

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 146
98TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, March 17, 2015, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 146, adopted March 31, 2015.

Taken up for Perfection March 31, 2015. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

0460S.02P

AN ACT

To repeal sections 345.015, 345.020, 345.022, 345.025, 345.040, 345.050, 345.051, 345.065, and 345.080, RSMo, and to enact in lieu thereof nine new sections relating to professions regulated under the division of professional registration, with existing penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 345.015, 345.020, 345.022, 345.025, 345.040, 345.050,
2 345.051, 345.065, and 345.080, RSMo, are repealed and nine new sections enacted
3 in lieu thereof, to be known as sections 324.023, 345.015, 345.020, 345.025,
4 345.040, 345.050, 345.051, 345.065, and 345.080, to read as follows:

**324.023. 1. Notwithstanding any law to the contrary, any board
2 or commission established under chapters 330, 331, 332, 334, 335, 336,
3 337, 338, 340, and 345 may, at its discretion, issue oral or written
4 opinions addressing topics relating to the qualifications, functions, or
5 duties of any profession licensed by the specific board or commission
6 issuing such guidance. Any such opinion is for educational purposes
7 only, is in no way binding on the licensees of the respective board or
8 commission, and cannot be used as the basis for any discipline against
9 any licensee under chapters 330, 331, 332, 334, 335, 336, 337, 338, 340,
10 and 345. No board or commission may address topics relating to the
11 qualifications, functions, or duties of any profession licensed by a
12 different board or commission.**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 **2. The recipient of an opinion given under this section shall be**
14 **informed that the opinion is for educational purposes only, is in no way**
15 **binding on the licensees of the board, and cannot be used as the basis**
16 **for any discipline against any licensee under chapters 330, 331, 332, 334,**
17 **335, 336, 337, 338, 340, and 345.**

 345.015. As used in sections 345.010 to 345.080, the following terms
2 mean:

3 (1) "Audiologist", a person who is licensed as an audiologist pursuant to
4 sections 345.010 to 345.080 to practice audiology;

5 (2) "Audiology aide", a person who is registered as an audiology aide by
6 the board, who does not act independently but works under the direction and
7 supervision of a licensed audiologist. Such person assists the audiologist with
8 activities which require an understanding of audiology but do not require formal
9 training in the relevant academics. To be eligible for registration by the board,
10 each applicant shall submit a registration fee, be of good moral and ethical
11 character; and:

12 (a) Be at least eighteen years of age;

13 (b) Furnish evidence of the person's educational qualifications which shall
14 be at a minimum:

15 a. Certification of graduation from an accredited high school or its
16 equivalent; and

17 b. On-the-job training;

18 (c) Be employed in a setting in which direct and indirect supervision are
19 provided on a regular and systematic basis by a licensed audiologist.

20 However, the aide shall not administer or interpret hearing screening or
21 diagnostic tests, fit or dispense hearing instruments, make ear impressions, make
22 diagnostic statements, determine case selection, present written reports to anyone
23 other than the supervisor without the signature of the supervisor, make referrals
24 to other professionals or agencies, use a title other than [speech-language
25 pathology aide or clinical] audiology aide, develop or modify treatment plans,
26 discharge clients from treatment or terminate treatment, disclose clinical
27 information, either orally or in writing, to anyone other than the supervising
28 [speech-language pathologist/audiologist] **audiologist**, or perform any procedure
29 for which he or she is not qualified, has not been adequately trained or both;

30 (3) "Board", the state board of registration for the healing arts;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

31 (4) ["Clinical fellowship", the supervised professional employment period
32 following completion of the academic and practicum requirements of an accredited
33 training program as defined in sections 345.010 to 345.080;

34 (5) "Commission", the advisory commission for speech-language
35 pathologists and audiologists;

36 [(6)] (5) "Hearing instrument" or "hearing aid", any wearable device or
37 instrument designed for or offered for the purpose of aiding or compensating for
38 impaired human hearing and any parts, attachments or accessories, including ear
39 molds, but excluding batteries, cords, receivers and repairs;

40 [(7)] (6) "Person", any individual, organization, or corporate body, except
41 that only individuals may be licensed pursuant to sections 345.010 to 345.080;

