

ESSB 5601 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED AS AMENDED 04/14/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** It is declared to be the policy of this
4 state that, in order to safeguard the public health, safety, and
5 welfare, to protect the public from incompetent, unscrupulous,
6 unauthorized persons and unprofessional conduct, and to ensure the
7 availability of the highest possible standards of speech-language
8 pathology services to the communicatively impaired people of this
9 state, it is necessary to provide regulatory authority over persons
10 offering speech-language pathology services as speech-language
11 pathology assistants.

12 **Sec. 2.** RCW 18.35.010 and 2005 c 45 s 1 are each amended to read
13 as follows:

14 ((~~As used in~~)) The definitions in this section apply throughout
15 this chapter((7)) unless the context clearly requires otherwise((+)).

16 (1) "Assistive listening device or system" means an amplification
17 system that is specifically designed to improve the signal to noise
18 ratio for the listener, reduce interference from noise in the
19 background, and enhance hearing levels at a distance by picking up
20 sound from as close to source as possible and sending it directly to
21 the ear of the listener, excluding hearing instruments as defined in
22 this chapter.

23 (2) "Licensed audiologist" means a person who is licensed by the
24 department to engage in the practice of audiology and meets the
25 qualifications in this chapter.

26 (3) "Audiology" means the application of principles, methods, and
27 procedures related to hearing and the disorders of hearing and to
28 related language and speech disorders, whether of organic or nonorganic
29 origin, peripheral or central, that impede the normal process of human

1 communication including, but not limited to, disorders of auditory
2 sensitivity, acuity, function, processing, or vestibular function, the
3 application of aural habilitation, rehabilitation, and appropriate
4 devices including fitting and dispensing of hearing instruments, and
5 cerumen management to treat such disorders.

6 (4) "Board" means the board of hearing and speech.

7 (5) "Department" means the department of health.

8 (6) "Establishment" means any permanent site housing a person
9 engaging in the practice of fitting and dispensing of hearing
10 instruments by a hearing instrument fitter/dispenser or audiologist;
11 where the client can have personal contact and counsel during the
12 firm's business hours; where business is conducted; and the address of
13 which is given to the state for the purpose of bonding.

14 (7) "Facility" means any permanent site housing a person engaging
15 in the practice of speech-language pathology and/or audiology,
16 excluding the sale, lease, or rental of hearing instruments.

17 (8) "Fitting and dispensing of hearing instruments" means the sale,
18 lease, or rental or attempted sale, lease, or rental of hearing
19 instruments together with the selection and modification of hearing
20 instruments and the administration of nondiagnostic tests as specified
21 by RCW 18.35.110 and the use of procedures essential to the performance
22 of these functions; and includes recommending specific hearing
23 instrument systems, specific hearing instruments, or specific hearing
24 instrument characteristics, the taking of impressions for ear molds for
25 these purposes, the use of nondiagnostic procedures and equipment to
26 verify the appropriateness of the hearing instrument fitting, and
27 hearing instrument orientation. The fitting and dispensing of hearing
28 instruments as defined by this chapter may be equally provided by a
29 licensed hearing instrument fitter/dispenser or licensed audiologist.

30 (9) "Good standing" means a licensed hearing instrument
31 fitter/dispenser, licensed audiologist, ~~((or))~~ licensed speech-language
32 pathologist, or certified speech-language pathology assistant whose
33 license or certification has not been subject to sanctions pursuant to
34 chapter 18.130 RCW or sanctions by other states, territories, or the
35 District of Columbia in the last two years.

36 (10) "Hearing instrument" means any wearable prosthetic instrument
37 or device designed for or represented as aiding, improving,

1 compensating for, or correcting defective human hearing and any parts,
2 attachments, or accessories of such an instrument or device, excluding
3 batteries and cords, ear molds, and assistive listening devices.

4 (11) "Hearing instrument fitter/dispenser" means a person who is
5 licensed to engage in the practice of fitting and dispensing of hearing
6 instruments and meets the qualifications of this chapter.

