

**SENATE BILL NO. 2115**  
**with House Amendments**  
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Introduced by

Human Services Committee

(At the request of the Board of Examiners on Audiology and Speech-Language Pathology)

1 A BILL for an Act to amend and reenact subsection 7 of section 43-37-02, sections 43-37-03,  
2 43-37-04, 43-37-05, 43-37-06, 43-37-08, and 43-37-09, and subsection 1 of section 43-37-13 of  
3 the North Dakota Century Code, relating to the practice, licensing, and disciplining of  
4 audiologists and speech-language pathologists and the composition, powers, and  
5 compensation of the board of examiners on audiology and speech-language pathology.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subsection 7 of section 43-37-02 of the North Dakota Century  
8 Code is amended and reenacted as follows:

9 7. "Speech-language pathology" means the application of principles, methods, and  
10 procedures for measurement, testing, evaluation, identification, prediction, counseling,  
11 or instruction related to the development and disorders of speech and language,  
12 including voice, rhythm, and articulation cognitive-communication, swallowing, and  
13 augmentative alternative communication for the purpose of identifying, evaluating,  
14 preventing, managing, habilitating or rehabilitating, ameliorating, or modifying such  
15 disorders and conditions in individuals or groups of individuals.

16 **SECTION 2. AMENDMENT.** Section 43-37-03 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **43-37-03. License required - Exceptions.**

19 A person may not practice or represent that the person is an audiologist or  
20 speech-language pathologist in this state unless licensed annually in accordance with this  
21 chapter. However, this chapter does not prevent or restrict:

22 1. A physician or surgeon from engaging in the practice of medicine in this state.

2. A hearing aid specialist from engaging in testing of hearing and other practices and procedures used solely for the fitting and selling of hearing aids in this state as provided in chapter 43-33.
3. Any person licensed in this state by any other law from engaging in the profession or occupation for which licensed.
4. A person who holds a valid credential as a speech-language pathologist or teacher of the hearing-impaired, issued by the department of public instruction, or a person employed as an audiologist or speech-language pathologist by the government of the United States, if such person performs speech-language pathology or audiology services solely within the confines or under the jurisdiction of the governmental or state educational organization by which employed. However, such person may, without obtaining a license under this chapter, consult with or disseminate that person's research findings and other scientific information to speech-language pathologists or audiologists outside the jurisdiction of the organization by which that person is employed.
5. The activities and services of a person pursuing a course of study leading to a degree in speech-language pathology or audiology at a college or university if such activities and services constitute a part of a supervised course of study and such person is designated audiology or speech-language pathology intern, audiology or speech-language pathology trainee, or by any other such titles clearly indicating the training status appropriate to the level of training.
6. The activities and services of persons fulfilling the requirements of subsection 3 of section 43-37-04.
7. The performance of audiology or speech-language pathology services in this state by any person not a resident of this state who is not licensed under this chapter if such services are performed for no more than five days in any calendar year and in cooperation with an audiologist or speech-language pathologist licensed under this chapter.
8. Any person holding a valid credential as a teacher of the hearing-impaired issued by the council on education of the deaf from engaging in the practice of habilitation and rehabilitation of hearing-impaired persons.

- 1       9.   ~~No speech pathologist or audiologist licensed pursuant to this chapter may receive-~~  
2       ~~any remuneration of any kind from the sale of any type of hearing aid unless the-~~  
3       ~~speech pathologist or audiologist is licensed as provided in chapter 43-33.~~  
4       ~~10.~~   Any person possessing a valid certificate as a certified audiometric technician  
5       recognized by the state board as meeting council for accreditation in occupational  
6       hearing conservation standards appendix II or its equivalent from providing  
7       audiometric testing if such service is performed in cooperation with either an  
8       audiologist licensed under this chapter or a licensed physician.  
9       ~~11.~~ 10.   Any person providing hearing screening services as part of a public service project  
10      solely intended for the purposes of identification of hearing impairment if such services  
11      are performed in cooperation with an audiologist licensed under this chapter who is  
12      directly responsible for:  
13      a.   The training of said person;  
14      b.   The administration of hearing screening procedures;  
15      c.   The interpretation of testing results; and  
16      d.   Assuring appropriate referral and followup of the identified population.

17       **SECTION 3. AMENDMENT.** Section 43-37-04 of the North Dakota Century Code is  
18   amended and reenacted as follows:

19       **43-37-04. Eligibility for licensure.**

20       To be eligible for licensure by the board as an audiologist or speech-language pathologist, a-  
21   ~~person~~ an applicant shall meet all the following requirements:

- 22      1.   Be of good moral character.  
23      2.   Possess ~~at least a master's~~ an appropriate degree ~~or its equivalent in the area of-~~  
24      ~~speech-language pathology or audiology~~ from an educational institution recognized by  
25      the board.  
26      a.   An applicant for a speech-language pathologist license shall possess at least a  
27      master's degree in speech-language pathology.  
28      b.   An applicant for an audiologist license shall possess at least a master's or a  
29      doctorate degree in audiology.  
30      3.   Submit evidence showing qualifications prescribed by rules of the board.