42 [(8)] (7) "Practice of audiology":

43 (a) The application of accepted audiologic principles, methods and
44 procedures for the measurement, testing, interpretation, appraisal and prediction
45 related to disorders of the auditory system, balance system or related structures
46 and systems;

47 (b) Provides consultation[,] or counseling to the patient, client, student,
48 their family or interested parties;

49 (c) Provides academic, social and medical referrals when appropriate;

50 (d) Provides for establishing goals, implementing strategies, methods and
51 techniques, for habilitation, rehabilitation or aural rehabilitation, related to
52 disorders of the auditory system, balance system or related structures and
53 systems;

54 (e) Provides for involvement in related research, teaching or public
55 education;

56 (f) Provides for rendering of services or participates in the planning,
57 directing or conducting of programs which are designed to modify audition,
58 communicative, balance or cognitive disorder, which may involve speech and
59 language or education issues;

60 (g) Provides and interprets behavioral and neurophysiologic
61 measurements of auditory balance, cognitive processing and related functions,
62 including intraoperative monitoring;

63 (h) Provides involvement in any tasks, procedures, acts or practices that
64 are necessary for evaluation of audition, hearing, training in the use of
65 amplification or assistive listening devices;

66 (i) Provides selection, assessment, fitting, programming, and dispensing
67 of hearing instruments, assistive listening devices, and other amplification

68 systems;

69 (j) Provides for taking impressions of the ear, making custom ear molds,
70 ear plugs, swim molds and industrial noise protectors;

71 (k) Provides assessment of external ear and cerumen management;

72 (l) Provides advising, fitting, mapping assessment of implantable devices
73 such as cochlear or auditory brain stem devices;

74 (m) Provides information in noise control and hearing conservation
75 including education, equipment selection, equipment calibration, site evaluation
76 and employee evaluation;

77 (n) Provides performing basic speech-language screening test;

78 (o) Provides involvement in social aspects of communication, including
79 challenging behavior and ineffective social skills, lack of communication
80 opportunities;

81 (p) Provides support and training of family members and other
82 communication partners for the individual with auditory balance, cognitive and
83 communication disorders;

84 (q) Provides aural rehabilitation and related services to individuals with
85 hearing loss and their families;

86 (r) Evaluates, collaborates and manages audition problems in the
87 assessment of the central auditory processing disorders and providing
88 intervention for individuals with central auditory processing disorders;

89 (s) Develops and manages academic and clinical problems in
90 communication sciences and disorders;

91 (t) Conducts, disseminates and applies research in communication
92 sciences and disorders;

93 **[(9)] (8)** "Practice of speech-language pathology":

94 (a) Provides screening, identification, assessment, diagnosis, treatment,
95 intervention, including but not limited to prevention, restoration, amelioration
96 and compensation, and follow-up services for disorders of:

97 a. Speech: articulation, fluency, voice, including respiration, phonation
98 and resonance;

99 b. Language, involving the parameters of phonology, morphology, syntax,
100 semantics and pragmatic; and including disorders of receptive and expressive
101 communication in oral, written, graphic and manual modalities;

102 c. Oral, pharyngeal, cervical esophageal and related functions, such as
103 dysphagia, including disorders of swallowing and oral functions for feeding;
104 orofacial myofunctional disorders;