7 (12) "Interim permit holder" means a person who holds the permit
8 created under RCW 18.35.060 and who practices under the supervision of
9 a licensed hearing instrument fitter/dispenser, licensed speech-
10 language pathologist, or licensed audiologist.

11 (13) "Secretary" means the secretary of health.

12 (14) "Licensed speech-language pathologist" means a person who is
13 licensed by the department to engage in the practice of speech-
14 language pathology and meets the qualifications of this chapter.

15 (15) "Speech-language pathology" means the application of
16 principles, methods, and procedures related to the development and
17 disorders, whether of organic or nonorganic origin, that impede oral,
18 pharyngeal, or laryngeal sensorimotor competencies and the normal
19 process of human communication including, but not limited to, disorders
20 and related disorders of speech, articulation, fluency, voice, verbal
21 and written language, auditory comprehension, cognition/communication,
22 and the application of augmentative communication treatment and devices
23 for treatment of such disorders.

24 (16) "Speech-language pathology assistant" means a person who is
25 certified by the department to provide speech-language pathology
26 services under the direction and supervision of a licensed speech-
27 language pathologist or speech-language pathologist certified as an
28 educational staff associate by the superintendent of public
29 instruction, and meets all of the requirements of this chapter.

30 (17) "Direct supervision" means the supervising speech-language
31 pathologist is on-site and in view during the procedures or tasks. The
32 board shall develop rules outlining the procedures or tasks allowable
33 under direct supervision.

34 (18) "Indirect supervision" means the procedures or tasks are
35 performed under the speech-language pathologist's overall direction and
36 control, but the speech-language pathologist's presence is not required
37 during the performance of the procedures or tasks. The board shall

1 develop rules outlining the procedures or tasks allowable under
2 indirect supervision.

3 **Sec. 3.** RCW 18.35.040 and 2007 c 271 s 1 are each amended to read
4 as follows:

5 (1) An applicant for licensure as a hearing instrument
6 fitter/dispenser must have the following minimum qualifications and
7 shall pay a fee determined by the secretary as provided in RCW
8 43.70.250. An applicant shall be issued a license under the provisions
9 of this chapter if the applicant has not committed unprofessional
10 conduct as specified by chapter 18.130 RCW, and:

11 (a)(i) Satisfactorily completes the hearing instrument
12 fitter/dispenser examination required by this chapter; and

13 (ii) Satisfactorily completes a minimum of a two-year degree
14 program in hearing instrument fitter/dispenser instruction. The
15 program must be approved by the board; or

16 (b) Holds a current, unsuspended, unrevoked license from another
17 jurisdiction if the standards for licensing in such other jurisdiction
18 are substantially equivalent to those prevailing in this state as
19 provided in (a) of this subsection; or

20 (c)(i) Holds a current, unsuspended, unrevoked license from another
21 jurisdiction, has been actively practicing as a licensed hearing aid
22 fitter/dispenser in another jurisdiction for at least forty-eight of
23 the last sixty months, and submits proof of completion of advance
24 certification from either the international hearing society or the
25 national board for certification in hearing instrument sciences; and

26 (ii) Satisfactorily completes the hearing instrument
27 fitter/dispenser examination required by this chapter or a
28 substantially equivalent examination approved by the board.

29 The applicant must present proof of qualifications to the board in
30 the manner and on forms prescribed by the secretary and proof of
31 completion of a minimum of four clock hours of AIDS education and
32 training pursuant to rules adopted by the board.

33 (2)(a) An applicant for licensure as a speech-language pathologist
34 or audiologist must have the following minimum qualifications:

35 ((+a)) (i) Has not committed unprofessional conduct as specified
36 by the uniform disciplinary act;

1 ~~((b))~~ (ii) Has a master's degree or the equivalent, or a
2 doctorate degree or the equivalent, from a program at a board-approved
3 institution of higher learning, which includes completion of a
4 supervised clinical practicum experience as defined by rules adopted by
5 the board; and

6 ~~((e))~~ (iii) Has completed postgraduate professional work
7 experience approved by the board.

