists and audiologists outside the jurisdiction of the organization by which he is employed;

(iv) The activities and services of a person pursuing a course of study leading to a degree in ~~speech~~ speech-language pathology at a college or university, if ~~such~~ these activities and services constitute a part of a supervised course of study and the person is designated ~~speech~~ speech-language pathology intern, ~~speech~~ speech-language pathology ~~trainee~~ student or other title appropriate to his level of training;

(v) The activities and services of a person pursuing a course of study leading to a degree in audiology at a college or university, if such activities and services constitute a part of a supervised course of study and the person is a designated audiology intern, audiology ~~trainee~~

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student or other title appropriate to his level of training; ~~or~~

(viii) The activities of any other person licensed or certified permitted within the scope of their profession.

33-33-105. Eligibility for licensing.

(a) To be eligible for licensing by the board as a ~~speech~~ speech-language pathologist or audiologist, a person shall:

(i) Possess at least a :

(A) Master's degree or its equivalent in the area of ~~speech~~ speech-language pathology ~~or audiology~~ from an educational institution recognized by the board; ~~Effective July 1, 2012, all new applicants for audiology licensing shall possess at least a~~ or

(B) Doctor of audiology degree or master's degree in audiology or equivalent granted before July 1, 2012 from an educational institution recognized by the board. ~~;~~

(ii) Submit to the board evidence of the completion of educational, clinical experience, examination and employment requirements prescribed by the rules and regulations adopted by the board; and

(iii) Pass an examination approved by the board. The board ~~shall determine the subject and scope of the examinations. Written examinations may be supplemented by such oral examinations as the board shall determine~~ may

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waive the examination requirement under this paragraph as provided in W.S. 33-33-303 or rules of the board.

ARTICLE 2
BOARD OF EXAMINERS OF SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY

33-33-201. Establishment.

(a) There is established the board of examiners of ~~speech~~speech-language pathology and audiology.

(b) The board shall be comprised of five (5) members appointed by the governor. Board members shall have been residents of this state for at least one (1) year immediately preceding their appointment, and shall have been engaged in rendering services to the public, teaching or research in ~~speech~~speech-language pathology or audiology for at least five (5) years immediately preceding their appointment. At least one (1) board member shall be an audiologist, one (1) shall be a consumer, at least two (2) shall be ~~speech~~speech-language pathologists, and the fifth member shall be a ~~licensed physician, surgeon or dentist~~health care professional licensed pursuant to title 33 of the Wyoming statutes. All board members except the consumer and ~~physician, surgeon or dentist~~licensed health care professional shall at all times be holders of active and valid licenses ~~for the practice of speech pathology or audiology~~and be in good standing as a speech-language pathologist or audiologist in this state. The governor may remove any board member as provided in W.S. 9-1-202.

(c) ~~The governor shall, within ninety (90) days following enactment of this act, appoint two (2) board members for a term of one (1) year; two (2) for a term of two (2) years; and one (1) for a term of three (3) years.~~

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Appointments ~~made thereafter~~ shall be for three (3) year terms, with no person being eligible to serve more than two (2) full consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year. ~~, except for the first appointed members, who shall serve through the last calendar day of the year in which they are appointed before commencing the terms prescribed by this subsection.~~

(d) The board shall meet during each calendar year to select a chairman and vice chairman and for other business. At least one (1) additional meeting shall be held before the end of each calendar year. Further meetings may be convened at the call of the chairman or the written request of any three (3) board members.

33-33-202. Functions of the board.

(a) The board ~~shall administer, coordinate and enforce the provisions of this act, evaluate the qualifications and supervise the examinations of applicants for license under this act. It may issue subpoenas, examine witnesses, administer oaths, and shall investigate allegations of practices violating the provisions of this act~~ may administer oaths, take affidavits, summon witnesses and take testimony as to matters coming within the scope of its duties.

