

## **CHAPTER 43-37**

### **AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS**

#### **43-37-01. Policy.**

It is declared to be a policy of the state of North Dakota that, in order to safeguard the public health, safety, and welfare, to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons and from unprofessional conduct on the part of persons providing services, and to obtain the highest possible quality audiology and speech-language pathology services to the communicatively handicapped people of this state, it is necessary to provide regulatory authority over persons offering audiology and speech-language pathology services to the public.

#### **43-37-02. Definitions.**

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Audiologist" means a person who practices audiology and who holds out to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, or any similar title or description of service. A person may not use the term "audiologist" in a personal reference unless all the requirements of this chapter pertaining to audiology are met.
2. "Audiology" means the application of principles, methods, and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, or rehabilitation related to hearing and disorders of hearing including vestibular testing, for the purpose of evaluating, identifying, preventing, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals.
3. "Board" means the state board of examiners on audiology and speech-language pathology.
4. "Habilitation" and "rehabilitation" include hearing aid evaluation and recommendation, auditory training, and speech reading.
5. "Person" means a human being.
6. "Speech-language pathologist" means a person who practices speech-language pathology and meets all requirements of this chapter pertaining to speech-language pathology.
7. "Speech-language pathology" means the application of principles, methods, and procedures for measurement, testing, evaluation, identification, prediction, counseling, or instruction related to the development and disorders of speech, language, voice, cognitive-communication, swallowing, and augmentative alternative communication for the purpose of identifying, evaluating, preventing, managing, habilitating or rehabilitating, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals.

#### **43-37-03. License required - Exceptions.**

A person may not practice or represent that the person is an audiologist or speech-language pathologist in this state unless licensed annually in accordance with this chapter. However, this chapter does not prevent or restrict:

1. A physician or surgeon from engaging in the practice of medicine in this state.
2. A hearing aid specialist from engaging in testing of hearing and other practices and procedures used solely for the fitting and selling of hearing aids in this state as provided in chapter 43-33.
3. Any person licensed in this state by any other law from engaging in the profession or occupation for which licensed.
4. A person who holds a valid credential as a speech-language pathologist or teacher of the hearing-impaired, issued by the department of public instruction, or a person employed as an audiologist or speech-language pathologist by the government of the United States, if such person performs speech-language pathology or audiology services solely within the confines or under the jurisdiction of the governmental or

state educational organization by which employed. However, such person may, without obtaining a license under this chapter, consult with or disseminate that person's research findings and other scientific information to speech-language pathologists or audiologists outside the jurisdiction of the organization by which that person is employed.

5. The activities and services of a person pursuing a course of study leading to a degree in speech-language pathology or audiology at a college or university if such activities and services constitute a part of a supervised course of study and such person is designated audiology or speech-language pathology intern, audiology or speech-language pathology trainee, or by any other such titles clearly indicating the training status appropriate to the level of training.
6. The activities and services of persons fulfilling the requirements of subsection 3 of section 43-37-04.
7. The performance of audiology or speech-language pathology services in this state by any person not a resident of this state who is not licensed under this chapter if such services are performed for no more than five days in any calendar year and in cooperation with an audiologist or speech-language pathologist licensed under this chapter.
8. Any person holding a valid credential as a teacher of the hearing-impaired issued by the council on education of the deaf from engaging in the practice of habilitation and rehabilitation of hearing-impaired persons.
9. Any person possessing a valid certificate as a certified audiometric technician recognized by the state board as meeting council for accreditation in occupational hearing conservation standards appendix II or its equivalent from providing audiometric testing if such service is performed in cooperation with either an audiologist licensed under this chapter or a licensed physician.
10. Any person providing hearing screening services as part of a public service project solely intended for the purposes of identification of hearing impairment if such services are performed in cooperation with an audiologist licensed under this chapter who is directly responsible for:
  - a. The training of said person;
  - b. The administration of hearing screening procedures;
  - c. The interpretation of testing results; and
  - d. Assuring appropriate referral and followup of the identified population.

#### **43-37-04. Eligibility for licensure.**

To be eligible for licensure by the board as an audiologist or speech-language pathologist, an applicant shall meet all the following requirements:

1. Be of good moral character.
2. Possess an appropriate degree from an educational institution recognized by the board.
  - a. An applicant for a speech-language pathologist license shall possess at least a master's degree in speech-language pathology.
  - b. An applicant for an audiologist license shall possess at least a doctorate degree in audiology.
3. Submit evidence showing qualifications prescribed by rules of the board.
4. Pass an examination approved by the board within one year of application.
5. Pay the prescribed fee.

