

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 665
HOUSE BILL 477

AN ACT TO AMEND THE LICENSURE ACT FOR SPEECH AND LANGUAGE
PATHOLOGISTS AND AUDIOLOGISTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-293 is amended:

- (1) In subdivision (1) by deleting: "provided, however, that a person licensed under Chapter 93D of the General Statutes may use the term "National Hearing Aid Society, Certified Hearing Aid Audiologist" except in public representations, advertising and telephone directory listings."
- (2) In subdivision (6) by deleting: "A person licensed under this Article may not engage in the dispensing, fitting and selling of hearing aids unless that person is also licensed under Chapter 93D of the General Statutes."
- (3) By repealing subdivision (8).
- (4) By adding a new subdivision to read:

"(9) 'Accredited college or university' means an institution of higher learning accredited by the Southern Association of Colleges and Universities, or accredited by a similarly recognized association of another locale."

Sec. 2. G.S. 90-294 is amended:

- (1) By rewriting the second sentence of subsection (a) to read:
"A person may be licensed in both areas if qualified in both areas."

- (2) In subsection (b) by deleting: "or holds a current, unsuspended, unrevoked license of endorsement pursuant to G.S. 90-297" and by rewriting the third sentence of the subsection to read:

"Nothing in this Article, however, shall be construed to prevent a qualified person licensed in this State under any other law from engaging in the profession or occupation for which such person is licensed."

- (3) In subdivision (c)(1) by deleting: "except that an individual is not exempt from this Article who does work as a speech and language pathologist or audiologist outside the scope of such employment for which a fee may be paid directly or indirectly to such person by or for the recipient of the service".
- (4) Subdivision (c)(3) is repealed.
- (5) By adding two new subdivisions to subsection (c) to read:
"(5) A physician licensed to practice medicine.

- (6) Persons performing audiometric screenings and whose work is under the supervision of a licensed physician, or licensed audiologist.
- (7) Persons who are now or may become engaged in counseling or instructing laryngectomees in the methods, techniques, or problems of learning to speak again.
- (8) Individuals licensed under G.S. 93D."

Sec. 3. G.S. 90-295 is amended:

- (1) By rewriting the catch line and first sentence to read:

"§ 90-295. Qualifications of applicants for permanent licensure. – To be eligible for permanent licensure by the Board as a speech and language pathologist or audiologist, the applicant must:"

- (2) By adding a new sentence at the end of subdivision (4) to read:

"The supervision must be performed by a person who holds a valid license under this Article, or certificate of clinical competence from the American Speech-Language-Hearing Association, in the specific area for which licensure is sought."

- (3) By rewriting subdivision (5) to read:

"Pass an examination established or approved by the Board."

Sec. 4. G.S. 90-296 is rewritten to read:

"§ 90-296. Examinations. –(a) An applicant for permanent licensure who has satisfied the academic requirements of G.S. 90-295, shall pass a written examination approved or established by the Board. A person who holds a temporary license during the supervised experience year must take and pass the examination required by the Board for permanent licensure before the end of the temporary license period.

(b) The Board shall administer or approve at least two examinations of the type described in subsection (a) of this section each year, and additional examinations as the volume of applications makes appropriate.

- (c) An examination shall not be required as a prerequisite for a license for:

- (1) A person who holds a certificate of clinical competence issued by the American Speech-Hearing-Language Association in the specialized area for which such person seeks licensure; or
- (2) A person who has met the educational, practical experience, and examination requirements of another state or jurisdiction which has requirements equivalent to or higher than those in effect pursuant to this Article for the practice of audiology or speech pathology."

Sec. 5. G.S. 90-297 is repealed.

Sec. 6. G.S. 90-298 is rewritten to read:

"§ 90-298. Qualifications for applicants for temporary licensure.–(a) To be eligible for temporary licensure an applicant must:

- (1) Meet the academic and clinical practicum requirements of G.S. 90-295(1), (2), and (3); and
- (2) Submit a plan of supervised experience complying with the provisions of G.S. 90-295(4); and
- (3) Pay the temporary license fee required by G.S. 90-305(5).

(b) A temporary license is required when an applicant has not completed the required supervised experience and passed the required examination. A person who holds a temporary license during the supervised experience year must take and pass the examination required by the Board for permanent licensure before the end of the temporary license period.

(c) A temporary license issued under this section shall be valid only during the period of supervised experience required by G.S. 90-295(4), and shall not be renewed."

Sec. 7. G.S. 90-301 is amended:

(1) By rewriting subdivision (3) to read:

"Unethical conduct as defined in this Article or in a code of ethics adopted by the Board."

(2) By rewriting subdivision (5) to read:

"Failure to exercise a reasonable degree of professional skill and care in the delivery of professional services."

(3) By adding a new subdivision to read:

"(6) Any violation of the provisions of this Article."

Sec. 8. Article 22 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-301A. Unethical acts and practices. –Unethical acts and practices shall be defined as including:

- (1) Obtaining or attempting to obtain any fee by fraud or misrepresentation.
- (2) Employing directly or indirectly any suspended or unlicensed person to perform any work covered by this Article.
- (3) Using, or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceiving, improbable, or untruthful.
- (4) Aiding, abetting, or assisting any other person or entity in violating the provisions of this Article.
- (5) Willfully harming any person in the course of the delivery of professional services licensed by this Article.
- (6) Treating a person who cannot reasonably be expected to benefit from treatment.
- (7) Charging a fee for treatment or services not rendered.
- (8) Providing or attempting to provide services or supervision of services by persons not properly prepared or legally qualified to perform or permitting services to be provided by a person under such person's supervision who is not properly prepared or legally qualified to perform such services.
- (9) Guaranteeing the result of any therapeutic or evaluation procedure."

Sec. 9. G.S. 90-302 is amended:

- (1) By deleting "No person may:" and substituting "No person, partnership, corporation, or other entity may:".

(2) By adding a new subdivision to read:

"(6) Aid, assist, abet, or direct any person licensed under this Article in violation of the provisions of this Article."

Sec. 10. G.S. 90-304(a) is amended by adding a new subdivision to read:

"(7) To bring an action to restrain or enjoin violations of this Article in addition to and not in lieu of criminal prosecution or proceedings to revoke or suspend licenses issued under this Article."

Sec. 11. G.S. 90-305 is rewritten to read:

"§ 90-305. **Fees.** – Persons subject to licensure under this Article shall pay the following fees to the Board:

- (1) Application fee \$30.00
- (2) Examination fee 30.00
- (3) Initial license fee 40.00
- (4) Renewal license fee 40.00
- (5) Temporary license 40.00
- (6) Delinquency fee 25.00."

Sec. 12. G.S. 90-306 is rewritten to read:

"§ 90-306. **Penalty for violation.** – Any person, partnership, or corporation who or which willfully violates the provisions of this Article shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) or be imprisoned for a period not exceeding six months, or both, in the discretion of the Court."

Sec. 13. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 24th day of July, 1987.