- 105 d. Cognitive aspects of communication, including communication disability
106 and other functional disabilities associated with cognitive impairment;
- 107 e. Social aspects of communication, including challenging behavior,
108 ineffective social skills, lack of communication opportunities;
- 109 (b) Provides consultation and counseling and makes referrals when
110 appropriate;
- 111 (c) Trains and supports family members and other communication
112 partners of individuals with speech, voice, language, communication and
113 swallowing disabilities;
- 114 (d) Develops and establishes effective augmentative and alternative
115 communication techniques and strategies, including selecting, prescribing and
116 dispensing of augmentative aids and devices; and the training of individuals,
117 their families and other communication partners in their use;
- 118 (e) Selects, fits and establishes effective use of appropriate
119 prosthetic/adaptive devices for speaking and swallowing, such as
120 tracheoesophageal valves, electrolarynges, or speaking valves;
- 121 (f) Uses instrumental technology to diagnose and treat disorders of
122 communication and swallowing, such as videofluoroscopy, nasendoscopy,
123 ultrasonography and stroboscopy;
- 124 (g) Provides aural rehabilitative and related counseling services to
125 individuals with hearing loss and to their families;
- 126 (h) Collaborates in the assessment of central auditory processing disorders
127 in cases in which there is evidence of speech, language or other cognitive
128 communication disorders; provides intervention for individuals with central
129 auditory processing disorders;
- 130 (i) Conducts pure-tone air conduction hearing screening and screening
131 tympanometry for the purpose of the initial identification or referral;
- 132 (j) Enhances speech and language proficiency and communication
133 effectiveness, including but not limited to accent reduction, collaboration with
134 teachers of English as a second language and improvement of voice, performance
135 and singing;
- 136 (k) Trains and supervises support personnel;
- 137 (l) Develops and manages academic and clinical programs in
138 communication sciences and disorders;
- 139 (m) Conducts, disseminates and applies research in communication
140 sciences and disorders;
- 141 (n) Measures outcomes of treatment and conducts continuous evaluation

142 of the effectiveness of practices and programs to improve and maintain quality
143 of services;

144 [(10)] **(9)** "Speech-language pathologist", a person who is licensed as a
145 speech-language pathologist pursuant to sections 345.010 to 345.080; who engages
146 in the practice of speech-language pathology as defined in sections 345.010 to
147 345.080;

148 [(11)] **(10)** "Speech-language pathology aide", a person who is registered
149 as a speech-language aide by the board, who does not act independently but
150 works under the direction and supervision of a licensed speech-language
151 pathologist. Such person assists the speech-language pathologist with activities
152 which require an understanding of speech-language pathology but do not require
153 formal training in the relevant academics. To be eligible for registration by the
154 board, each applicant shall submit a registration fee, be of good moral and ethical
155 character; and:

156 (a) Be at least eighteen years of age;

157 (b) Furnish evidence of the person's educational qualifications which shall
158 be at a minimum:

159 a. Certification of graduation from an accredited high school or its
160 equivalent; and

161 b. On-the-job training;

162 (c) Be employed in a setting in which direct and indirect supervision is
163 provided on a regular and systematic basis by a licensed speech-language
164 pathologist. However, the aide shall not administer or interpret hearing
165 screening or diagnostic tests, fit or dispense hearing instruments, make ear
166 impressions, make diagnostic statements, determine case selection, present
167 written reports to anyone other than the supervisor without the signature of the
168 supervisor, make referrals to other professionals or agencies, use a title other
169 than speech-language pathology aide [or clinical audiology aide], develop or
170 modify treatment plans, discharge clients from treatment or terminate treatment,
171 disclose clinical information, either orally or in writing, to anyone other than the
172 supervising speech-language [pathologist/audiologist] **pathologist**, or perform
173 any procedure for which he or she is not qualified, has not been adequately
174 trained or both;

175 [(12)] **(11)** "Speech-language pathology assistant", a person who is
176 registered as a speech-language pathology assistant by the board, who does not
177 act independently but works under the direction and supervision of a licensed
178 speech-language pathologist **practicing for at least one year or speech-**

179 **language pathologist practicing under subdivisions (1) or (6) of**
180 **subsection 1 of section 345.025 for at least one year** and whose activities
181 require both academic and practical training in the field of speech-language
182 pathology although less training than those established by sections 345.010 to
183 345.080 as necessary for licensing as a speech-language pathologist. To be
184 eligible for registration by the board, each applicant shall submit the registration
185 fee, **supervising speech-language pathologist information if employment**
186 **is confirmed, if not such information shall be provided after**
187 **registration**, be of good moral character and furnish evidence of the person's
188 educational qualifications which meet the following:

189 (a) Hold a bachelor's level degree [in the field of speech-language
190 pathology] from an institution accredited or approved by a regional accrediting
191 body recognized by the United States Department of Education or its equivalent;
192 and

193 (b) Submit official transcripts from one or more accredited colleges or
194 universities presenting evidence of the completion of bachelor's level course work
195 and [clinical practicum] requirements [equivalent to that required or approved
196 by a regional accrediting body recognized by the United States Department of
197 Education or its equivalent] **in the field of speech-language pathology as**
198 **established by the board through rules and regulations;**

199 (c) **Submit proof of completion of the number and type of clinical**
200 **hours as established by the board through rules and regulations.**

345.020. 1. Licensure or registration shall be granted in either
2 speech-language pathology or audiology independently. A person may be licensed
3 or registered in both areas if the person is qualified. Each licensed or registered
4 person shall display the license or certificate prominently in the person's place
5 of practice.