- 1       4.    Pass an examination approved by the board and ~~pay the prescribed fee~~within one  
2       year of application. The board may waive the examination requirement if the applicant  
3       presents proof of licensure in another state which has professional standards  
4       equivalent to those required by the board.

- 5       5.   Pay the prescribed fee.

6       **SECTION 4. AMENDMENT.** Section 43-37-05 of the North Dakota Century Code is  
7   amended and reenacted as follows:

8       **43-37-05. Board of examiners on audiology and speech-language pathology.**

- 9       1.    The board of examiners on audiology and speech-language pathology is hereby  
10      established.
- 11      2.    The board must be composed of ~~seven~~eight members appointed by the governor.  
12      Appointees must be residents of this state for at least one year immediately preceding  
13      their appointment and, except for the consumer member, must be engaged in  
14      rendering services to the public, in teaching, or in research in audiology or  
15      speech-language pathology for at least three years preceding their appointment. Two  
16      board members must be audiologists, ~~two~~three must be speech-language  
17      pathologists, one must be an otolaryngologist, one must be a hearing aid specialist,  
18      and one must be a consumer.
- 19      3.    Each board member shall hold office for three years and until a successor is appointed  
20      and qualified. The terms must be arranged so that no more than ~~three~~four terms  
21      expire on July first of each year. The governor shall fill vacancies for an unexpired  
22      term. No person may serve more than two successive terms.
- 23      4.    The board shall meet at least twice each calendar year. Special meetings may be  
24      convened at the call of the chairman or at the written request of any three board  
25      members.
- 26      5.    ~~Four~~Five members of the board constitute a quorum. When an application for  
27      licensure is received, one member of the quorum must be engaged in the profession  
28      for which a license is sought.

29      **SECTION 5. AMENDMENT.** Section 43-37-06 of the North Dakota Century Code is  
30   amended and reenacted as follows:

1       **43-37-06. Powers and duties of the board.**

2       The board, ~~pursuant to chapter 28-32,~~ may employ persons to assist the board in carrying  
3 out its duties under this chapter and adopt rules for:

- 4       1.    Licensing.
- 5       2.    Licensing fees not to exceed one hundred dollars per year.
- 6       3.    Ethical standards of conduct.
- 7       4.    Continuing competency and education.
- 8       5.    ~~Grievances.~~
- 9       6.    License suspension or revocation.
- 10      7.    ~~Employee duties and conduct.~~
- 11      8.    ~~Recordkeeping and fiscal control.~~
- 12      9. ~~6.~~   Carrying out the purposes of this chapter.

13       **SECTION 6. AMENDMENT.** Section 43-37-08 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15       **43-37-08. Compensation of board members.**

16       Board members shall receive ~~no salary for their services, but~~ compensation per day in the  
17 amount provided for members of the legislative management under section 54-35-10 and shall  
18 receive be reimbursed for mileage and travel expenses ~~for attendance at board~~  
19 ~~meetings necessarily incurred in the conduct of board business~~ at the same rate as state  
20 employees.

21       **SECTION 7. AMENDMENT.** Section 43-37-09 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23       **43-37-09. License examination.**

- 24       1.    A separate examination must be required for licensure in speech-language pathology  
25            or audiology. Any person may be licensed in both areas if that person meets the  
26            respective qualifications of each area.
- 27       2.    The speech-language pathology examination and the audiology examination are the  
28            ~~national examinations as established~~ offered by the American speech-language-  
29            ~~hearing association organizations approved by the board.~~ The board shall maintain  
30            proof that all licensees have passed the required examination. The examination is not  
31            required for renewal of licenses except as required by board rules.

- 1       3.   ~~The board may issue a temporary license to practice activities regulated by this-~~  
2           ~~chapter to any person who furnishes satisfactory evidence of qualifications to the-~~  
3           ~~board. A temporary license may be issued for no longer than one year.~~

4       **SECTION 8. AMENDMENT.** Subsection 1 of section 43-37-13 of the North Dakota Century  
5 Code is amended and reenacted as follows:

- 6       1.   The board may refuse to issue or renew a license, or may suspend ~~or~~, revoke, or take  
7           other disciplinary action against a license if the licensee or applicant for license has  
8           engaged in unprofessional conduct. Such unprofessional conduct may include:
- 9           a.   Obtaining a license by means of fraud, misrepresentation, or concealment of  
10           material facts;~~;~~
  - 11           b.   Engaging in unprofessional conduct, as defined by the rules established by the  
12           board, or violating the code of ethics adopted and published by the board;~~;~~
  - 13           c.   Conviction of an offense if the acts for which that person is convicted are  
14           determined by the board to have a direct bearing on such applicant's or  
15           licensee's ability to serve the public in the capacity of a speech-language  
16           pathologist or audiologist; or the board determines that such applicant or  
17           licensee, following conviction of any other offense, is not sufficiently rehabilitated  
18           under section 12.1-33-02.1;~~;~~
  - 19           d.   Violation of any order or rule adopted by the board;~~or~~
  - 20           e.   Violation of this chapter.
  - 21           f.   Receiving remuneration of any kind from the sale of any type of hearing aid,  
22           unless licensed under chapter 43-33.