

1 H.656

2 Representatives Evans of Essex, Cole of Burlington, Consejo of Sheldon,
3 Devereux of Mount Holly, Higley of Lowell, Hubert of Milton, Lewis of
4 Berlin, Martin of Wolcott, Mook of Bennington, Sweaney of Windsor, and
5 Townsend of South Burlington move that the report of the Committee on
6 Government Operations be amended as follows:

7 First: By striking out Secs. 25 (redesignating 26 V.S.A. chapter 61) through
8 39 (amending 26 V.S.A. § 3213) in their entirety and inserting in lieu thereof
9 “[Deleted.]”

10 Second: By striking out in its entirety Sec. 51 (effective dates) and
11 inserting in lieu thereof the following:

12 Sec. 51. 26 V.S.A. chapter 87 is amended to read:

13 CHAPTER 87. SPEECH-LANGUAGE PATHOLOGISTS AND
14 AUDIOLOGISTS

15 § 4451. DEFINITIONS

16 As used in this chapter:

17 * * *

18 (3) ~~“Board” means the Vermont standards board for professional~~
19 ~~educators unless the context clearly requires otherwise. [Repealed.]~~

20 (4) ~~“Department” means the department of education. [Repealed.]~~

1 (5) “Director” means the ~~director of the office of professional regulation~~
2 Director of the Office of Professional Regulation.

3 * * *

4 (8) “Office” means the Office of Professional Regulation.

5 (9) “Practice of audiology” includes:

6 * * *

7 (9)(10) ~~“The practice~~ Practice of speech-language pathology” includes:

8 * * *

9 (10)(11) “Private practice” means any work performed by a licensed
10 speech-language pathologist or audiologist that is not within the jurisdiction of
11 the board.

12 (11)(12) “Secretary” means the ~~secretary of state~~ Secretary of State.

13 (12)(13) “Speech-language pathologist” means a person licensed to
14 practice speech-language pathology under this chapter.

15 (13)(14) “Speech-language pathology” means the application of
16 principles, methods, and procedures related to the development and disorders
17 of human communication, which include any and all conditions that impede
18 the normal process of human communication.

19 (14) ~~“Within the jurisdiction of the board” means conduct or work~~
20 ~~performed by a licensed speech language pathologist or audiologist on behalf~~
21 ~~of a supervisory union or public school district in Vermont or an independent~~

1 ~~school approved for special education purposes, or conduct otherwise subject~~
2 ~~to discipline under the licensing rules of the board.~~

3 * * *

4 § 4454. CONSTRUCTION

5 (a) This chapter shall not be construed to limit or restrict in any way the
6 right of a practitioner of another occupation which is regulated by this ~~state~~
7 State from performing services within the scope of his or her professional
8 practice.

9 ~~(b) This chapter shall not be construed to limit the authority of the board to~~
10 ~~determine and evaluate the qualifications of, issue licenses to, or discipline~~
11 ~~licensees who are within the jurisdiction of the board.~~

12 § 4455. ADVISOR APPOINTEES

13 (a) ~~The secretary, in consultation with the commissioner of education,~~
14 Secretary shall appoint two individuals to serve as advisors in matters related
15 to audiology and speech-language pathology as set forth in 3 V.S.A. § 129b.
16 One advisor shall be a licensed speech-language pathologist, and one advisor
17 shall be an audiologist. Advisors who are speech-language pathologists or
18 audiologists shall have not less than three years' experience as audiologists or
19 speech-language pathologists immediately preceding appointment, and shall be
20 actively engaged in the practice of audiology or speech-language pathology in
21 Vermont during incumbency. ~~The advisors shall be appointed for staggered~~

1 ~~terms of three years, and shall serve at the pleasure of the secretary. One of the~~
2 ~~initial appointments may be for less than a three-year term.~~

3 (b) The ~~secretary~~ Director shall seek the advice of the individuals appointed
4 under this section in matters related to qualifications or alleged misconduct ~~not~~
5 ~~within the jurisdiction of the board.~~ The advisors shall be entitled to
6 compensation and necessary expenses as provided in 32 V.S.A. § 1010 for
7 meetings called by the ~~director~~ Director.

8 ~~(c) The secretary may seek the advice of other audiologists and speech-~~
9 ~~language pathologists licensed under this chapter.~~

10 § 4456. ~~COMMISSIONER OF EDUCATION;~~ DIRECTOR DUTIES

11 ~~(a) The commissioner of education~~ Director shall administer the
12 application and renewal process for all licensees under this chapter, and shall:

13 * * *

14 (5) receive applications for licensure, grant licensure under this chapter,
15 renew licenses, and deny, revoke, suspend, reinstate, or condition licenses as
16 directed by the administrative law officer; and

17 ~~(6) refer all complaints and disciplinary matters not within the~~
18 ~~jurisdiction of the board to the secretary of state;~~

19 ~~(7) with the advice of the advisor appointees, adopt rules necessary to~~
20 implement the provisions of this chapter;

1 ~~(8) prepare and maintain a registry of licensed speech language~~
2 ~~pathologists and audiologists; and~~