6 2. No person shall practice or hold himself or herself out as being able to
7 practice speech-language pathology or audiology in this state unless the person
8 is licensed in accordance with the provisions of sections 345.010 to
9 345.080. Nothing in sections 345.010 to 345.080, however, shall be construed to
10 prevent a qualified person licensed in this state under any other law from
11 engaging in the profession for which the person is licensed, and a licensed
12 physician or surgeon may practice speech-language pathology or audiology
13 without being licensed in accordance with the provisions of sections 345.010 to
14 345.080.

15 3. No person shall hold himself or herself out as being a speech-language

16 pathologist in this state unless the person is licensed as provided in sections
17 345.010 to 345.080. Any person who, in any manner, represents himself or
18 herself as a speech-language pathologist or who uses in connection with such
19 person's name the words or letters: "speech-language pathologist", "speech
20 pathologist", "speech therapy", "speech therapist", "speech clinic", "speech
21 clinician", "S.L.P.", "language specialist", "logopedist" or any other letters, words,
22 abbreviations or insignia, indicating or implying that the person is a
23 speech-language pathologist without a valid existing license is guilty of a class
24 B misdemeanor.

25 4. No person shall hold himself or herself out as being an audiologist in
26 this state unless the person is licensed as provided in sections 345.010 to
27 345.080. Any person who, in any manner, represents himself or herself as an
28 audiologist or who uses in connection with such person's name the words:
29 "audiology", "audiologist", "audiological", "hearing clinic", "hearing clinician",
30 "hearing therapist" or any other letters, words, abbreviations or insignia,
31 indicating or implying that the person is an audiologist without a valid existing
32 license is guilty of a class B misdemeanor.

33 5. No person shall hold himself or herself out as being a speech-language
34 pathology assistant or aide or audiology aide in this state unless the person is
35 registered as provided in sections 345.010 to 345.080.

36 6. Nothing in sections 345.010 to 345.080 shall prohibit a corporation,
37 partnership, trust, association, or other like organization from engaging in the
38 business of speech-language pathology or audiology without licensure if it
39 employs licensed natural persons in the direct practice of speech-language
40 pathology or audiology. [Any such corporation, partnership, trust, association, or
41 other like organization shall also file with the board a statement, on a form
42 approved by the board, that it submits itself to the rules and regulations of the
43 board and the provisions of sections 345.010 to 345.080 which the board shall
44 deem applicable to it.]

345.025. 1. The provisions of sections 345.010 to 345.080 do not apply to:

2 (1) The activities, services, and the use of an official title on the part of
3 a person in the employ of a federal agency insofar as such services are part of the
4 duties of the person's office or position with such agency;

5 (2) The activities and services of certified teachers of the deaf;

6 (3) The activities and services of a student in speech-language pathology
7 or audiology pursuing a course of study at a university or college that has been
8 approved by its regional accrediting association, or working in a recognized

9 training center, if these activities and services constitute a part of the person's
10 course of study supervised by a licensed speech-language pathologist or
11 audiologist as provided in section 345.050;

12 (4) The activities and services of physicians and surgeons licensed
13 pursuant to chapter 334;

14 (5) Audiometric technicians who are certified by the council for
15 accreditation of occupational hearing conservationists when conducting pure tone
16 air conduction audiometric tests for purposes of industrial hearing conservation
17 and comply with requirements of the federal Occupational Safety and Health
18 Administration;

19 (6) A person who holds a current valid certificate as a speech-language
20 pathologist issued **before January 1, 2016**, by the Missouri department of
21 elementary and secondary education and who is an employee of a public school
22 while providing speech-language pathology services in such school system;

23 **(7) Any person completing the required number and type of**
24 **clinical hours required by paragraph (c) of subdivision (11) of section**
25 **345.015 as long as such person is under the direct supervision of a**
26 **licensed speech-language pathologist and has not completed more than**
27 **the number of clinical hours required by rule.**

28 2. No one shall be exempt pursuant to subdivision (1) or (6) of subsection
29 1 of this section if the person does any work as a speech-language pathologist or
30 audiologist outside of the exempted areas outlined in this section for which a fee
31 or compensation may be paid by the recipient of the service. When college or
32 university clinics charge a fee, supervisors of student clinicians shall be licensed.

