CHAPTER 43-37
AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

43-37-01. Policy.
Repealed by S.L. 2017, ch. 300, § 12.

43-37-02. Definitions.
As used in this chapter, unless the context or subject matter otherwise requires:
1. "Audiologist" means an individual licensed by the board to practice audiology.
2. "Audiology" means the application of principles, methods, and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, or rehabilitation related to hearing and disorders of hearing including vestibular testing, for the purpose of evaluating, identifying, managing, preventing, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals.
3. "Board" means the state board of examiners on audiology and speech-language pathology.
4. "Habilitation" and "rehabilitation" include hearing aid evaluation and recommendation, auditory training, and speech reading.
5. "Licensee" means an audiologist, speech-language pathologist, or speech-language pathology assistant.
6. "Speech-language pathologist" means an individual licensed by the board to practice speech-language pathology.
7. "Speech-language pathology" means the application of principles, methods, and procedures for measurement, testing, evaluation, identification, prediction, counseling, or instruction related to the development and disorders of speech, language, voice, cognitive-communication, swallowing, and augmentative alternative communication for the purpose of identifying, evaluating, preventing, managing, habilitating or rehabilitating, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals.
8. "Speech-language pathology assistant" means an individual licensed by the board to assist in the practice of speech-language pathology.

43-37-03. License required - Exceptions.
1. A person may not practice audiology or speech-language pathology, assist in the practice of speech-language pathology, or represent the person is an audiologist, speech-language pathologist, or speech-language pathology assistant in this state unless licensed in accordance with this chapter.
2. A person may not hold out to the public by any title, abbreviation, or description of services incorporating the words audiologist, hearing clinician, hearing therapist, speech-language pathologist, speech-language pathologist assistant, or any similar title, abbreviation, or description of service unless licensed in accordance with this chapter.
3. This chapter does not prevent or restrict:
   a. A physician from engaging in the practice of medicine in this state.
   b. 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.
   c. Any person licensed in this state by any other law from engaging in the profession or occupation for which licensed.
   d. An individual who holds a valid certificate or credential as a speech-language pathologist, speech-language pathology paraprofessional, or teacher of the hearing impaired which is issued by the department of public instruction or the education standards and practices board, or an individual employed as an audiologist or speech-language pathologist by the government of the United

States, if that individual 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, without obtaining a license under this chapter, that individual may consult with or disseminate that individual's research findings and other scientific information to individuals practicing speech-language pathology or audiology outside the jurisdiction of the organization by which that individual is employed.

e. The activities and services of an individual pursuing a course of study leading to a degree in speech-language pathology, communication disorders, or audiology at a college or university if the activities and services constitute a part of a supervised course of study and that individual is designated an audiology, communication disorder, or speech-language pathology intern, an audiology, communication disorder, or speech-language pathology trainee, or by any other title clearly indicating the training status appropriate to the level of training.

f. The performance of audiology or speech-language pathology services in this state by an individual not a resident of this state who is not licensed under this chapter if the services are performed for no more than five days in any calendar year and in cooperation with an audiologist or speech-language pathologist.

g. An individual 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 individuals who are hearing impaired.

h. An individual possessing a valid certificate as a certified audiometric technician recognized by the board as meeting council for accreditation in occupational hearing conservation standards appendix II or its equivalent from providing audiometric testing if such service is performed in cooperation with either an audiologist or a licensed physician.

i. An individual providing hearing screening services as part of a public service project solely intended for the purposes of identification of hearing impairment if such services are performed in cooperation with an audiologist who is directly responsible for:
   (1) The training of this individual;
   (2) The administration of hearing screening procedures;
   (3) The interpretation of testing results; and
   (4) Assuring appropriate referral and followup of the identified population.

43-37-04. Eligibility for licensure.

To be eligible for licensure by the board as an audiologist, speech-language pathologist, or speech-language pathology assistant, an applicant shall meet all the following requirements:

1. Possess an appropriate degree from an educational institution recognized by the board.
   a. An applicant for a speech-language pathologist license must possess at least a master's degree in speech-language pathology.
   b. An applicant for an audiologist license must possess at least a doctorate degree in audiology.
   c. An applicant for a speech-language pathology assistant license must possess one hundred hours of supervised clinical experience or fieldwork and:
      (1) A certificate of completion for speech-language pathology paraprofessionals issued by the superintendent of public instruction prior to August 1, 2026;
      (2) A bachelor's degree in speech-language pathology or communication disorders; or
      (3) A two-year degree in speech-language pathology assistants program or a bachelor's degree in another field with coursework in the following areas:
         (a) Introduction to communication disorders;
         (b) Phonetics;
         (c) Speech sound disorders;
         (d) Language development;

(e) Language disorders; and
(f) Anatomy and physiology of speech and hearing mechanisms.

d. An applicant for a temporary license must show proof of active licensure within the past five years in the state or another jurisdiction. Limitations on temporary licensure length and qualifications to obtain full licensure must be prescribed by rules of the board.

2. Submit evidence showing qualifications prescribed by rules of the board.
3. Within one year of application an applicant for licensure as a speech-language pathologist, speech-language pathology assistant, or audiologist must pass any applicable examination prescribed by rules adopted by the board.
4. Pay the prescribed fee.

43-37-04.1. Licensing of out-of-state practitioners.