3 ~~(9) issue to each person licensed a certificate of licensure which shall be~~
4 ~~prima facie evidence of the right of the person to whom it is issued to practice~~
5 ~~as a licensed audiologist or speech language pathologist, subject to the~~
6 ~~conditions and limitations of this chapter.~~

7 ~~(b) The department may contract with the secretary for provision of~~
8 ~~adjudicative services of one or more administrative law officers and other~~
9 ~~investigative, legal, and administrative services related to licensure and~~
10 ~~discipline of speech language pathologists and audiologists.~~

11 § 4457. LICENSURE; APPLICATIONS; ELIGIBILITY

12 Applicants for licenses under this chapter shall submit an application to the
13 ~~department~~ Office on a form furnished by the ~~department~~ Office, along with
14 payment of the specified fee and evidence of the eligibility qualifications
15 established by the ~~board~~ Director which shall include, at a minimum:

16 * * *

17 (4) Passing an examination in audiology or speech-language pathology
18 approved by the ~~department~~ Director, which, in the case of the audiology
19 examination, shall include a section which is equivalent to the hearing aid
20 dispensers examination described in section 3295 of this title. Audiologists
21 who have passed an examination chosen by the ~~department~~ Director are not

1 required to take the hearing aid dispensers examination required by section
2 3295.

3 § 4458. RENEWALS; CONTINUING EDUCATION

4 (a) A license shall be renewed ~~at an interval determined by the board which~~
5 ~~shall be no fewer than every two years and no more than every seven years on~~ on
6 a schedule set by the Office upon payment of the renewal fee, provided the
7 person applying for renewal completes professional development activities in
8 accord with the processes approved by the ~~department or the board~~ Director,
9 during the interval. The ~~board~~ Director shall establish, by rule, guidelines and
10 criteria for the renewal or reinstatement of licenses issued under this chapter.

11 (b) ~~At the time interval required for renewal, the department shall forward a~~
12 ~~renewal form to each licensee. Upon receipt of the completed application and~~
13 ~~the renewal fee, the department shall issue a new license.~~

14 § 4459. FEES

15 (a) Each applicant and licensee shall ~~be subject to the following~~ pay the
16 fees:

17 ~~(1) Initial processing of application \$35.00 (2) Issuance of initial license~~
18 ~~\$35.00 per year for the term of the license (3) Renewal of license \$35.00 per~~
19 ~~year for the term of the renewal (4) Replacement of license \$10.00 (5)~~
20 Duplicate license \$3.00

1 ~~(b) Fees collected under this section shall be credited to special funds~~
2 ~~established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and~~
3 ~~shall be available to the department to offset the costs of providing those~~
4 ~~services set forth in 3 V.S.A. § 125.~~

5 § 4460. RECORDS AND EQUIPMENT

6 * * *

7 (c) The ~~secretary~~ Director shall adopt rules implementing the provisions of
8 this section.

9 § 4461. PRICES TO BE DISCLOSED

10 A licensee in private practice shall disclose in a clear and conspicuous
11 manner the range of prices charged for goods and services. The disclosure
12 schedule shall be posted in each licensee's office, and a written copy given to
13 each client prior to any sale. Disclosures shall be in the manner set forth by the
14 ~~department~~ Director, by rule.

15 § 4464. UNPROFESSIONAL CONDUCT

16 * * *

17 (b) Unprofessional conduct means the following conduct and the conduct
18 set forth in 3 V.S.A. § 129a:

19 * * *

20 (12) ~~Conviction of a crime related to the practice of audiology or~~
21 ~~speech-language pathology;~~ [Repealed.]

1 * * *

2 Sec. 52. TRANSITIONAL PROVISIONS; SPEECH LANGUAGE
3 PATHOLOGISTS AND AUDIOLOGISTS; SPEECH LANGUAGE
4 PATHOLOGIST ASSISTANTS

5 (a)(1) As of the September 1, 2014, all Speech Language Pathologists and
6 Audiologists currently licensed and in good standing with the Agency of
7 Education shall be deemed licensed by the Secretary of State's Office of
8 Professional Regulation. The Office of Professional Regulation shall re-issue
9 licenses at no charge after that date and shall establish a single expiration and
10 renewal date for all of these licensees.

11 (2) Speech Language Pathologists and Audiologists employed in
12 schools and holding an endorsement from the Agency of Education shall retain
13 that endorsement and shall renew it with the Agency as required by law, in
14 addition to licensure with the Office of Professional Regulation.

15 (b) On or before December 1, 2014, the Office of Professional Regulation
16 shall propose to the House and Senate Committees on Government Operations
17 language to license and regulate the profession of Speech Language Pathology
18 Assistant as recommended by its Sunrise Review of 2013, and shall include in
19 its proposal any further recommendations for the clear and efficient regulation
20 of Speech Language Pathologists and Audiologists.

1 Sec. 53. EFFECTIVE DATES

2 This act shall take effect on July 1, 2014 except:

3 (1) this section and Sec. 52 (transitional provisions; speech language
4 pathologists and audiologists; speech language pathologist assistants), which
5 shall take effect on passage; and

6 (2) Sec. 51 (amended 26 V.S.A. chapter 87), which shall take effect on
7 September 1, 2014.