
ENGROSSED SUBSTITUTE SENATE BILL 5601

State of Washington

61st Legislature

2009 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senator Franklin)

READ FIRST TIME 02/19/09.

1 AN ACT Relating to speech-language pathology assistants; amending
2 RCW 18.35.010, 18.35.040, 18.35.095, 18.35.150, 18.35.205, and
3 18.35.260, and 18.130.040; adding new sections to chapter 18.35 RCW;
4 and creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

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

11 (3) "Audiology" means the application of principles, methods, and
12 procedures related to hearing and the disorders of hearing and to
13 related language and speech disorders, whether of organic or nonorganic
14 origin, peripheral or central, that impede the normal process of human
15 communication including, but not limited to, disorders of auditory
16 sensitivity, acuity, function, processing, or vestibular function, the
17 application of aural habilitation, rehabilitation, and appropriate
18 devices including fitting and dispensing of hearing instruments, and
19 cerumen management to treat such disorders.

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

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

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

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

31 (8) "Fitting and dispensing of hearing instruments" means the sale,
32 lease, or rental or attempted sale, lease, or rental of hearing
33 instruments together with the selection and modification of hearing
34 instruments and the administration of nondiagnostic tests as specified
35 by RCW 18.35.110 and the use of procedures essential to the performance
36 of these functions; and includes recommending specific hearing
37 instrument systems, specific hearing instruments, or specific hearing
38 instrument characteristics, the taking of impressions for ear molds for

1 these purposes, the use of nondiagnostic procedures and equipment to
2 verify the appropriateness of the hearing instrument fitting, and
3 hearing instrument orientation. The fitting and dispensing of hearing
4 instruments as defined by this chapter may be equally provided by a
5 licensed hearing instrument fitter/dispenser or licensed audiologist.

6 (9) "Good standing" means a licensed hearing instrument
7 fitter/dispenser, licensed audiologist, or licensed speech-language
8 pathologist or speech-language pathology assistant whose license has
9 not been subject to sanctions pursuant to chapter 18.130 RCW or
10 sanctions by other states, territories, or the District of Columbia in
11 the last two years.

12 (10) "Hearing health care professional" means an audiologist or
13 hearing instrument fitter/dispenser licensed under this chapter or a
14 physician specializing in diseases of the ear licensed under chapter
15 18.71 RCW.

16 (11) "Hearing instrument" means any wearable prosthetic instrument
17 or device designed for or represented as aiding, improving,
18 compensating for, or correcting defective human hearing and any parts,
19 attachments, or accessories of such an instrument or device, excluding
20 batteries and cords, ear molds, and assistive listening devices.

21 ((+11+)) (12) "Hearing instrument fitter/dispenser" means a person
22 who is licensed to engage in the practice of fitting and dispensing of
23 hearing instruments and meets the qualifications of this chapter.

24 ((+12+)) (13) "Interim permit holder" means a person who holds the
25 permit created under RCW 18.35.060 and who practices under the
26 supervision of a licensed hearing instrument fitter/dispenser, licensed
27 speech-language pathologist, or licensed audiologist.

28 ((+13+)) (14) "Secretary" means the secretary of health.

29 ((+14+)) (15) "Licensed speech-language pathologist" means a person
30 who is licensed by the department to engage in the practice of speech-
31 language pathology and meets the qualifications of this chapter.

32 ((+15+)) (16) "Speech-language pathology" means the application of
33 principles, methods, and procedures related to the development and
34 disorders, whether of organic or nonorganic origin, that impede oral,
35 pharyngeal, or laryngeal sensorimotor competencies and the normal
36 process of human communication including, but not limited to, disorders
37 and related disorders of speech, articulation, fluency, voice, verbal

1 and written language, auditory comprehension, cognition/communication,
2 and the application of augmentative communication treatment and devices
3 for treatment of such disorders.

4 (17) "Speech-language pathology assistant" means a person who is
5 licensed by the department to provide speech-language pathology
6 services under the direction and supervision of a licensed speech-
7 language pathologist or speech-language pathologist certified as an
8 educational staff associate by the superintendent of public
9 instruction, and meets all of the requirements of this chapter.

10 (18) "Direct supervision" means the supervising speech-language
11 pathologist is on-site and in view during the procedures or tasks. The
12 board shall develop rules outlining the procedures or tasks allowable
13 under direct supervision.

14 (19) "Indirect supervision" means the procedures or tasks are
15 performed under the speech-language pathologist's overall direction and
16 control, but the speech-language pathologist's presence is not required
17 during the performance of the procedures or tasks. The board shall
18 develop rules outlining the procedures or tasks allowable under
19 indirect supervision.