#### **43-37-04.1. Licensing of out-of-state practitioners.**

1. The board may adopt rules establishing licensure requirements for applicants who hold a current license in good standing to practice as an audiologist or speech-language pathologist in a state or jurisdiction other than this state and who are not the subject of a pending disciplinary action in any state or jurisdiction.

2. Notwithstanding section 43-37-04, as it relates to the licensure eligibility of an out-of-state audiologist or speech-language pathologist, the board's rules may allow for:
  - a. Waiver of the examination requirement if the applicant meets the requirements established by the board.
  - b. Consideration of education and experience in order to meet the education requirements.

**43-37-05. Board of examiners on audiology and speech-language pathology.**

1. The board of examiners on audiology and speech-language pathology is hereby established.
2. The board must be composed of eight members appointed by the governor. Appointees must be residents of this state for at least one year immediately preceding their appointment and, except for the consumer member, must be engaged in rendering services to the public, in teaching, or in research in audiology or speech-language pathology for at least three years preceding their appointment. Two board members must be audiologists, four must be speech-language pathologists, one must be an otolaryngologist, and one must be a consumer.
3. Each board member shall hold office for three years and until a successor is appointed and qualified. The terms must be arranged so that no more than four terms expire on July first of each year. The governor shall fill vacancies for an unexpired term. No person may serve more than two successive terms.
4. The board shall meet at least twice each calendar year. Special meetings may be convened at the call of the chairman or at the written request of any three board members.
5. Five members of the board constitute a quorum. When an application for licensure is received, one member of the quorum must be engaged in the profession for which a license is sought.

**43-37-06. Powers and duties of the board.**

The board may employ persons to assist the board in carrying out its duties under this chapter and adopt rules for:

1. Licensing.
2. Licensing fees not to exceed one hundred dollars per year.
3. Ethical standards of conduct.
4. Continuing competency and education.
5. License suspension or revocation.
6. Carrying out the purposes of this chapter.

**43-37-07. Administrative provisions.**

Repealed by S.L. 1983, ch. 489, § 11.

**43-37-08. Compensation of board members.**

Board members shall receive compensation per day in the amount provided for members of the legislative management under section 54-35-10 and shall be reimbursed for mileage and travel expenses necessarily incurred in the conduct of board business at the same rate as state employees.

**43-37-09. License examination.**

1. A separate examination must be required for licensure in speech-language pathology or audiology. Any person may be licensed in both areas if that person meets the respective qualifications of each area.
2. The speech-language pathology examination and the audiology examination are examinations offered by organizations approved by the board. The board shall

maintain proof that all licensees have passed the required examination. The examination is not required for renewal of licenses except as required by board rules.

**43-37-10. Examination for license.**

Repealed by S.L. 1983, ch. 489, § 11.

**43-37-11. Waiver of examination or parts thereon.**

Repealed by S.L. 1983, ch. 489, § 11.

**43-37-12. Issuance of license.**

Repealed by S.L. 1983, ch. 489, § 11.

**43-37-13. Suspension and revocation of license.**

1. The board may refuse to issue or renew a license, or may suspend, revoke, or take other disciplinary action against a license if the licensee or applicant for license has engaged in unprofessional conduct. Such unprofessional conduct may include:
  - a. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.
  - b. Engaging in unprofessional conduct, as defined by the rules established by the board, or violating the code of ethics adopted and published by the board.
  - c. Conviction of an offense if the acts for which that person is convicted are determined by the board to have a direct bearing on such applicant's or licensee's ability to serve the public in the capacity of a speech-language pathologist or audiologist; or the board determines that such applicant or licensee, following conviction of any other offense, is not sufficiently rehabilitated under section 12.1-33-02.1.
  - d. Violation of any order or rule adopted by the board.
  - e. Violation of this chapter.
  - f. Receiving remuneration of any kind from the sale of any type of hearing aid, unless licensed under chapter 43-33.
2. One year from the date of revocation of a license, the licensee may make application to the board for reinstatement. The board may accept or reject an application for reinstatement or may require an examination for reinstatement.

**43-37-14. Renewal of license.**

Repealed by S.L. 1983, ch. 489, § 11.

**43-37-15. Fees.**

Repealed by S.L. 1983, ch. 489, § 11.

**43-37-16. Notice.**

Repealed by S.L. 1983, ch. 489, § 11.

**43-37-17. Continuing professional education.**

Repealed by S.L. 1983, ch. 489, § 11.

**43-37-18. Penalty.**

Any person who violates this chapter is guilty of a class A misdemeanor.