8 (b) All qualified applicants must satisfactorily complete the
9 speech-language pathology or audiology examinations required by this
10 chapter.

11 (c) The applicant must present proof of qualifications to the board
12 in the manner and on forms prescribed by the secretary and proof of
13 completion of a minimum of four clock hours of AIDS education and
14 training pursuant to rules adopted by the board.

15 (3) An applicant for certification as a speech-language pathology
16 assistant shall pay a fee determined by the secretary as provided in
17 RCW 43.70.250 and must have the following minimum qualifications:

18 (a) An associate of arts or sciences degree, or a certificate of
19 proficiency, from a speech-language pathology assistant program from an
20 institution of higher education that is approved by the board, as is
21 evidenced by the following:

22 (i) Transcripts showing forty-five quarter hours or thirty semester
23 hours of speech-language pathology coursework; and

24 (ii) Transcripts showing forty-five quarter hours or thirty
25 semester hours of general education credit; or

26 (b) A bachelor of arts or bachelor of sciences degree, as evidenced
27 by transcripts, from a speech, language, and hearing program from an
28 institution of higher education that is approved by the board.

29 **Sec. 4.** RCW 18.35.095 and 2002 c 310 s 9 are each amended to read
30 as follows:

31 (1) A hearing instrument fitter/dispenser licensed under this
32 chapter and not actively practicing may be placed on inactive status by
33 the department at the written request of the licensee. The board shall
34 define by rule the conditions for inactive status licensure. In
35 addition to the requirements of RCW 43.24.086, the licensing fee for a
36 licensee on inactive status shall be directly related to the costs of
37 administering an inactive license by the department. A hearing

1 instrument fitter/dispenser on inactive status may be voluntarily
2 placed on active status by notifying the department in writing, paying
3 the remainder of the licensing fee for the licensing year, and
4 complying with subsection (2) of this section.

5 (2) Hearing instrument fitter/dispenser inactive licensees applying
6 for active licensure shall comply with the following: A licensee who
7 has not fitted or dispensed hearing instruments for more than five
8 years from the expiration of the licensee's full fee license shall
9 retake the practical or the written, or both, hearing instrument
10 fitter/dispenser examinations required under this chapter and other
11 requirements as determined by the board. Persons who have inactive
12 status in this state but who are actively licensed and in good standing
13 in any other state shall not be required to take the hearing instrument
14 fitter/dispenser practical examination, but must submit an affidavit
15 attesting to their knowledge of the current Washington Administrative
16 Code rules and Revised Code of Washington statutes pertaining to the
17 fitting and dispensing of hearing instruments.

18 (3) A speech-language pathologist or audiologist licensed under
19 this chapter, or a speech-language pathology assistant certified under
20 this chapter, and not actively practicing either speech-language
21 pathology or audiology may be placed on inactive status by the
22 department at the written request of the license or certification
23 holder. The board shall define by rule the conditions for inactive
24 status licensure or certification. In addition to the requirements of
25 RCW 43.24.086, the fee for a license or certification on inactive
26 status shall be directly related to the cost of administering an
27 inactive license or certification by the department. A person on
28 inactive status may be voluntarily placed on active status by notifying
29 the department in writing, paying the remainder of the fee for the
30 year, and complying with subsection (4) of this section.

31 (4) Speech-language pathologist, speech-language pathology
32 assistant, or audiologist inactive license or certification holders
33 applying for active licensure or certification shall comply with
34 requirements set forth by the board, which may include completion of
35 continuing competency requirements and taking an examination.

36 **Sec. 5.** RCW 18.35.150 and 2002 c 310 s 15 are each amended to read
37 as follows:

1 (1) There is created hereby the board of hearing and speech to
2 govern the three separate professions: Hearing instrument
3 fitting/dispensing, audiology, and speech-language pathology. The
4 board shall consist of (~~ten~~) eleven members to be appointed by the
5 governor.