345.040. The board shall adopt a seal by which it shall authenticate its
2 proceedings. Copies of its proceedings, records, and acts, when signed by the
3 [secretary] **executive director** and authenticated by the seal, shall be prima
4 facie evidence in all courts of this state.

345.050. 1. To be eligible for licensure by the board by examination, each
2 applicant shall submit the application fee and shall furnish evidence of such
3 person's good moral and ethical character, current competence and shall:

4 (1) Hold a master's or a doctoral degree from a program accredited by the
5 Council on Academic Accreditation of the American Speech-Language-Hearing
6 Association or other accrediting agency approved by the board in the area in
7 which licensure is sought;

8 (2) Submit official transcripts from one or more accredited colleges or
9 universities presenting evidence of the completion of course work and clinical

10 practicum requirements equivalent to that required by the Council on Academic
11 Accreditation of the American Speech-Language-Hearing Association or other
12 accrediting agency approved by the board; **and**

13 (3) [Present written evidence of completion of clinical fellowship as
14 defined in subdivision (4) of section 345.015 from supervisors. The experience
15 required by this subdivision shall follow the completion of the requirements of
16 subdivisions (1) and (2) of this subsection. This period of employment shall be
17 under the direct supervision of a person who is licensed by the state of Missouri
18 in the profession in which the applicant seeks to be licensed. Persons applying
19 with an audiology clinical doctoral degree are exempt from this provision;

20 (4)] Pass an examination promulgated or approved by the board. The
21 board shall determine the subject and scope of the examinations.

22 2. To be eligible for licensure by the board without examination, each
23 applicant shall make application on forms prescribed by the board, submit the
24 application fee and shall be of good moral and ethical character, submit an
25 activity statement and meet one of the following requirements:

26 (1) The board shall issue a license to any speech-language pathologist or
27 audiologist who is licensed in another jurisdiction and who has had no violations,
28 suspension or revocations of a license to practice speech-language pathology or
29 audiology in any jurisdiction; provided that, such person is licensed in a
30 jurisdiction whose requirements are substantially equal to, or greater than,
31 Missouri at the time the applicant applies for licensure; or

32 (2) Hold the certificate of clinical competence issued by the American
33 Speech-Language-Hearing Association in the area in which licensure is sought.

345.051. 1. Every person licensed or registered pursuant to the provisions
2 of sections 345.010 to 345.080 shall renew the license **or registration** on or
3 before the renewal date. Such renewal date shall be determined by the
4 board. The application shall be made on a form furnished by the board. The
5 application shall include, but not be limited to, disclosure of the applicant's full
6 name and the applicant's office and residence addresses and the date and number
7 of the applicant's license **or registration**, all final disciplinary actions taken
8 against the applicant by any speech-language-hearing association or society,
9 state, territory[,] **or** federal agency or country and information concerning the
10 applicant's current physical and mental fitness to practice [as a speech-language
11 pathologist or audiologist].

12 2. A blank form for application for license **or registration** renewal shall
13 be mailed to each person licensed **or registered** in this state at the person's last

14 known office or residence address. The failure to mail the form of application or
15 the failure to receive it does not, however, relieve any person of the duty to renew
16 the license **or registration** and pay the fee required by sections 345.010 to
17 345.080 for failure to renew the license **or registration**.

18 3. An applicant for renewal of a license [pursuant to] **or registration**
19 **under** this section shall:

20 (1) Submit an amount established by the board; and

21 (2) Meet any other requirements the board establishes as conditions for
22 license **or registration** renewal, including the demonstration of continued
23 competence to practice the profession for which the license **or registration** is
24 issued. A requirement of continued competence may include, but is not limited
25 to, continuing education, examination, self-evaluation, peer review, performance
26 appraisal or practical simulation.

