

A Bill for an Act Relating to Speech Pathologists and Audiologists.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to streamline the administration of the regulation of speech pathologists and audiologists.

SECTION 2. Section 468E-2, Hawaii Revised Statutes, is amended to read as follows:

“§468E-2 **Definitions.** As used in this chapter:

- (1) “Board means the state board of speech pathology and audiology, established under section 468E-6.
- (2) “Person” means any individual, organization, or corporate body, except that only an individual may be licensed under this chapter.
- (3) “Speech pathologist” means an individual who practices speech pathology.
- (4) “The practice of speech pathology” means the application of principles, methods, and procedures of measurement, prediction, evaluation, testing, counseling, consultation, and instruction related to the development and disorders of speech and related language and hearing for the purpose of modifying speech and related language and hearing disorders.
- (5) “Audiologist” means an individual who practices audiology.
- (6) “The practice of audiology” means the application of principles, methods, and procedures of measurement, prediction, evaluation, testing, counseling, consultation, and instruction related to the development and disorders of hearing and related language and speech for the purpose of modifying hearing function and related language and speech disorders.
- (7) “ASHA” means the American Speech-Language-Hearing Association, the national administrative office of which is located in Rockville, Maryland, 10801 Rockville Pike (20852).”

SECTION 3. Section 468E-3, Hawaii Revised Statutes, is amended to read as follows:

“§468E-3 Practice as speech pathologist or audiologist; title or description of services. (a) A person represents himself to be a speech pathologist when he:

- (1) Holds himself out to the public by any title or description of services incorporating the words “speech pathologist,” “speech pathology,” “speech therapy,” “speech correction,” “speech correctionist,” “speech therapist,” “speech clinic,” “speech clinician,” “language pathologist,” “language pathology,” “logopedics,” “logopedist,” “communicology,” “communicologist,” “asphasiologist,” “voice therapy,” “voice therapist,” “voice pathology,” or “voice pathologist,” “language therapist,” or “phoniatrist,” or any similar titles;
 - (2) Purports to treat stuttering, stammering, or other disorders of speech;
 - (3) Is employed as a faculty member in speech pathology;
 - (4) Is employed as a speech pathologist by the state or any county agency.
- (b) A person represents himself to be an audiologist when he:
- (1) Holds himself out to the public by any title or description of services incorporating the terms “audiology,” “audiologist,” “audiological,” “hearing clinic,” “hearing clinician,” “hearing therapist,” or any similar titles;
 - (2) Is employed as a faculty member in audiology;
 - (3) Is employed as an audiologist by the State or any county agency.”

SECTION 4. Section 468E-4, Hawaii Revised Statutes, is amended to read as follows:

“§468E-4 Persons and practices not affected. Nothing in this chapter shall be construed as preventing or restricting:

- (1) A physician or surgeon from engaging in the practice of medicine in this State; or
- (2) A licensed hearing aid dealer from engaging in the practices of fitting and selling hearing aids in this State; or
- (3) Any person licensed in this State by any other law from engaging in the profession or occupation for which he is licensed; or
- (4) Any person employed by any federal government agency whose speech pathologist and/or audiologist must qualify for employment under government certification or under civil service regulations but only at those times when that person is carrying out the functions of such governmental employment. However, such person may, without obtaining a license under this chapter, consult with or disseminate his research findings and other scientific information to speech pathologists and audiologists outside the jurisdiction of the organization by which he is employed. Such person may additionally elect to be subject to this chapter; or
- (5) The activities and services of persons pursuing a course of study leading to a degree in speech pathology at a college or university, if such activities and services constitute a part of a supervised course of study and such person is designated “speech pathology intern,” “speech pathology trainee,” or by other such titles clearly indicating the training status appropriate to his level of training; or
- (6) The activities and services of a person pursuing a course of study leading

to a degree in 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 intern," "audiology trainee," or by any other such titles clearly indicating the training status appropriate to his level of training; or

- (7) The activities and services of a person fulfilling the clinical experience requirements or the clinical fellowship year leading to the American Speech and Hearing Association certificate of clinical competence; or
- (8) The performance of speech pathology or audiology 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 a speech pathologist or audiologist licensed under this chapter, and if such person meets the qualifications and requirements for application for licensure described in paragraphs (1)-(3) of section 468E-5. However, a person not a resident of this State who is not licensed under this chapter, but who is licensed under the law of another state which has established licensure requirements at least equivalent to those established by section 468E-5, or who is the holder of the ASHA Certificate of Clinical Competence in Speech Pathology or Audiology or its equivalent, may offer speech pathology or audiology services in this State for no more than 30 days in any calendar year, if such services are performed in cooperation with a speech pathologist or audiologist licensed under this chapter."