6 (2) Members of the board shall be residents of this state. Three
7 members shall represent the public and shall have an interest in the
8 rights of consumers of health services, and shall not be or have been
9 a member of, or married to a member of, another licensing board, a
10 licensee of a health occupation board, an employee of a health
11 facility, nor derive his or her primary livelihood from the provision
12 of health services at any level of responsibility. Two members shall
13 be hearing instrument fitter/dispensers who are licensed under this
14 chapter, have at least five years of experience in the practice of
15 hearing instrument fitting and dispensing, and must be actively engaged
16 in fitting and dispensing within two years of appointment. Two members
17 of the board shall be audiologists licensed under this chapter who have
18 at least five years of experience in the practice of audiology and must
19 be actively engaged in practice within two years of appointment. Two
20 members of the board shall be speech-language pathologists licensed
21 under this chapter who have at least five years of experience in the
22 practice of speech-language pathology and must be actively engaged in
23 practice within two years of appointment. One advisory nonvoting
24 member shall be a speech-language pathology assistant certified in
25 Washington. One advisory nonvoting member shall be a medical physician
26 licensed in the state of Washington.

27 (3) The term of office of a member is three years. Of the initial
28 appointments, one hearing instrument fitter/dispenser, one speech-
29 language pathologist, one audiologist, and one consumer shall be
30 appointed for a term of two years, and one hearing instrument
31 fitter/dispenser, one speech-language pathologist, one audiologist, and
32 two consumers shall be appointed for a term of three years.
33 Thereafter, all appointments shall be made for expired terms. No
34 member shall be appointed to serve more than two consecutive terms. A
35 member shall continue to serve until a successor has been appointed.
36 The governor shall either reappoint the member or appoint a successor
37 to assume the member's duties at the expiration of his or her

1 predecessor's term. A vacancy in the office of a member shall be
2 filled by appointment for the unexpired term.

3 (4) The chair shall rotate annually among the hearing instrument
4 fitter/dispensers, speech-language pathologists, audiologists, and
5 public members serving on the board. In the absence of the chair, the
6 board shall appoint an interim chair. In event of a tie vote, the
7 issue shall be brought to a second vote and the chair shall refrain
8 from voting.

9 (5) The board shall meet at least once each year, at a place, day
10 and hour determined by the board, unless otherwise directed by a
11 majority of board members. The board shall also meet at such other
12 times and places as are requested by the department or by three members
13 of the board. A quorum is a majority of the board. A hearing
14 instrument fitter/dispenser, speech-language pathologist, and
15 audiologist must be represented. Meetings of the board shall be open
16 and public, except the board may hold executive sessions to the extent
17 permitted by chapter 42.30 RCW.

18 (6) Members of the board shall be compensated in accordance with
19 RCW 43.03.240 and shall be reimbursed for their travel expenses in
20 accordance with RCW 43.03.050 and 43.03.060.

21 (7) The governor may remove a member of the board for cause at the
22 recommendation of a majority of the board.

23 **Sec. 6.** RCW 18.35.205 and 2002 c 310 s 22 are each amended to read
24 as follows:

25 The legislature finds that the public health, safety, and welfare
26 would best be protected by uniform regulation of hearing instrument
27 fitter/dispensers, speech-language pathologists, speech-language
28 pathology assistants, audiologists, and interim permit holders
29 throughout the state. Therefore, the provisions of this chapter
30 relating to the licensing or certification of hearing instrument
31 fitter/dispensers, speech-language pathologists, speech-language
32 pathology assistants, and audiologists and regulation of interim permit
33 holders and their respective establishments or facilities is exclusive.
34 No political subdivision of the state of Washington within whose
35 jurisdiction a hearing instrument fitter/dispenser, audiologist, or
36 speech-language pathologist establishment or facility is located may
37 require any registrations, bonds, licenses, certificates, or interim

1 permits of the establishment or facility or its employees or charge any
2 fee for the same or similar purposes: PROVIDED, HOWEVER, That nothing
3 herein shall limit or abridge the authority of any political
4 subdivision to levy and collect a general and nondiscriminatory license
5 fee levied on all businesses, or to levy a tax based upon the gross
6 business conducted by any firm within the political subdivision.