27 4. If a license **or registration** is suspended pursuant to section 345.065,
28 the license **or registration** expires on the expiration date as established by the
29 board for all licenses **and registrations** issued pursuant to sections 345.010 to
30 345.080. Such license **or registration** may be renewed but does not entitle the
31 licensee to engage in the licensed **or registered** activity or in any other conduct
32 or activity which violates the order of judgment by which the license **or**
33 **registration** was suspended until such license **or registration** has been
34 reinstated.

35 5. If a license **or registration** is revoked on disciplinary grounds
36 pursuant to section 345.065, the license **or registration** expires on the
37 expiration date as established by the board for all licenses **and registrations**
38 issued pursuant to sections 345.010 to 345.080. Such license **or registration**
39 may not be renewed. If a license **or registration** is reinstated after its
40 expiration, the licensee, as a condition of reinstatement, shall pay a
41 reinstatement fee that is equal to the renewal fee in effect on the last regular
42 renewal date immediately preceding the date of reinstatement plus any late fee
43 established by the board.

345.065. 1. The board may refuse to issue any certificate of registration
2 or authority, permit or license required pursuant to sections 345.010 to 345.080
3 for one or any combination of causes stated in subsection 2 of this section. The
4 board shall notify the applicant in writing of the reasons for the refusal and shall
5 advise the applicant of the applicant's right to file a complaint with the
6 administrative hearing commission as provided by chapter 621. As an alternative
7 to a refusal to issue or renew any certificate, registration or authority, the board

8 may, at its discretion, issue a license **or registration** which is subject to
9 probation, restriction or limitation to an applicant for licensure **or registration**
10 for any one or any combination of causes stated in subsection 2 of this
11 section. The board's order of probation, limitation or restriction shall contain a
12 statement of the discipline imposed, the basis therefor, the date such action shall
13 become effective and a statement that the applicant has thirty days to request in
14 writing a hearing before the administrative hearing commission. If the board
15 issues a probationary, limited or restricted license **or registration** to an
16 applicant for licensure **or registration**, either party may file a written petition
17 with the administrative hearing commission within thirty days of the effective
18 date of the probationary, limited or restricted license **or registration** seeking
19 review of the board's determination. If no written request for a hearing is
20 received by the administrative hearing commission within the thirty-day period,
21 the right to seek review of the board's decision shall be considered as waived.

22 2. The board may cause a complaint to be filed with the administrative
23 hearing commission as provided by chapter 621 against any holder of any
24 certificate of registration or authority, permit or license required by sections
25 345.010 to 345.080 or any person who has failed to renew or has surrendered the
26 person's certificate of registration or authority, permit or license for any one or
27 any combination of the following causes:

28 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
29 beverage to an extent that such use impairs a person's ability to perform the work
30 of any profession licensed or regulated by sections 345.010 to 345.080;

31 (2) The person has been finally adjudicated and found guilty, or entered
32 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
33 any state or of the United States, for any offense reasonably related to the
34 qualifications, functions or duties of any profession licensed or regulated
35 pursuant to sections 345.010 to 345.080, for any offense an essential element of
36 which is fraud, dishonesty or an act of violence, or for any offense involving moral
37 turpitude, whether or not sentence is imposed;

38 (3) Use of fraud, deception, misrepresentation or bribery in securing any
39 certificate of registration or authority, permit or license issued pursuant to
40 sections 345.010 to 345.080 or in obtaining permission to take any examination
41 given or required pursuant to sections 345.010 to 345.080;

42 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
43 compensation by fraud, deception or misrepresentation;

44 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation

45 or dishonesty in the performance of the functions or duties of any profession
46 licensed or regulated by sections 345.010 to 345.080;

47 (6) Violation of, or assisting or enabling any person to violate, any
48 provision of sections 345.010 to 345.080, or of any lawful rule or regulation
49 adopted pursuant to sections 345.010 to 345.080;

50 (7) Impersonation of any person holding a certificate of registration or
51 authority, permit or license or allowing any person to use his or her certificate of
52 registration or authority, permit, license or diploma from any school;

