

Chapter 694

1973 REPLACEMENT PART

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HEARING AID DEALERS

(Generally)

694.010 [Repealed by 1959 c.406 §34]

694.015 Definitions for ORS 694.015 to 694.170. As used in ORS 694.015 to 694.170, unless the context requires otherwise:

(1) "Division" means the Health Division.

(2) "Certificate of registration" includes a temporary certificate of registration.

(3) "Council" means the Advisory Council to the Health Division on Hearing Aids.

(4) "Hearing aid" means any prosthetic instrument or device designed for or represented as aiding, improving or correcting defective human hearing and any parts, attachments or accessories of such an instrument or device.

(5) "Dealing in hearing aids" means the sale, lease or rental or attempted sale, lease or rental of hearing aids in conjunction with the evaluation or measurement of the powers or range of human hearing and the recommendation, selection or adaptation of hearing aids.

[1959 c.634 §1; 1967 c.631 §1; 1971 c.650 §28]

694.020 [Amended by 1955 c.689 §2; repealed by 1959 c.406 §34]

694.025 Certificate of registration required to deal in hearing aids. No person shall deal in hearing aids or display a sign or in any other way advertise or hold himself out as a person who deals in hearing aids unless he holds a valid certificate of registration issued by the division as provided in ORS 694.015 to 694.170.

[1959 c.634 §2; 1967 c.631 §2; 1971 c.650 §29]

694.030 [Amended by 1955 c.689 §3; repealed by 1959 c.406 §34]

694.035 Receipt required to be furnished to person supplied with hearing aid. Any person who deals in hearing aids shall deliver to each person there supplied with a hearing aid a receipt which shall contain his signature and show the address of his regular place of business and the number of his certificate, together with a specification of the hearing aid furnished and amount charged therefor.

[1959 c.364 §12; 1967 c.631 §3]

694.040 [Repealed by 1959 c.406 §34]

694.045 [1959 c.634 §3; repealed by 1967 c.631 §7]

694.050 [Repealed by 1959 c.406 §34]

(Licensing)

694.055 Qualifications of applicants for registration; fee. An applicant for registration shall pay a fee of \$60 and shall show to the satisfaction of the division that he:

(1) Is a person of good moral character.

(2) Is 18 years of age or older.

(3) Has an education equivalent to a four-year course in a standard high school or has continuously dealt in hearing aids in this state during the three years preceding January 15, 1960.

[1959 c.634 §4; 1967 c.631 §4; 1973 c.182 §7; 1973 c.827 §76]

694.060 [Repealed by 1959 c.406 §34]

694.065 Examination of applicants. (1) An applicant for registration who is notified by the division that he has fulfilled the requirements of ORS 694.055, shall appear at a time, place and before such persons as the division may designate, to be examined by written and practical tests.

(2) The division shall give one qualifying examination provided in subsection (1) of this section before January 15, 1960, and beginning in July of 1960 shall give a qualifying examination during the second full week in January and during the third full week in July in each year.

[1959 c.634 §§5, 5a; 1967 c.631 §5]

694.070 [Repealed by 1959 c.406 §34]

694.075 Scope of examination. The qualifying examination provided in subsection (1) of ORS 694.065 shall consist of:

(1) Tests of knowledge in the following areas as they pertain to the fitting of hearing aids:

(a) Basic physics of sound.

(b) The human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders.

(c) Structure and function of hearing aids.

(2) Tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:

(a) Pure tone audiometry, including air conduction testing and bone conduction testing.

(b) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing.

(c) Effective masking.

(d) Recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy.

(e) Selection and adaptation of hearing aids and testing of hearing aids.

(f) Taking earmold impressions.
[1959 c.634 §6]

694.080 [Repealed by 1959 c.406 §34]

694.085 Registration and issuance of certificates; fees. The division shall register each applicant, without discrimination, who satisfactorily passes the examination and, upon payment of \$60 after a January examination or \$40 after a July examination to the division, shall issue to the applicant a certificate of registration signed by the Administrator of the Health Division. The certificate of registration shall be effective until January 15 of the year following the year in which it is issued.