SECTION 5. Section 468E-8, Hawaii Revised Statutes, is amended to read as follows:

"§468E-8 License. (a) On and after January 1, 1975, no person shall engage in the practice of speech pathology or audiology unless he is licensed in accordance with the provisions of this chapter or as otherwise provided in this chapter.

(b) All speech pathologists and audiologists employed by local or state government shall comply with the license requirements of this chapter by December 31, 1984.

(c) A person certified by ASHA or licensed under the laws of another state or the District of Columbia as a speech pathologist or audiologist who has applied for a license in this State may perform speech pathology or audiology services in this State for a period not to exceed 90 days from the time of submitting his application."

SECTION 6. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

"§26H-4 Repeal dates. (a) The following chapters are hereby repealed effective December 31, 1979:

- (1) Chapter 443 (Collection Agencies Board)
- (2) Chapter 467A (Rental Agencies)

(b) The following chapters are hereby repealed effective December 31, 1980:

- (1) Chapter 436 (Board of Examiners for Abstract Makers)
- (2) Chapter 468J (Travel Agencies)
- (3) Chapter 443 (Collection Agencies Board)

(c) The following chapters are hereby repealed effective December 31, 1981:

- (1) Chapter 441 (Cemetery Board)
- (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
- (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
- (4) Chapter 458 (Board of Dispensing Opticians)
- (5) Chapter 459 (Board of Examiners in Optometry)
- (6) Chapter 465 (Board of Certification for Practicing Psychologists)
- [(7) Chapter 468E (Board of Speech Pathology and Audiology)]
- (8) (7) Chapter 452 (Board of Massage)

(d) The following chapters are hereby repealed effective December 31, 1982:

- (1) Chapter 436D (Board of Acupuncture)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 442 (Board of Chiropractic Examiners)
- (4) Chapter 448E (Board of Electricians and Plumbers)
- (5) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
- (6) Chapter 466 (Board of Public Accountancy)
- (7) Chapter 467 (Real Estate Commission)
- (8) Chapter 448H (Elevator Mechanics Licensing Board)

(e) The following chapters are hereby repealed effective December 31, 1983:

- (1) Chapter 444 (Contractors License Board)
- (2) Chapter 448 (Board of Dental Examiners)
- (3) Chapter 453 (Board of Medical Examiners)
- (4) Chapter 457 (Board of Nursing)
- (5) Chapter 460 (Board of Osteopathic Examiners)
- (6) Chapter 460J (Pest Control Board)
- (7) Chapter 461 (Board of Pharmacy)

(f) The following chapters are hereby repealed effective December 31, 1984:

- (1) Chapter 455 (Board of Examiners in Naturopathy)
- (2) Chapter 463E (Podiatry)
- (3) Chapter 438 (Barbering, Practice of)
- [(4)] Chapter 439 (Beauty Culture)

(g) The following chapters are hereby repealed effective December 31, 1985:

- (1) Chapter 437 (Motor Vehicle Industry Licensing Board)[.]
- (2) Chapter 440 (Boxing Commission)

(h) The following chapters are hereby repealed effective December 31, 1986:

- (1) Chapter 447 (Dental Hygienists)
- [(2)] Chapter 463 (Board of Private Detectives and Guards)
- [(3)] Chapter 471 (Board of Veterinary Examiners)[.]

(i) The following chapter is hereby repealed effective December 31, 1988:

- (1) Chapter 468E (Board of Speech Pathology and Audiology)

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SECTION 7. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 8. This Act shall take effect upon its approval.

The foregoing became law on July 7, 1981, without the Governor's signature, pursuant to Art. III, §16, State Constitution.

*Except as to Section 6, the text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.