53 (8) Disciplinary action against the holder of a license or other right to
54 practice any profession regulated by sections 345.010 to 345.080 granted by
55 another state, territory, federal agency or country upon grounds for which
56 revocation or suspension is authorized in this state;

57 (9) A person is finally adjudged insane or incompetent by a court of
58 competent jurisdiction;

59 (10) Assisting or enabling any person to practice or offer to practice any
60 profession licensed or regulated by sections 345.010 to 345.080 who is not
61 registered and currently eligible to practice pursuant to sections 345.010 to
62 345.080;

63 (11) Issuance of a certificate of registration or authority, permit or license
64 based upon a material mistake of fact;

65 (12) Failure to display a valid certificate or license if so required by
66 sections 345.010 to 345.080 or any rule promulgated pursuant to sections 345.010
67 to 345.080;

68 (13) Violation of any professional trust or confidence;

69 (14) Fraudulently or deceptively using a license, provisional license or
70 registration;

71 (15) Altering a license, provisional license or registration;

72 (16) Willfully making or filing a false report or record in the practice of
73 speech-language pathology or audiology;

74 (17) Using or promoting or causing the use of any misleading, deceiving,
75 improbable or untruthful advertising matter, promotional literature, testimonial,
76 guarantee, warranty, label, brand, insignia or any other representation;

77 (18) Falsely representing the use or availability of services or advice of a
78 physician;

79 (19) Misrepresenting the applicant, licensee or holder by using the word
80 doctor or any similar word, abbreviation or symbol if the use is not accurate or
81 if the degree was not obtained from a regionally accredited institution;

82 (20) Committing any act of dishonorable, immoral or unprofessional
83 conduct while engaging in the practice of speech-language pathology or audiology;

84 (21) Providing services or promoting the sale of devices, appliances or
85 products to a person who cannot reasonably be expected to benefit from such
86 services, devices, appliances or products.

87 3. After the filing of such complaint, the proceedings shall be conducted
88 in accordance with the provisions of chapter 621. Upon a finding by the
89 administrative hearing commission that the grounds, provided in subsection 2 of
90 this section, for disciplinary action are met, the board may, singly or in
91 combination, censure or place the person named in the complaint on probation on
92 such terms and conditions as the board deems appropriate for a period not to
93 exceed ten years, or may suspend, for a period not to exceed three years, **or**
94 **restrict or limit the person's ability to practice for an indefinite period**
95 **of time**, or revoke the license or registration.

96 4. The board may apply for relief by injunction, without bond, to restrain
97 any person, partnership or corporation from engaging in any act or practice which
98 constitutes an offense pursuant to sections 345.010 to 345.080. The board does
99 not need to allege and prove that there is no adequate remedy at law to obtain
100 an injunction. The members of the board and the advisory commission shall not
101 be individually liable for applying for such relief.

345.080. 1. There is hereby established an "Advisory Commission for
2 Speech-Language Pathologists and Audiologists" which shall guide, advise and
3 make recommendations to the board. The commission shall approve the
4 examination required by section 345.050, and shall assist the board in carrying
5 out the provisions of sections 345.010 to 345.075.

6 2. After August 28, 1997, the commission shall consist of seven members,
7 one of whom shall be a voting public member, appointed by the board of
8 registration for the healing arts. Each member shall be a citizen of the United
9 States and a resident of this state. Three members of the commission shall be
10 licensed speech-language pathologists and three members of the commission shall
11 be licensed audiologists. The public member shall be at the time of appointment
12 a citizen of the United States; a resident of this state for a period of one year and
13 a registered voter; a person who is not and never was a member of any profession
14 licensed or regulated pursuant to sections 345.010 to 345.080 or the spouse of
15 such person; and a person who does not have and never has had a material,
16 financial interest in either the providing of the professional services regulated by
17 sections 345.010 to 345.080, or an activity or organization directly related to any