1. The board may adopt rules establishing licensure requirements for applicants who hold a current license in good standing to practice as an audiologist, speech-language pathologist, or speech-language pathology assistant in a state or jurisdiction other than this state and who are not the subject of a pending disciplinary action in any state or jurisdiction.
2. Notwithstanding section 43-37-04, as it relates to the licensure eligibility of an out-of-state audiologist, speech-language pathologist, or speech-language pathology assistant, the board's rules may allow for:
   a. Waiver of the examination requirement if the applicant meets the requirements established by the board.
   b. Consideration of education and experience in order to meet the education requirements.

43-37-04.2. Speech-language pathology assistant - Supervising speech-language pathologist.

A speech-language pathology assistant is licensed by the board to work under the supervision of a speech-language pathologist. A speech-language pathology assistant's scope of practice is limited to tasks the supervising speech-language pathologist delegates. The supervising speech-language pathologist shall assess the speech-language pathology assistant's training and skills in determining which tasks may be delegated. The supervising speech-language pathologist shall limit the delegated tasks to specific components of a speech and language program as set forth in treatment plans developed by the supervising speech-language pathologist.

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

1. The board of examiners on audiology and speech-language pathology is hereby established.
2. The board is composed of eight members appointed by the governor. Appointees must be residents of this state for at least one year immediately preceding appointment and, except for the consumer member, must be engaged in rendering services to the public, teaching, or research in audiology or speech-language pathology for at least three years preceding appointment. Two board members must be audiologists, four must be speech-language pathologists, one must be an otolaryngologist, and one must be a consumer.
3. Each board member shall hold office for three years and until a successor is appointed and qualified. The terms must be arranged so no more than four terms expire on July first of each year. The governor shall fill vacancies for an unexpired term. An individual may not serve more than two successive terms.
4. The board shall meet at least twice each calendar year. Special meetings may be convened at the call of the chairman or at the written request of any three board members.

5. Five members of the board constitute a quorum. When an application for licensure is received, one member of the quorum must be engaged in the profession for which a license is sought. In the case of an application for licensure as a speech-language pathology assistant, a speech-language pathologist must be a member of the quorum.

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

The board may hire employees to assist the board in carrying out the board's duties under this chapter and may adopt rules for:

1. Annual licensure.
2. Licensing fees not to exceed one hundred dollars per year.
3. Ethical standards of conduct.
4. Continuing competency and education.
5. License suspension or revocation.
6. Carrying out the purposes of this chapter.

43-37-07. Administrative provisions.

Repealed by S.L. 1983, ch. 489, § 11.

43-37-08. Compensation of board members.

Board members are entitled to receive compensation per day in the amount provided for members of the legislative management under section 54-35-10 and are entitled to be reimbursed for mileage and travel expenses necessarily incurred in the conduct of board business at the same rate as state employees.

43-37-09. License examination.

1. A separate examination is required for licensure in speech-language pathology or audiology. An individual may be licensed in both areas if that individual meets the respective qualifications of each area.
2. The speech-language pathology examination and the audiology examination are examinations offered by organizations approved by the board. The board shall maintain proof all licensees passed the required examination. The examination is not required for renewal of licenses, except as required by board rules.

43-37-10. Examination for license.

Repealed by S.L. 1983, ch. 489, § 11.

43-37-11. Waiver of examination or parts thereon.

Repealed by S.L. 1983, ch. 489, § 11.

43-37-12. Issuance of license.

Repealed by S.L. 1983, ch. 489, § 11.

43-37-13. Disciplinary actions.

1. The board may refuse to issue or renew a license, suspend or revoke a license, or take other disciplinary action against a licensee if the licensee or applicant for license engaged in unprofessional conduct. Unprofessional conduct includes:
   a. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.
   b. Engaging in unprofessional conduct, as defined by the rules adopted by the board, or violating the code of ethics adopted by the board by rule.
   c. Being convicted of an offense if the acts for which that individual is convicted are determined by the board to have a direct bearing on that applicant's or licensee's ability to serve the public in the capacity of a speech-language pathologist, speech-language pathology assistant, or audiologist; or the board determines that

applicant or licensee, following conviction of any other offense, is not sufficiently rehabilitated under section 12.1-33-02.1.

d. Violating an order or rule adopted by the board.

e. Violating this chapter.

f. Receiving remuneration of any kind from the sale of any type of hearing aid, unless licensed under chapter 43-33.

2. When conducting an investigation of an alleged violation of this chapter, the board may subpoena and examine records, including client or patient records, and may copy, photograph, or take samples of the records. The board may require a licensee to give statements under oath, submit to a physical or psychological examination, or both if the board reasonably believes an examination is in the best interests of the public. The client and patient records released to the board are not public records.

3. One year from the date of revocation of a license, the licensee may make application to the board for reinstatement. The board may accept or reject an application for reinstatement or may require an examination for reinstatement.

43-37-14. Renewal of license.

Repealed by S.L. 1983, ch. 489, § 11.

43-37-15. Fees.

Repealed by S.L. 1983, ch. 489, § 11.

43-37-16. Notice.

Repealed by S.L. 1983, ch. 489, § 11.

43-37-17. Continuing professional education.

Repealed by S.L. 1983, ch. 489, § 11.

43-37-18. Penalty.

Any person that violates this chapter is guilty of a class A misdemeanor.