[1959 c.634 §7; 1973 c.182 §8]

694.090 [Amended by 1955 c.689 §4; repealed by 1959 c.406 §34]

694.095 Temporary certificate of registration. (1) After January 15, 1960, an applicant who fulfills the requirements of ORS 694.055 and who has not previously applied to take the qualifying examination provided under subsection (1) of ORS 694.065 may apply to the division for a temporary certificate of registration.

(2) Upon receiving an application provided under subsection (1) of this section accompanied by a fee of \$5, the division shall issue a temporary certificate of registration which shall entitle the applicant to deal in hearing aids for a period ending 10 days after the conclusion of the next qualifying examination given after the date of issue.

(3) No temporary certificate of registration shall be issued by the division under this section unless the applicant shows to the satisfaction of the division that he is or will be supervised and trained by a person who holds a valid certificate of registration issued under ORS 694.015 to 694.170.

(4) If a person who holds a temporary certificate of registration issued under this section does not take the next qualifying examination given after the date of issue, the temporary certificate shall not be renewed.

(5) If a person who holds a temporary certificate of registration issued under this section takes and fails to pass the next qualifying examination given after the date of issue, or if for good reason in the judgment of the division he fails to take the next qualify-

ing examination, the division may renew the temporary certificate of registration for a period ending 10 days after the conclusion of the next qualifying examination given after the date of the renewal. Two renewals may be allowed; but in any event the time for which an individual may hold a temporary certificate of registration shall not exceed 16 months. The fee for renewal shall be \$20.

[1959 c.634 §9; 1967 c.631 §6]

694.100 [Amended by 1955 c.689 §5; repealed by 1959 c.406 §34]

694.105 [1959 c.634 §10; repealed by 1967 c.631 §7]

694.110 [Amended by 1955 c.689 §6; repealed by 1959 c.406 §34]

694.115 Notice to division of place of business; notice to holders of certificates by division. (1) A person who holds a certificate of registration shall notify the division in writing of the regular address of the place or places where he deals or intends to deal in hearing aids.

(2) The division shall keep a record of the places of business of persons who hold certificates of registration.

(3) Any notice required to be given by the division to a person who holds a certificate of registration may be given by mailing it to him at the address of the last place of business of which he has notified the division.

[1959 c.634 §11; 1967 c.631 §8]

694.120 [Repealed by 1959 c.406 §34]

694.125 Annual renewal of registration; fees; effect of failure to renew. Each person who deals in hearing aids shall annually, on or before January 15, pay to the division a fee of \$60 for a renewal of his certificate of registration and shall keep such certificate conspicuously posted in his office or place of business at all times. A 30-day grace period shall be allowed after January 15, during which certificates of registration may be renewed on payment of a fee of \$65 to the division. The division may suspend the certificate of registration of any person who fails to renew his certificate before the expiration of the 30-day grace period. After the expiration of the grace period, the division may renew such a certificate upon the payment of \$70 to the division. No person who applies for renewal, whose certificate of registration was suspended for failure to renew, shall be required to submit to any examination as a condition of renewal if he renews within

three years after the date of expiration of his certificate.

[1959 c.634 §13; 1967 c.631 §9; 1973 c.182 §9]

694.130 [Amended by 1955 c.689 §7; repealed by 1959 c.406 §34]

694.135 Grounds for suspension or revocation of certificates. Any person registered under ORS 694.015 to 694.170 may have his certificate of registration revoked or suspended for a fixed period by the division for any of the following causes:

(1) His conviction of a felony, or of a misdemeanor involving moral turpitude. The record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction.

(2) When his certificate of registration has been secured by fraud or deceit practiced upon the division.

(3) For unethical conduct, or for gross ignorance or inefficiency in dealing in hearing aids. Unethical conduct means:

(a) The obtaining of any fee or the making of any sale by fraud or misrepresentation.

(b) Employing directly or indirectly any suspended or unregistered person to perform any work covered by ORS 694.015 to 694.170.

(c) 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.

(d) Advertising a particular model, type or kind of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the advertised model, type or kind where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind than that advertised.