7 **Sec. 7.** RCW 18.35.260 and 2002 c 310 s 26 are each amended to read
8 as follows:

9 (1) A person who is not a licensed hearing instrument
10 fitter/dispenser may not represent himself or herself as being so
11 licensed and may not use in connection with his or her name the words
12 "licensed hearing instrument fitter/dispenser," "hearing instrument
13 specialist," or "hearing aid fitter/dispenser," or a variation,
14 synonym, word, sign, number, insignia, coinage, or whatever expresses,
15 employs, or implies these terms, names, or functions of a licensed
16 hearing instrument fitter/dispenser.

17 (2) A person who is not a licensed speech-language pathologist may
18 not represent himself or herself as being so licensed and may not use
19 in connection with his or her name the words including "licensed
20 speech-language pathologist" or a variation, synonym, word, sign,
21 number, insignia, coinage, or whatever expresses, employs, or implies
22 these terms, names, or functions as a licensed speech-language
23 pathologist.

24 (3) A person who is not a certified speech-language pathology
25 assistant may not represent himself or herself as being so certified
26 and may not use in connection with his or her name the words including
27 "certified speech-language pathology assistant" or a variation,
28 synonym, word, sign, number, insignia, coinage, or whatever expresses,
29 employs, or implies these terms, names, or functions as a certified
30 speech-language pathology assistant.

31 (4) A person who is not a licensed audiologist may not represent
32 himself or herself as being so licensed and may not use in connection
33 with his or her name the words "licensed audiologist" or a variation,
34 synonym, letter, word, sign, number, insignia, coinage, or whatever
35 expresses, employs, or implies these terms, names, or functions of a
36 licensed audiologist.

1 (~~(4)~~) (5) Nothing in this chapter prohibits a person credentialed
2 in this state under another act from engaging in the practice for which
3 he or she is credentialed.

4 **Sec. 8.** RCW 18.130.040 and 2009 c 2 s 16 (Initiative Measure No.
5 1029) are each amended to read as follows:

6 (1) This chapter applies only to the secretary and the boards and
7 commissions having jurisdiction in relation to the professions licensed
8 under the chapters specified in this section. This chapter does not
9 apply to any business or profession not licensed under the chapters
10 specified in this section.

11 (2)(a) The secretary has authority under this chapter in relation
12 to the following professions:

13 (i) Dispensing opticians licensed and designated apprentices under
14 chapter 18.34 RCW;

15 (ii) Naturopaths licensed under chapter 18.36A RCW;

16 (iii) Midwives licensed under chapter 18.50 RCW;

17 (iv) Ocularists licensed under chapter 18.55 RCW;

18 (v) Massage operators and businesses licensed under chapter 18.108
19 RCW;

20 (vi) Dental hygienists licensed under chapter 18.29 RCW;

21 (vii) Acupuncturists licensed under chapter 18.06 RCW;

22 (viii) Radiologic technologists certified and X-ray technicians
23 registered under chapter 18.84 RCW;

24 (ix) Respiratory care practitioners licensed under chapter 18.89
25 RCW;

26 (x) Persons registered under chapter 18.19 RCW;

27 (xi) Persons licensed as mental health counselors, marriage and
28 family therapists, and social workers under chapter 18.225 RCW;

29 (xii) Persons registered as nursing pool operators under chapter
30 18.52C RCW;

31 (xiii) Nursing assistants registered or certified under chapter
32 18.88A RCW;

33 (xiv) Health care assistants certified under chapter 18.135 RCW;

34 (xv) Dietitians and nutritionists certified under chapter 18.138
35 RCW;