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

22 (1) An applicant for licensure as a hearing instrument
23 fitter/dispenser must have the following minimum qualifications and
24 shall pay a fee determined by the secretary as provided in RCW
25 43.70.250. An applicant shall be issued a license under the provisions
26 of this chapter if the applicant has not committed unprofessional
27 conduct as specified by chapter 18.130 RCW, and:

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

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

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

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

7 (ii) Satisfactorily completes the hearing instrument
8 fitter/dispenser examination required by this chapter or a
9 substantially equivalent examination approved by the board.

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

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

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

18 ((+b)) (ii) Has a master's degree or the equivalent, or a
19 doctorate degree or the equivalent, from a program at a board-approved
20 institution of higher learning, which includes completion of a
21 supervised clinical practicum experience as defined by rules adopted by
22 the board; and

23 ((+c)) (iii) Has completed postgraduate professional work
24 experience approved by the board.

25 (b) All qualified applicants must satisfactorily complete the
26 speech-language pathology or audiology examinations required by this
27 chapter.

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

32 (3) An applicant for licensure as a speech-language pathology
33 assistant shall pay a fee determined by the secretary as provided in
34 RCW 43.70.250 and must have the following minimum qualifications:

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

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

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

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

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

10 (1) A hearing instrument fitter/dispenser licensed under this
11 chapter and not actively practicing may be placed on inactive status by
12 the department at the written request of the licensee. The board shall
13 define by rule the conditions for inactive status licensure. In
14 addition to the requirements of RCW 43.24.086, the licensing fee for a
15 licensee on inactive status shall be directly related to the costs of
16 administering an inactive license by the department. A hearing
17 instrument fitter/dispenser on inactive status may be voluntarily
18 placed on active status by notifying the department in writing, paying
19 the remainder of the licensing fee for the licensing year, and
20 complying with subsection (2) of this section.

21 (2) Hearing instrument fitter/dispenser inactive licensees applying
22 for active licensure shall comply with the following: A licensee who
23 has not fitted or dispensed hearing instruments for more than five
24 years from the expiration of the licensee's full fee license shall
25 retake the practical or the written, or both, hearing instrument
26 fitter/dispenser examinations required under this chapter and other
27 requirements as determined by the board. Persons who have inactive
28 status in this state but who are actively licensed and in good standing
29 in any other state shall not be required to take the hearing instrument
30 fitter/dispenser practical examination, but must submit an affidavit
31 attesting to their knowledge of the current Washington Administrative
32 Code rules and Revised Code of Washington statutes pertaining to the
33 fitting and dispensing of hearing instruments.

34 (3) A speech-language pathologist, speech-language pathology
35 assistant, or audiologist licensed under this chapter and not actively
36 practicing either speech-language pathology or audiology may be placed
37 on inactive status by the department at the written request of the

1 license holder. The board shall define by rule the conditions for
2 inactive status licensure. In addition to the requirements of RCW
3 43.24.086, the fee for a license on inactive status shall be directly
4 related to the cost of administering an inactive license by the
5 department. A person on inactive status may be voluntarily placed on
6 active status by notifying the department in writing, paying the
7 remainder of the fee for the year, and complying with subsection (4) of
8 this section.

9 (4) Speech-language pathologist, speech-language pathology
10 assistant, or audiologist inactive license holders applying for active
11 licensure shall comply with requirements set forth by the board, which
12 may include completion of continuing competency requirements and taking
13 an examination.

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

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

21 (2) Members of the board shall be residents of this state. Three
22 members shall represent the public and shall have an interest in the
23 rights of consumers of health services, and shall not be or have been
24 a member of, or married to a member of, another licensing board, a
25 licensee of a health occupation board, an employee of a health
26 facility, nor derive his or her primary livelihood from the provision
27 of health services at any level of responsibility. Two members shall
28 be hearing instrument fitter/dispensers who are licensed under this
29 chapter, have at least five years of experience in the practice of
30 hearing instrument fitting and dispensing, and must be actively engaged
31 in fitting and dispensing within two years of appointment. Two members
32 of the board shall be audiologists licensed under this chapter who have
33 at least five years of experience in the practice of audiology and must
34 be actively engaged in practice within two years of appointment. Two
35 members of the board shall be speech-language pathologists licensed
36 under this chapter who have at least five years of experience in the
37 practice of speech-language pathology and must be actively engaged in

1 practice within two years of appointment. One advisory nonvoting
2 member shall be a speech-language pathology assistant licensed in
3 Washington. One advisory nonvoting member shall be a medical physician
4 licensed in the state of Washington.