(e) Representing that the services or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the word "doctor," "clinic" or other like words, abbreviations or symbols which tend to connote the medical profession when such use is not accurate.

(f) Habitual intemperance.

(g) Gross immorality.

(h) Permitting another to use his certificate.

(4) Dealing while suffering from a contagious or infectious disease.

(5) Advertising professional methods or professional superiority.

(6) Dealing in hearing aids under a false or alias name.

(7) For any violation of the provisions of ORS 694.015 to 694.170.

[1959 c.634 §14; 1967 c.631 §10]

694.138 Certificate denial procedure. (1) Where the division proposes to refuse to issue or renew a certificate of registration, or proposes to revoke or suspend a certificate of registration, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

[1971 c.734 §156]

694.140 [Repealed by 1959 c.406 §34]

694.145 Prohibited acts and practices. No person shall:

(1) Sell, barter or offer to sell or barter a certificate of registration.

(2) Purchase or procure by barter a certificate of registration with intent to use it as evidence of the holder's qualification to deal in hearing aids.

(3) Alter materially a certificate of registration with fraudulent intent.

(4) Use or attempt to use as a valid certificate of registration a certificate which has been purchased, fraudulently obtained, counterfeited or materially altered.

(5) Wilfully make a false, material statement in an application for registration or for renewal of a certificate of registration.

[1959 c.634 §15; 1967 c.631 §11]

694.150 [Repealed by 1959 c.406 §34]

(Administration)

694.155 Powers and duties of Health Division. The powers and duties of the division are as follows:

(1) To authorize all disbursements necessary to carry out the provisions of ORS 694.015 to 694.170.

(2) To supervise and administer qualifying examinations to test the knowledge and proficiency of applicants for registration.

(3) To register persons who apply to the division and who have qualified to deal in hearing aids.

(4) To purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for registration.

(5) To issue and renew certificates of registration.

(6) To suspend or revoke certificates of registration in the manner provided in ORS 183.310 to 183.500.

(7) To appoint representatives to conduct or supervise the examination of applicants for registration.

(8) To designate the time and place for examining applicants for certificates of registration.

(9) To make and publish rules and regulations not inconsistent with the laws of this state which are necessary to carry out the provisions of ORS 694.015 to 694.170.

(10) To require the periodic inspection of the audiometric testing equipment and to carry out the periodic inspection of facilities of persons who deal in hearing aids.

(11) To appoint or employ subordinate employes.

[1959 c.634 §23; 1967 c.631 §12]

694.160 [Repealed by 1959 c.406 §34]

694.165 Advisory Council on Hearing Aids; qualifications; terms; compensation and expenses. (1) There hereby is created the Advisory Council to the Health Division on Hearing Aids. The council shall consist of five members to be appointed by the Governor.

(2) Members of the council shall be residents of this state. One member shall be a person licensed to practice medicine in this state who holds a certificate of qualification from the American Board of Otolaryngology. One member shall hold clinical certification in audiology with the American Speech and Hearing Association and shall be a member in good standing of that association. Three members shall be persons experienced in the fitting of hearing aids, who possess the qualifications provided in ORS 694.055; but all successors to the position of such members, who are appointed to the council after the date on which the division first issues a certificate of registration as provided in ORS 694.085, shall be persons who hold valid certificates of registration under ORS 694.015 to 694.170. No member of the council shall be a member or employe of the division.

(3) The term of office of a member is three years beginning on July 1 of the year

of appointment. A member shall continue to serve until a successor has been appointed and qualifies. Before a member's term expires, the Governor shall appoint a successor to assume his duties on July 1 at the expiration of his predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) Members of the council are entitled to compensation and expenses as provided in ORS 292.495.

[1959 c.634 §§16, 17, 19, 20; 1967 c.631 §13; 1969 c.314 §95]

694.170 Duties of council. (1) The council shall have the responsibility and duty of advising the division in all matters relating to ORS 694.015 to 694.170, shall prepare the examinations required by ORS 694.015 to 694.170 subject to the approval of the division and shall assist the division in carrying out the provisions of ORS 694.015 to 694.170.