18 profession licensed or regulated pursuant to sections 345.010 to
19 345.080. Members shall be appointed to serve three-year terms, except as
20 provided in this subsection. Each member of the advisory commission for
21 **[speech] speech-language** pathologists and **[clinical]** audiologists on August 28,
22 1995, shall become a member of the advisory commission for speech-language
23 pathologists and **[clinical]** audiologists and shall continue to serve until the term
24 for which the member was appointed expires. Each member of the advisory
25 commission for speech-language pathologists and **[clinical]** audiologists on August
26 28, 1997, shall become a member of the advisory commission for speech-language
27 pathologists and audiologists and shall continue to serve until the term for which
28 the member was appointed expires. The first public member appointed pursuant
29 to this subsection shall be appointed for a two-year term and the one additional
30 member appointed pursuant to this subsection shall be appointed for a full
31 three-year term. No person **[shall be eligible for reappointment]** who has served
32 as a member of the advisory commission for **[speech] speech-language**
33 pathologists and audiologists **[or as a member of the commission as established**
34 **on August 28, 1995, for a total of six years]** **for two consecutive terms may**
35 **be reappointed to the advisory commission until a lapse of at least two**
36 **years has occurred following the completion of his or her two**
37 **consecutive terms.** The membership of the commission shall reflect the
38 differences in levels of education, work experience and geographic residence. For
39 a licensed speech-language pathologist member, the president of the Missouri
40 Speech-Language-Hearing Association in office at the time, and for a licensed
41 audiologist member, the president of the Missouri Academy of Audiologists in
42 office at the time, in consultation with the president of the Missouri
43 Speech-Language-Hearing Association, shall, at least ninety days prior to the
44 expiration of a term of a commission member, other than the public member, or
45 as soon as feasible after a vacancy on the commission otherwise occurs, submit
46 to the **executive** director of the **[division of professional registration]** **board** a
47 list of five persons qualified and willing to fill the vacancy in question, with the
48 request and recommendation that the board of registration for the healing arts
49 appoint one of the five persons so listed, and with the list so submitted, the
50 president of the Missouri Speech-Language-Hearing Association or the president
51 of the Missouri Academy of Audiologists in office at the time shall include in his
52 or her letter of transmittal a description of the method by which the names were
53 chosen by that association.

54 3. Notwithstanding any other provision of law to the contrary, any

55 appointed member of the commission shall receive as compensation an amount
56 established by the director of the division of professional registration not to
57 exceed seventy dollars per day for commission business plus actual and necessary
58 expenses. The director of the division of professional registration shall establish
59 by rule guidelines for payment. All staff for the commission shall be provided by
60 the board of registration for the healing arts.

61 4. The commission shall hold an annual meeting at which it shall elect
62 from its membership a chairman and secretary. The commission may hold such
63 additional meetings as may be required in the performance of its duties, provided
64 that notice of every meeting shall be given to each member at least ten days prior
65 to the date of the meeting. A quorum of the commission shall consist of a
66 majority of its members.

67 5. The board of registration for the healing arts may remove a commission
68 member for misconduct, incompetency or neglect of the member's official duties
69 after giving the member written notice of the charges against such member and
70 an opportunity to be heard thereon.

[345.022. 1. Any person in the person's clinical fellowship
2 as defined in sections 345.010 to 345.080 shall hold a provisional
3 license to practice speech-language pathology or audiology. The
4 board may issue a provisional license to an applicant who:

5 (1) Has met the requirements for practicum and academic
6 requirements from an accredited training program as defined in
7 sections 345.010 to 345.080;

8 (2) Submits an application to the board on a form
9 prescribed by the board. Such form shall include a plan for the
10 content and supervision of the clinical fellowship, as well as
11 evidence of good moral and ethical character; and

12 (3) Submits to the board an application fee, as set by the
13 board, for the provisional license.

14 2. A provisional license is effective for one year and may be
15 extended for an additional twelve months only for purposes of
16 completing the postgraduate clinical experience portion of the
17 clinical fellowship; provided that, the applicant has passed the
18 national examination and shall hold a master's degree from an
19 approved training program in his or her area of application.

20 3. Within twelve months of issuance of the provisional
21 license, the applicant shall pass an examination promulgated or

22 approved by the board.

23 4. Within twelve months of issuance of a provisional
24 license, the applicant shall complete the master's or doctoral degree
25 from a program accredited by the Council on Academic
26 Accreditation of the American Speech-Language-Hearing
27 Association or other accrediting agency approved by the board in
28 the area in which licensure is sought.]

✓

Unofficial

Bill

Copy