5 (3) The term of office of a member is three years. Of the initial
6 appointments, one hearing instrument fitter/dispenser, one speech-
7 language pathologist, one audiologist, and one consumer shall be
8 appointed for a term of two years, and one hearing instrument
9 fitter/dispenser, one speech-language pathologist, one audiologist, and
10 two consumers shall be appointed for a term of three years.
11 Thereafter, all appointments shall be made for expired terms. No
12 member shall be appointed to serve more than two consecutive terms. A
13 member shall continue to serve until a successor has been appointed.
14 The governor shall either reappoint the member or appoint a successor
15 to assume the member's duties at the expiration of his or her
16 predecessor's term. A vacancy in the office of a member shall be
17 filled by appointment for the unexpired term.

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

24 (5) The board shall meet at least once each year, at a place, day
25 and hour determined by the board, unless otherwise directed by a
26 majority of board members. The board shall also meet at such other
27 times and places as are requested by the department or by three members
28 of the board. A quorum is a majority of the board. A hearing
29 instrument fitter/dispenser, speech-language pathologist, and
30 audiologist must be represented. Meetings of the board shall be open
31 and public, except the board may hold executive sessions to the extent
32 permitted by chapter 42.30 RCW.

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

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

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

3 The legislature finds that the public health, safety, and welfare
4 would best be protected by uniform regulation of hearing instrument
5 fitter/dispensers, speech-language pathologists, speech-language
6 pathology assistants, audiologists, and interim permit holders
7 throughout the state. Therefore, the provisions of this chapter
8 relating to the licensing of hearing instrument fitter/dispensers,
9 speech-language pathologists, speech-language pathology assistants, and
10 audiologists and regulation of interim permit holders and their
11 respective establishments or facilities is exclusive. No political
12 subdivision of the state of Washington within whose jurisdiction a
13 hearing instrument fitter/dispenser, audiologist, or speech-language
14 pathologist establishment or facility is located may require any
15 registrations, bonds, licenses, certificates, or interim permits of the
16 establishment or facility or its employees or charge any fee for the
17 same or similar purposes: PROVIDED, HOWEVER, That nothing herein shall
18 limit or abridge the authority of any political subdivision to levy and
19 collect a general and nondiscriminatory license fee levied on all
20 businesses, or to levy a tax based upon the gross business conducted by
21 any firm within the political subdivision.

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

24 (1) A person who is not a licensed hearing instrument
25 fitter/dispenser may not represent himself or herself as being so
26 licensed and may not use in connection with his or her name the words
27 "licensed hearing instrument fitter/dispenser," "hearing instrument
28 specialist," or "hearing aid fitter/dispenser," or a variation,
29 synonym, word, sign, number, insignia, coinage, or whatever expresses,
30 employs, or implies these terms, names, or functions of a licensed
31 hearing instrument fitter/dispenser.

32 (2) A person who is not a licensed speech-language pathologist may
33 not represent himself or herself as being so licensed and may not use
34 in connection with his or her name the words including "licensed
35 speech-language pathologist" or a variation, synonym, word, sign,
36 number, insignia, coinage, or whatever expresses, employs, or implies

1 these terms, names, or functions as a licensed speech-language
2 pathologist.

3 (3) A person who is not a licensed speech-language pathology
4 assistant may not represent himself or herself as being so licensed and
5 may not use in connection with his or her name the words including
6 "licensed speech-language pathology assistant" or a variation, synonym,
7 word, sign, number, insignia, coinage, or whatever expresses, employs,
8 or implies these terms, names, or functions as a licensed speech-
9 language pathology assistant.

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

16 ~~((4))~~ (5) Nothing in this chapter prohibits a person credentialed
17 in this state under another act from engaging in the practice for which
18 he or she is credentialed.

19 **Sec. 8.** RCW 18.130.040 and 2009 c 2 s 16 (Initiative Measure No.
20 1029) are each amended to read as follows:

21 (1) This chapter applies only to the secretary and the boards and
22 commissions having jurisdiction in relation to the professions licensed
23 under the chapters specified in this section. This chapter does not
24 apply to any business or profession not licensed under the chapters
25 specified in this section.