(2) The division shall consider and be guided by the recommendations of the council in all matters relating to ORS 694.015 to 694.170.

[1959 c.634 §21]

694.175 [1959 c.634 §22; repealed by 1971 c.753 §74]

694.180 [1959 c.634 §24; 1961 c.593 §5; repealed by 1971 c.753 §74]

694.185 Disposition of receipts. All moneys received by the Health Division under ORS 694.015 to 694.170 and subsections (1) and (2) of 694.991 shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of ORS 694.015 to 694.170 and subsections (1) and (2) of 694.991.

[1973 c.427 §4]

AUDIOLOGISTS AND SPEECH PATHOLOGISTS

(Generally)

694.305 Definitions for ORS 694.305 to 694.525. As used in ORS 694.305 to 694.525 and subsection (3) of 694.991, unless the context requires otherwise:

(1) "Audiologist" means a person who practices audiology and who holds himself out to the public by any title or description of services incorporating the words "audiologist," "hearing clinician," "hearing therapist" or any similar titles or descriptions of service.

(2) "Audiology aide" means any person, meeting the minimum requirements established by the State Board of Examiners for Speech Pathology and Audiology, who works directly under the supervision of a licensed audiologist.

(3) "Board" means the State Board of Examiners for Speech Pathology and Audiology.

(4) "Practice of audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling and instruction related to hearing and hearing impairment for the purpose of modifying communicative disorders involving speech, language, auditory function, including auditory training, speech reading and hearing aid evaluation, or other behavior related to hearing impairment.

(5) "Practice of speech pathology" means the application of principles, methods and procedures for the measurement, testing, evaluation, prediction, counseling or instruction related to the development and disorders of speech, voice or language for the purpose of evaluating, preventing, habilitating, rehabilitating or modifying such disorders and conditions in individuals or groups of individuals.

(6) "Speech pathologist" means one who practices speech pathology and who holds himself out to the public by any title or description of services incorporating the words "speech pathologist," "speech correctionist," "speech therapist," "speech clinician," "language pathologist," "language therapist" or any similar titles or descriptions of services.

(7) "Speech pathology aide" means any person meeting the minimum requirements established by the State Board of Examiners for Speech Pathology and Audiology who works directly under the supervision of a licensed speech pathologist.

(8) "Unethical conduct" means:

(a) The obtaining of any fee by fraud or misrepresentation.

(b) Employing directly or indirectly any suspended or unlicensed person to perform any work covered by ORS 694.305 to 694.525 and subsection (3) of 694.991 unless that person assumes the legal status of a supervised aide.

(c) 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.

(d) Representing that the services or advice of a person licensed to practice medicine will be used or made available in the practice of speech pathology or audiology if that is not true, or using the word "doctor" or "professor" or other like words, abbreviations, or symbols inaccurately.

(e) Permitting another to use his license.

(f) Violation of the code of ethics adopted and published by the board.

[1973 c.199 §1]

694.315 Policy. It is declared to be a policy of this state that, in order to safeguard the public health, safety, and welfare, and to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons, and to protect the public from unprofessional conduct by qualified speech pathologists and audiologists, and to help assure the availability of the highest possible quality speech pathology and audiology services to the communicatively handicapped people of this state, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

[1973 c.199 §2]

694.325 Application of ORS 694.305 to 694.525. (1) Nothing in ORS 694.305 to 694.525 and subsection (3) of 694.991 is intended to prevent a person licensed in this state under any other law from engaging in the profession for which he is licensed.

(2) Nothing in ORS 694.305 to 694.525 and subsection (3) of 694.991 is intended to restrict or prevent activities of a speech pathology or audiology nature or the use of the official title of the position for which they were employed on the part of the following persons:

(a) Persons who hold a valid and current credential as a speech and hearing specialist issued by the State Board of Education.

(b) Speech pathologists or audiologists employed by federal agencies.

(c) Speech pathologists or audiologists employed by accredited colleges or universities.