36 (xvi) Chemical dependency professionals certified under chapter
37 18.205 RCW;

1 (xvii) Sex offender treatment providers and certified affiliate sex
2 offender treatment providers certified under chapter 18.155 RCW;
3 (xviii) Persons licensed and certified under chapter 18.73 RCW or
4 RCW 18.71.205;
5 (xix) Denturists licensed under chapter 18.30 RCW;
6 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
7 (xxi) Surgical technologists registered under chapter 18.215 RCW;
8 (xxii) Recreational therapists;
9 (xxiii) Animal massage practitioners certified under chapter 18.240
10 RCW;
11 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; (~~and~~)
12 (xxv) Home care aides certified under chapter 18.88B RCW; and
13 (xxvi) Speech-language pathology assistants certified under chapter
14 18.35 RCW.
15 (b) The boards and commissions having authority under this chapter
16 are as follows:
17 (i) The podiatric medical board as established in chapter 18.22
18 RCW;
19 (ii) The chiropractic quality assurance commission as established
20 in chapter 18.25 RCW;
21 (iii) The dental quality assurance commission as established in
22 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
23 licenses and registrations issued under chapter 18.260 RCW;
24 (iv) The board of hearing and speech as established in chapter
25 18.35 RCW;
26 (v) The board of examiners for nursing home administrators as
27 established in chapter 18.52 RCW;
28 (vi) The optometry board as established in chapter 18.54 RCW
29 governing licenses issued under chapter 18.53 RCW;
30 (vii) The board of osteopathic medicine and surgery as established
31 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
32 18.57A RCW;
33 (viii) The board of pharmacy as established in chapter 18.64 RCW
34 governing licenses issued under chapters 18.64 and 18.64A RCW;
35 (ix) The medical quality assurance commission as established in
36 chapter 18.71 RCW governing licenses and registrations issued under
37 chapters 18.71 and 18.71A RCW;

1 (x) The board of physical therapy as established in chapter 18.74
2 RCW;

3 (xi) The board of occupational therapy practice as established in
4 chapter 18.59 RCW;

5 (xii) The nursing care quality assurance commission as established
6 in chapter 18.79 RCW governing licenses and registrations issued under
7 that chapter;

8 (xiii) The examining board of psychology and its disciplinary
9 committee as established in chapter 18.83 RCW; and

10 (xiv) The veterinary board of governors as established in chapter
11 18.92 RCW.

12 (3) In addition to the authority to discipline license holders, the
13 disciplining authority has the authority to grant or deny licenses.
14 The disciplining authority may also grant a license subject to
15 conditions.

16 (4) All disciplining authorities shall adopt procedures to ensure
17 substantially consistent application of this chapter, the Uniform
18 Disciplinary Act, among the disciplining authorities listed in
19 subsection (2) of this section.

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.35 RCW
21 to read as follows:

22 Speech-language pathologists are responsible for patient care given
23 by assistive personnel under their supervision. A speech-language
24 pathologist may delegate to assistive personnel selected acts, tasks,
25 or procedures that fall within the scope of speech-language pathology
26 practice but do not exceed the education or training of the assistive
27 personnel.

28 NEW SECTION. **Sec. 10.** A new section is added to chapter 18.35 RCW
29 to read as follows:

30 A speech-language pathology assistant may only perform procedures
31 or tasks delegated by the speech-language pathologist and must follow
32 the individualized education program or treatment plan. Speech-
33 language pathology assistants may not perform procedures or tasks that
34 require diagnosis, evaluation, or clinical interpretation.

pathology assistants to a certification program for speech-language pathology assistants. Removes the definition of "hearing health care professional." Exempts certified speech-language pathology assistants from requirement that a health carrier cover every category of provider. Requires the Superintendent of Public Instruction to report to the Department of Health: (1) Complaints and disciplinary actions taken against certified educational staff associates providing speech-language pathology services in schools; and (2) complaints received against certified speech-language pathology assistants.

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