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

- 28 (i) Dispensing opticians licensed and designated apprentices under
29 chapter 18.34 RCW;
- 30 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 31 (iii) Midwives licensed under chapter 18.50 RCW;
- 32 (iv) Ocularists licensed under chapter 18.55 RCW;
- 33 (v) Massage operators and businesses licensed under chapter 18.108
34 RCW;
- 35 (vi) Dental hygienists licensed under chapter 18.29 RCW;
- 36 (vii) Acupuncturists licensed under chapter 18.06 RCW;

- 1 (viii) Radiologic technologists certified and X-ray technicians
2 registered under chapter 18.84 RCW;
- 3 (ix) Respiratory care practitioners licensed under chapter 18.89
4 RCW;
- 5 (x) Persons registered under chapter 18.19 RCW;
- 6 (xi) Persons licensed as mental health counselors, marriage and
7 family therapists, and social workers under chapter 18.225 RCW;
- 8 (xii) Persons registered as nursing pool operators under chapter
9 18.52C RCW;
- 10 (xiii) Nursing assistants registered or certified under chapter
11 18.88A RCW;
- 12 (xiv) Health care assistants certified under chapter 18.135 RCW;
- 13 (xv) Dietitians and nutritionists certified under chapter 18.138
14 RCW;
- 15 (xvi) Chemical dependency professionals certified under chapter
16 18.205 RCW;
- 17 (xvii) Sex offender treatment providers and certified affiliate sex
18 offender treatment providers certified under chapter 18.155 RCW;
- 19 (xviii) Persons licensed and certified under chapter 18.73 RCW or
20 RCW 18.71.205;
- 21 (xix) Denturists licensed under chapter 18.30 RCW;
- 22 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
- 23 (xxi) Surgical technologists registered under chapter 18.215 RCW;
- 24 (xxii) Recreational therapists;
- 25 (xxiii) Animal massage practitioners certified under chapter 18.240
26 RCW;
- 27 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; (~~and~~)
- 28 (xxv) Home care aides certified under chapter 18.88B RCW; and
- 29 (xxvi) Speech-language pathology assistants licensed under chapter
30 18.35 RCW.
- 31 (b) The boards and commissions having authority under this chapter
32 are as follows:
- 33 (i) The podiatric medical board as established in chapter 18.22
34 RCW;
- 35 (ii) The chiropractic quality assurance commission as established
36 in chapter 18.25 RCW;
- 37 (iii) The dental quality assurance commission as established in

1 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
2 licenses and registrations issued under chapter 18.260 RCW;

3 (iv) The board of hearing and speech as established in chapter
4 18.35 RCW;

5 (v) The board of examiners for nursing home administrators as
6 established in chapter 18.52 RCW;

7 (vi) The optometry board as established in chapter 18.54 RCW
8 governing licenses issued under chapter 18.53 RCW;

9 (vii) The board of osteopathic medicine and surgery as established
10 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
11 18.57A RCW;

12 (viii) The board of pharmacy as established in chapter 18.64 RCW
13 governing licenses issued under chapters 18.64 and 18.64A RCW;

14 (ix) The medical quality assurance commission as established in
15 chapter 18.71 RCW governing licenses and registrations issued under
16 chapters 18.71 and 18.71A RCW;

17 (x) The board of physical therapy as established in chapter 18.74
18 RCW;

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

21 (xii) The nursing care quality assurance commission as established
22 in chapter 18.79 RCW governing licenses and registrations issued under
23 that chapter;

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

26 (xiv) The veterinary board of governors as established in chapter
27 18.92 RCW.

28 (3) In addition to the authority to discipline license holders, the
29 disciplining authority has the authority to grant or deny licenses.
30 The disciplining authority may also grant a license subject to
31 conditions.

32 (4) All disciplining authorities shall adopt procedures to ensure
33 substantially consistent application of this chapter, the Uniform
34 Disciplinary Act, among the disciplining authorities listed in
35 subsection (2) of this section.

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

1 Speech-language pathologists are responsible for patient care given
2 by assistive personnel under their supervision. A speech-language
3 pathologist may delegate to assistive personnel selected acts, tasks,
4 or procedures that fall within the scope of speech-language pathology
5 practice but do not exceed the education or training of the assistive
6 personnel.

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

9 A speech-language pathology assistant may only perform procedures
10 or tasks delegated by the speech-language pathologist and must follow
11 the individualized education program or treatment plan. Speech-
12 language pathology assistants may not perform procedures or tasks that
13 require diagnosis, evaluation, or clinical interpretation.

14 NEW SECTION. **Sec. 11.** An applicant for licensure as a speech-
15 language pathology assistant may meet the requirements for a license to
16 practice as a speech-language pathology assistant if, within one year
17 of the effective date of this section, he or she submits a competency
18 checklist to the board of hearing and speech, and is employed under the
19 supervision of a speech-language pathologist for at least six hundred
20 hours within the last three years as defined by the board by rule.

21 NEW SECTION. **Sec. 12.** The code reviser is directed to put the
22 defined terms in RCW 18.35.010 in alphabetical order.

23 NEW SECTION. **Sec. 13.** In order to allow for adequate time to
24 establish the program created in this act, the provisions of this act
25 must be implemented beginning one year after the effective date of this
26 section.

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