Chapter 681

1985 REPLACEMENT PART

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GENERALLY

681.205 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Audiologist" means a person who practices audiology and who uses publicly any title or description of services incorporating the words "audiologist," "hearing clinician," "hearing therapist" or any similar titles or descriptions of service.

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

(3) "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.

(4) "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.

(5) "Speech pathologist" means one who practices speech pathology and who uses publicly 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.

(6) "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 this chapter.

(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 a license issued by the board.

(f) Violation of the code of ethics adopted and published by the board. [Formerly 694.305; 1985 c.64 §3]

681.220 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. [Formerly 694 315]

681.230 Application of chapter. (1) Nothing in this chapter is intended to prevent a person licensed in this state under any other law from engaging in the profession for which the person is licensed.

(2) Nothing in this chapter 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 this chapter 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 this chapter, 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 this chapter.

(4) Nothing in this chapter 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 the supervised course of study of the student 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 the level of training of the student.

(5) Nothing in this chapter 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 the supervised course of study of the student 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 the level of training of the student.

(6) Nothing in this chapter 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 this chapter. 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 the certification or licensure of the person, the requirements of this chapter, 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 this chapter 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 the person qualifies.

(8) Nothing in this chapter 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. [Formerly 694.325]

LICENSING

681.250 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 the person 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 the person is licensed in accordance with the provisions of this chapter. [Formerly 694 335]

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

(1) Possess at least a master's degree or equivalent in the area of speech pathology or audiology from an accredited educational institution.

(2) 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 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.

(3) 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.

(4) 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.

(5) 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 the examination may be reexamined at a subsequent examination upon payment of another licensing fee. [Formerly 694.345; 1985 c.64 §5]

681.270 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 681.340. [Formerly 694.355]

681.280 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. [Formerly 694.365]

681.290 Examination; fee. (1) Except as provided in ORS 681.300, 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 681.340.

(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 the professional skills and judgment of the candidate 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. [Formerly 694 375]

681.300 When examination and educational requirements waived. (1) The board may waive the examination and educational requirements of ORS 681.260 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.

(4) The board shall waive the examination and the requirements of ORS 681.260 (2) to (6) and grant a license to practice audiology to any applicant who holds a master's degree in speech pathology and audiology from an Oregon university if the applicant originally applied for a license to practice audiology within one year after July 3, 1973, but acquired the degree by June 15, 1975. [Formerly 694.385, 1985 c.754 §1]

681.310 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 681.290 and who has paid the license fee required by ORS 681.340. [Formerly 694.395]

681.320 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 the 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 a 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 the person meets the requirements of this chapter. [Formerly 694.405]

681.330 Rules of ethical standards to govern conduct. The rules and regulations of ethical standards of practice adopted pursuant to ORS 681.420 (5) shall govern the conduct of all persons who hold a license to practice speech pathology or audiology. [Formerly 694.415]

681.340 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 this chapter to furnish any bond or pass any examination. [Formerly 694.425]

681.350 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 the applicant or licensee 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 ORS 681.420 (5).

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

(d) Violating any provisions of this chapter.

(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 183.310 to 183.550.

(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 the 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.

(5) The board may impose a civil penalty not to exceed $1,000 for any of the causes stated in subsection (1) of this section. [Formerly 694.435; 1985 c.64 §6]

STATE BOARD

681.400 State Board of Examiners for Speech Pathology and Audiology; 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.

(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. [Formerly 694.445, 1985 c.64 §7]

681.410 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) Two members shall be audiologists, licensed under this chapter.

(c) Two members shall be speech pathologists licensed under this chapter.

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

(e) Two members shall be public members who do not possess the qualifications of any member described in paragraphs (b) to (d) of this subsection.

(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. [Formerly 694.455; 1985 c.64 §8]

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

(1) Administer, coordinate and enforce the provisions of this chapter.

(2) Evaluate the qualifications of applicants for a license as issued under this chapter and supervise the examination of such applicants;

(3) Investigate persons engaging in practices which violate the provisions of this chapter;

(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 this chapter; 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. [Formerly 694.465]

681.430 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. [Formerly 694.475]

681.440 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 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. [Formerly 694.485, 1985 c.565 §93]

681.450 Secretary of the board. Subject to applicable provisions of the State Personnel Relations Law, the State Board of Examiners for Speech Pathology and Audiology may employ a secretary and prescribe the duties and fix the compensation. [Formerly 694.495]

681.460 Rules. In accordance with applicable provisions of ORS 183.310 to 183.550, 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 681.420. [Formerly 694.505]

681.470 Administrative cooperation with Health Division. In performing its powers and duties under this chapter, 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. [Formerly 694.515]

681.480 Disposition of receipts. All moneys received by the division under this chapter 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 this chapter. [Formerly 694.525]

ENFORCEMENT

681.505 Report of suspected violations; liability of complainant. (1) Any licensee of the board or member of the Oregon Speech and Hearing Association shall, and any other person may, report to the board any suspected violation of this chapter.

(2) No person who has made a complaint as to the conduct of a licensee of the board or who has given information or testimony relative to a proposed or pending proceeding for misconduct against the licensee of the board, shall be answerable for any such act in any proceeding except for perjury. [1985 c.64 §11]

MISCELLANEOUS

681.605 Audiologist dealing in hearing aids. No licensed audiologist shall deal in hearing aids, as those terms are defined in ORS 694.015, unless the audiologist is registered in accordance with ORS chapter 694. [1985 c.64 §10]

PENALTY

681.990 [Repealed by 1967 c.470 §68]

681.991 Penalty. Violation of ORS 681.250 (2) is a misdemeanor. [Formerly subsection (3) of 694.991]