(3) Persons performing activities described in subsection (2) of this section who are not licensed under ORS 694.305 to 694.525 and subsection (3) of 694.991 must do so solely within the confines of or under the jurisdiction of the organization in which they are employed and shall not offer to render

speech pathology or audiology services to the public for compensation over and above the salary they receive for performance of their official duties with organizations in which they are employed. However, without obtaining a license under ORS 694.305 to 694.525 and subsection (3) of 694.991, such persons may consult or disseminate their research findings and scientific information to other such accredited academic institutions or governmental agencies. They also may offer lectures to the public for a fee, monetary or otherwise, without being licensed under ORS 694.305 to 694.525 and subsection (3) of 694.991.

(4) Nothing in ORS 694.305 to 694.525 and subsection (3) of 694.991 is intended to restrict activities and services of a student of speech pathology from pursuing a course of study in speech pathology at an accredited or approved college or university or an approved clinical training facility. However, these activities and services must constitute a part of his supervised course of study and no fee shall accrue directly or indirectly to the student. Such persons shall be designated by such title as "Speech Pathology Intern", "Speech Pathology Trainee" or other such title clearly indicating the training status appropriate to his level of training.

(5) Nothing in ORS 694.305 to 694.525 and subsection (3) of 694.991 is intended to restrict the activities and services of a student of audiology from pursuing a course of study in audiology at an accredited or approved college or university or an approved clinical training facility. However, these activities and services must constitute a part of his supervised course of study and no fee shall accrue directly or indirectly to the student. Such persons shall be designated by such title as "Audiology Intern", "Audiology Trainee" or other such title clearly indicating the training status appropriate to his level of training.

(6) Nothing in ORS 694.305 to 694.525 and subsection (3) of 694.991 is intended to restrict a person from another state offering speech pathology or audiology services in this state if such services are performed for no more than five days in any calendar year and if such services are performed in cooperation with a speech pathologist or audiologist licensed under ORS 694.305 to 694.525 and subsection (3) of 694.991. However, a person from another state who is licensed or certified as a speech pathologist or audiologist by a similar board of another state, or territory

of the United States, or of a foreign country or province whose standards are equivalent to or higher than, at the date of his certification or licensure, the requirements of ORS 694.305 to 694.525 and subsection (3) of 694.991, and duly adopted rules, or a person who meets the qualifications and requirements, and resides in a state or territory of the United States, or a foreign country or province which does not grant certification or license to speech pathologists or audiologists, may also offer speech pathology or audiology services in this state for a total of not more than 30 days in any calendar year by securing a temporary license from the board subject to such limitations as the board may impose.

(7) Nothing in ORS 694.305 to 694.525 and subsection (3) of 694.991 is intended to restrict any person holding a Class A certificate issued by the Conference of Executives of American Schools of the Deaf from performing the functions for which he qualifies.

(8) Nothing in ORS 694.305 to 694.525 and subsection (3) of 694.991 is intended to restrict any person holding a certificate of registration in this state as a hearing aid dealer from consulting with respect to the selling of hearing aids according to ORS chapter 694.

[1973 c.199 §4]

(Licensing)

694.335 License in speech pathology or audiology required. (1) A license shall be issued to qualified persons either in speech pathology or audiology. A person may be licensed in both areas if he meets the respective qualifications and in such instances the license fee shall be as though for one license.

(2) No person shall practice or represent himself as a speech pathologist or audiologist in this state unless he is licensed in accordance with the provisions of ORS 694.305 to 694.525 and subsection (3) of 694.991.
[1973 c.199 §3]

694.345 Qualifications for licensing. To be eligible for licensing by the board as a speech pathologist or audiologist, the applicant must:

- (1) Be of good moral character.
- (2) Possess at least a master's degree or equivalent in the area of speech pathology or audiology from an accredited educational institution.
- (3) Submit transcripts from one or more

accredited colleges or universities presenting evidence of the completion of 60 semester hours constituting a well-integrated program that includes 18 semester hours in courses that provide fundamental information applicable to the normal development and use of speech, hearing, and language, and 42 semester hours in courses that provide information about and training in the management of speech, hearing, and language disorders and that provide information supplementary to these fields:

(a) Of 42 semester hours required, no fewer than six may be in audiology for the speech pathologist or in speech pathology for the audiologist.

(b) No more than six of these 42 semester hours may be in courses that provide academic credit for clinical practice.

(c) Of these 42 semester hours, at least 24, not including credit for thesis or dissertation, must be in courses in the field for which the license is requested and 30 of these 42 semester hours must be in courses acceptable toward a graduate degree by the college or university in which these courses are taken.

(4) Submit evidence of the completion of a minimum of 275 clock hours of supervised, direct clinical experience with individuals presenting a variety of disorders of communication, the experience being obtained within the training institution or in one of its cooperating programs.

(5) Present written evidence from a licensed or certified speech pathologist or audiologist supervisor of nine months of full-time post-educational professional employment pertinent to the license being sought. "Full-time" means at least nine months in a calendar year and a minimum of 30 hours per week.

(6) Pass an examination approved by the board. The board shall determine the subject and scope of the examinations. Written examinations may be supplemented by such oral examinations as the board shall determine. An applicant who fails his examination may be reexamined at a subsequent examination upon payment of another licensing fee.

[1973 c.199 §5]

694.355 License application; fee. (1) A person desiring to obtain a license from the State Board of Examiners for Speech Pathology and Audiology shall make application to the board.

(2) The application shall be made upon a form and shall be made in such a manner as the board prescribes.

(3) The application required by this section shall be accompanied by a nonrefundable application fee prescribed by ORS 694.425.

[1973 c.199 §20]

694.365 Who may perform duties pending disposition of application. A speech pathologist or audiologist who holds ASHA certification or equivalent or is licensed in another state and who has made application to the board for a license in this state may perform activities and services of a speech pathology or audiological nature without a valid license pending disposition of application.

[1973 c.199 §22]

694.375 Examination; fee. (1) Except as provided in ORS 694.385, an applicant shall be examined for speech pathology or audiology by the State Board of Examiners for Speech Pathology and Audiology, and shall pay to the board, at least 30 days prior to the date of the examination, the examination fee for each examination prescribed by ORS 694.425.

(2) The board may examine by written or oral examination, or by both. The examination shall be given at least twice a year at a time and place and under such supervision as the board may determine. Standards for acceptable performance shall be determined by the board.

(3) The board may waive the written examination if the applicant has successfully passed the National American Speech and Hearing Association examination for certification.

(4) The board may examine or direct the applicant to be examined for knowledge in whatever theoretical or applied fields in speech pathology or audiology as it deems appropriate. It may also examine the candidate with regard to his professional skills and his judgment in the utilization of speech pathology or audiology techniques and methods.

(5) The board shall grade the written examination, if any, or direct it to be graded. Written examination papers shall be retained by the board for at least one year.

(6) The board shall keep an accurate transcript of the oral examination, if any. Transcripts of oral examinations shall be

retained by the board for at least one year following the date of examination.

[1973 c.199 §21]

694.385 When examination and educational requirements may be waived. (1) The board may waive the examination and educational requirements of ORS 694.345 for those qualified applicants who, on July 3, 1973, are actively engaged in the practice of speech pathology or audiology in this state, providing that they file a license application within one year of July 3, 1973.

(2) The board shall waive the examination and grant a license to applicants who present proof of a current license in a state which has standards equivalent to those of this state.

(3) The board shall waive the examination and grant a license to those who hold the Certificate of Clinical Competence of the American Speech and Hearing Association in the area for which they are applying for a license.

[1973 c.199 §6]

694.395 Issuance of license. The State Board of Examiners for Speech Pathology and Audiology shall issue a license to any person who has successfully passed the examination required by ORS 694.375 and who has paid the license fee required by ORS 694.425.

[1973 c.199 §23]

694.405 Renewal procedure; effect on suspended or revoked license. (1) Each licensed speech pathologist or audiologist shall on or before January 30 of each year pay to the board the fee for a renewal of his license. After March 1, the board may renew each license upon payment of the license renewal fee and the delinquency fee.

(2) No person who applies for renewal and whose license has expired, shall be required to submit to any examination as a condition to renewal if the renewal application is made within four years from the date of such expiration.

(3) A suspended license is subject to expiration and must be renewed as provided in this section, but such renewal does not entitle the licensee while the license remains suspended to engage in the licensed activity, or in any other activity or conduct which violates the order or judgment by which the license was suspended.

(4) A license revoked on disciplinary grounds is subject to expiration and it may

not be renewed. If it is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

(5) A person who fails to renew his license within the four years after its expiration may not renew it, and it may not be restored, reissued or reinstated thereafter, but such person may reapply for and obtain a new license if he meets the requirements of ORS 694.305 to 694.525 and subsection (3) of 694.991.

[1973 c.199 §25]

694.415 Rules of ethical standards to govern conduct. The rules and regulations of ethical standards of practice adopted pursuant to subsection (5) of ORS 694.465 shall govern the conduct of all persons who hold a license to practice speech pathology or audiology.

[1973 c.199 §19]

694.425 Fees; initial license fee; waiver; exclusivity of fees. (1) The amount of fees prescribed in connection with a license as a speech pathologist or audiologist is as follows:

(a) Examination fee for a license, \$25.

(b) License fee, and renewal thereof, \$25.

(c) Delinquency fee, \$10.

(d) Application fee, \$25.

(e) Inactive license fee, \$10.

(2) Every person to whom a license is issued after December 31, 1973, shall, as a condition precedent to its issuance, and in addition to any application, examination or other fee, pay the prescribed initial license fee. The board may, by regulation, provide for waiver of such fee where the license is issued less than 45 days before the date on which it will expire.

(3) The fees collected by the board shall be exclusive and no municipality shall have the right to require any person licensed under the provisions of ORS 694.305 to 694.525 and subsection (3) of 694.991 to furnish any bond or pass any examination.

[1973 c.199 §24]

694.435 Denial, suspension or revocation of license. (1) The State Board of Examiners for Speech Pathology and Audiology may refuse to issue a license, or may

suspend or revoke the license of any licensee if he has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct includes, but is not limited to:

(a) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.

(b) Being found guilty of unprofessional conduct, or having violated ethical standards of practice established pursuant to subsection (5) of ORS 694.465.

(c) Violating any lawful order, rule, or regulation of the board.

(d) Violating any provisions of ORS 694.305 to 694.525 and subsection (3) of 694.991.

(2) Denial, suspension or revocation of a license, pursuant to subsection (1) of this section is permissible only after a hearing which complies with all applicable requirements of ORS chapter 183.

(3) One year after denial, suspension or revocation of a license, a person may reapply. The board may in its discretion require an examination for reinstatement.

(4) Where an applicant or licensee has been convicted of a felony or a crime involving moral turpitude, the board may suspend or revoke his license, or may decline to issue a license, when:

(a) The time for appeal has elapsed;

(b) The judgment of conviction has been affirmed on appeal; or

(c) An order granting probation is made suspending the imposition of sentence.

[1973 c.199 §26]

(State Board)

694.445 State Board of Examiners for Speech Pathology and Audiology; nomination; term; vacancy. (1) There is established in the Health Division of the Department of Human Resources a State Board of Examiners for Speech Pathology and Audiology consisting of seven members appointed by the Governor from a list of qualified persons submitted by the Oregon Speech and Hearing Association and the Oregon Academy of Ophthalmology and Otolaryngology.

(2) The term of office of each member is three years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins

on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

[1973 c.199 §7]

694.455 Qualifications of members; compensation and expenses. (1) Of the membership of the State Board of Examiners for Speech Pathology and Audiology:

(a) All members must be citizens of this state.

(b) Three members shall be audiologists, licensed under ORS 694.305 to 694.525 and subsection (3) of 694.991.

(c) Three members shall be speech pathologists licensed under ORS 694.305 to 694.525 and subsection (3) of 694.991.

(d) One member shall be a person licensed to practice medicine, who also holds board certification from the American Board of Otolaryngology.

(2) A member of the State Board of Examiners for Speech Pathology and Audiology shall receive compensation and expenses as provided in ORS 292.495.

[1973 c.199 §§9, 11]

694.465 Powers and duties. The State Board of Examiners for Speech Pathology and Audiology shall:

(1) Administer, coordinate and enforce the provisions of ORS 694.305 to 694.525 and subsection (3) of 694.991;

(2) Evaluate the qualifications of applicants for a license as issued under ORS 694.305 to 694.525 and subsection (3) of 694.991 and supervise the examination of such applicants;

(3) Investigate persons engaging in practices which violate the provisions of ORS 694.305 to 694.525 and subsection (3) of 694.991;

(4) Conduct hearings and keep records and minutes as the board deems necessary to an orderly dispatch of business;

(5) Adopt rules and regulations, including but not limited to governing ethical standards of practice under ORS 694.305 to 694.525 and subsection (3) of 694.991; and

(6) Adopt a seal by which the board shall authenticate its proceedings. Copies of the proceedings, records and acts of the board, signed by the chairman or secretary of the board and stamped with the seal shall be prima facie evidence of the truth of such documents.

[1973 c.199 §18]

694.475 Officers; quorum; meetings.

(1) The State Board of Examiners for Speech Pathology and Audiology shall select one of its members as chairman and another as vice chairman, for such terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

(2) A majority of the members of the board constitutes a quorum for the transaction of business.

(3) The State Board of Examiners for Speech Pathology and Audiology shall meet at least once every year at a place, day and hour determined by the board. The board also shall meet at other times and places specified by the call of the chairman or of a majority of the members of the board.
[1973 c.199 §§12, 13]

694.485 When meetings may be closed to public. All meetings of the State Board of Examiners for Speech Pathology and Audiology for the consideration of and action on matters coming before the board are open to the public, except:

(1) Matters involving the management of internal affairs of the board and its staff, shall be open to the public. Matters involving the management of internal affairs of the board and its staff may be considered and acted upon by the board in executive meetings under rules prescribed by the board.

(2) Sessions to prepare, approve, grade or administer examinations.

(3) Upon request of a person who has failed the licensing examination and is appearing to appeal the failing grade.
[1973 c.199 §14]

694.495 Secretary of board. Subject to applicable provisions of the State Merit System Law, the State Board of Examiners for Speech Pathology and Audiology may employ a secretary and prescribe the duties and fix the compensation.
[1973 c.199 §15]

694.505 Rules. In accordance with applicable provisions of ORS chapter 183, the State Board of Examiners for Speech Pathology and Audiology may make reasonable rules to carry out the functions vested in the board under ORS 694.465.
[1973 c.199 §16]

694.515 Administrative cooperation with Health Division. In performing its powers and duties under ORS 694.305 to 694.525 and subsection (3) of 694.991, the State Board of Examiners for Speech Pathology and Audiology shall utilize the physical facilities and administrative staff of the Health Division. It shall pay to the Health Division a proportionate share of the cost of such administrative services; such share to be fixed by annual negotiation between the board and the division.
[1973 c.199 §17]

694.525 Disposition of receipts. All moneys received by the division under ORS 694.305 to 694.525 and subsection (3) of 694.991 shall be paid into the Health Division Account in the General Fund in the State Treasury and such moneys hereby are appropriated continuously for the administration and enforcement of ORS 694.305 to 694.525 and subsection (3) of 694.991.
[1973 c.199 §27]

PENALTIES

694.990 [Repealed by 1959 c.406 §34]

694.991 Penalties; concurrent jurisdiction of offenses. (1) Violation of any provision of ORS 694.015 to 694.170 is punishable, upon conviction, by a fine of not more than \$500 or by imprisonment for not more than 90 days, or both.

(2) Justice courts and district courts have concurrent jurisdiction with the circuit courts of violation under ORS 694.015 to 694.170.

(3) Violation of subsection (2) of ORS 694.335 is a misdemeanor.
[1959 c.634 §§25, 26; subsection (3) enacted as 1973 c.199 §28]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on November 1, 1973.

Thomas G. Clifford
Legislative Counsel