(b) The board shall adopt rules and regulations ~~relating to professional conduct, which establish ethical and professional standards of practice, and for other purposes. The board may amend or repeal the same in accordance with the Wyoming Administrative Procedure Act~~ to implement and enforce the provisions of this act.

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(c) The board shall utilize an adopted seal to affix to all licenses issued in accordance with this act and to authenticate its proceedings.

33-33-203. Administrative provisions.

(b) ~~The board may adopt a seal by which it shall authenticate its proceedings.~~ Copies of the proceedings, records and acts of the board, and certificates purporting to relate the facts concerning such proceedings, records and acts, signed by the chairman or the executive secretary and authenticated by the board's seal, shall be prima facie evidence in all courts of this state.

ARTICLE 3

LICENSE OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

33-33-303. Waiver of examination or parts thereof.

(c) The board may waive the examination and grant a license to any person certified as clinically competent by a nationally recognized association for speech ~~speech~~ speech-language and hearing in the area for which such person is applying for license.

(d) The board may issue a provisional license to practice for twelve (12) months and renewal for one (1) additional period of twelve (12) months, to an applicant who has obtained clinical fellowship year status, subject to the following:

(iii) The applicant is seeking or has accepted employment in Wyoming as a ~~speech~~ speech-language pathologist or audiologist; and

33-33-304. Issuance of license.

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The board shall issue a license to any person who meets the requirements of this act and who pays to the board the ~~initial~~ application ~~and licensing~~ fee ~~prescribed in~~ authorized by W.S. 33-33-307.

33-33-305. Suspension and revocation of license.

(a) The board may after an opportunity for hearing, deny, refuse to ~~issue or renew,~~ a license, or may suspend or revoke a license ~~where the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Such unprofessional conduct may result from~~ or impose probationary conditions upon a licensee for any one (1) of the following:

(iii) ~~Being convicted of a felony in any court of the United States~~ A plea or verdict of guilty, or a conviction following a plea of nolo contendere, made to a criminal charge, if the acts ~~for which he is convicted committed~~ are found by the board to have a direct bearing on whether he should be entrusted to serve the public in that particular capacity; ~~or~~

(iv) Violating any provisions of this act; ~~or~~ or

(v) Knowingly submitting false or misleading information to the board.

(b) ~~The board may, after hearing, deny an application, or suspend, or revoke a license, or impose probationary conditions upon a licensee.~~ One (1) year from the date of revocation of a license, an application may be made to the board for reinstatement. The board may accept

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or reject an application for reinstatement and may require an examination for such reinstatement.

(e) In addition to any other remedies, the board may assess part or all of the costs of the proceeding against a disciplined licensee.

33-33-306. Renewal of license.

(b) Every person licensed under this act shall annually, on or before December 31, pay a license renewal fee to the board. ~~The board may, in the event payment of the renewal fee is rendered after December 31 of any given year, renew a license upon payment of the renewal of license fee plus a late renewal fee prescribed by the board. No person who requests renewal of an expired license shall be required to submit to examination as a condition to renewal if renewal application is made within two (2) years from the date of such expiration. Renewal applications shall include proof that the applicant has complied with any continuing education requirements, as prescribed by rule and regulation of the board, accruing during the time the license was expired.~~

(d) Licensees who have allowed their licenses to lapse by failing to renew in accordance with this section may apply for relicensure pursuant to board rules and regulations. Upon satisfying the requirements for relicensure, the board shall issue a renewal of license to practice speech language pathology or audiology

33-33-307. Fees.

(a) The board ~~shall~~ may prescribe, ~~and publish in a manner it deems appropriate,~~ application fees and fees for examination, licensing, certification, specialty

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examination designation, renewal and other services in amounts determined by the board. ~~for the following purposes:~~

Section 2. W.S. 33-33-103(c), 33-33-104(a)(vi), 33-33-203(c), 33-33-301, 33-33-302, 33-33-305(c) and 33-33-307(a)(i) through (v) and (b) are repealed.

Section 3. This act is effective July 1, 2017.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk