
SENATE BILL 5601

State of Washington

61st Legislature

2009 Regular Session

By Senator Franklin

Read first time 01/27/09. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to speech-language pathology assistants; amending
2 RCW 18.35.010, 18.35.040, 18.35.095, 18.35.150, 18.35.205, and
3 18.35.260, and 18.130.040; adding new sections to chapter 18.35 RCW;
4 and creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** It is declared to be the policy of this
7 state that, in order to safeguard the public health, safety, and
8 welfare, to protect the public from incompetent, unscrupulous,
9 unauthorized persons and unprofessional conduct, and to ensure the
10 availability of the highest possible standards of speech-language
11 pathology services to the communicatively impaired people of this
12 state, it is necessary to provide regulatory authority over persons
13 offering speech-language pathology services as speech-language
14 pathology assistants.

15 **Sec. 2.** RCW 18.35.010 and 2005 c 45 s 1 are each amended to read
16 as follows:

17 ((As used in)) The definitions in this section apply throughout
18 this chapter((7)) unless the context clearly requires otherwise((+)).

1 (1) "Assistive listening device or system" means an amplification
2 system that is specifically designed to improve the signal to noise
3 ratio for the listener, reduce interference from noise in the
4 background, and enhance hearing levels at a distance by picking up
5 sound from as close to source as possible and sending it directly to
6 the ear of the listener, excluding hearing instruments as defined in
7 this chapter.

8 (2) "Licensed audiologist" means a person who is licensed by the
9 department to engage in the practice of audiology and meets the
10 qualifications in this chapter.

11 (3) "Audiology" means the application of principles, methods, and
12 procedures related to hearing and the disorders of hearing and to
13 related language and speech disorders, whether of organic or nonorganic
14 origin, peripheral or central, that impede the normal process of human
15 communication including, but not limited to, disorders of auditory
16 sensitivity, acuity, function, processing, or vestibular function, the
17 application of aural habilitation, rehabilitation, and appropriate
18 devices including fitting and dispensing of hearing instruments, and
19 cerumen management to treat such disorders.

20 (4) "Board" means the board of hearing and speech.

21 (5) "Department" means the department of health.

22 (6) "Establishment" means any permanent site housing a person
23 engaging in the practice of fitting and dispensing of hearing
24 instruments by a hearing instrument fitter/dispenser or audiologist;
25 where the client can have personal contact and counsel during the
26 firm's business hours; where business is conducted; and the address of
27 which is given to the state for the purpose of bonding.

28 (7) "Facility" means any permanent site housing a person engaging
29 in the practice of speech-language pathology and/or audiology,
30 excluding the sale, lease, or rental of hearing instruments.

31 (8) "Fitting and dispensing of hearing instruments" means the sale,
32 lease, or rental or attempted sale, lease, or rental of hearing
33 instruments together with the selection and modification of hearing
34 instruments and the administration of nondiagnostic tests as specified
35 by RCW 18.35.110 and the use of procedures essential to the performance
36 of these functions; and includes recommending specific hearing
37 instrument systems, specific hearing instruments, or specific hearing
38 instrument characteristics, the taking of impressions for ear molds for

1 these purposes, the use of nondiagnostic procedures and equipment to
2 verify the appropriateness of the hearing instrument fitting, and
3 hearing instrument orientation. The fitting and dispensing of hearing
4 instruments as defined by this chapter may be equally provided by a
5 licensed hearing instrument fitter/dispenser or licensed audiologist.

6 (9) "Good standing" means a licensed hearing instrument
7 fitter/dispenser, licensed audiologist, or licensed speech-language
8 pathologist or speech-language pathology assistant whose license has
9 not been subject to sanctions pursuant to chapter 18.130 RCW or
10 sanctions by other states, territories, or the District of Columbia in
11 the last two years.

12 (10) "Hearing instrument" means any wearable prosthetic instrument
13 or device designed for or represented as aiding, improving,
14 compensating for, or correcting defective human hearing and any parts,
15 attachments, or accessories of such an instrument or device, excluding
16 batteries and cords, ear molds, and assistive listening devices.

17 (11) "Hearing instrument fitter/dispenser" means a person who is
18 licensed to engage in the practice of fitting and dispensing of hearing
19 instruments and meets the qualifications of this chapter.

20 (12) "Interim permit holder" means a person who holds the permit
21 created under RCW 18.35.060 and who practices under the supervision of
22 a licensed hearing instrument fitter/dispenser, licensed speech-
23 language pathologist, or licensed audiologist.

24 (13) "Secretary" means the secretary of health.

25 (14) "Licensed speech-language pathologist" means a person who is
26 licensed by the department to engage in the practice of speech-language
27 pathology and meets the qualifications of this chapter.

28 (15) "Speech-language pathology" means the application of
29 principles, methods, and procedures related to the development and
30 disorders, whether of organic or nonorganic origin, that impede oral,
31 pharyngeal, or laryngeal sensorimotor competencies and the normal
32 process of human communication including, but not limited to, disorders
33 and related disorders of speech, articulation, fluency, voice, verbal
34 and written language, auditory comprehension, cognition/communication,
35 and the application of augmentative communication treatment and devices
36 for treatment of such disorders.

37 (16) "Speech-language pathology assistant" means a person who is
38 licensed by the department to provide speech-language pathology

1 services under the direction and supervision of a licensed speech-
2 language pathologist or speech-language pathologist certified as an
3 educational staff associate by the superintendent of public
4 instruction, and meets all of the requirements of this chapter.

5 (17) "Direct supervision" means the supervising speech-language
6 pathologist is on-site and in view during the procedures or tasks. The
7 board shall develop rules outlining the procedures or tasks allowable
8 under direct supervision.

9 (18) "Indirect supervision" means the procedures or tasks are
10 performed under the speech-language pathologist's overall direction and
11 control, but the speech-language pathologist's presence is not required
12 during the performance of the procedures or tasks. The board shall
13 develop rules outlining the procedures or tasks allowable under
14 indirect supervision.

15 **Sec. 3.** RCW 18.35.040 and 2007 c 271 s 1 are each amended to read
16 as follows:

17 (1) An applicant for licensure as a hearing instrument
18 fitter/dispenser must have the following minimum qualifications and
19 shall pay a fee determined by the secretary as provided in RCW
20 43.70.250. An applicant shall be issued a license under the provisions
21 of this chapter if the applicant has not committed unprofessional
22 conduct as specified by chapter 18.130 RCW, and:

23 (a)(i) Satisfactorily completes the hearing instrument
24 fitter/dispenser examination required by this chapter; and

25 (ii) Satisfactorily completes a minimum of a two-year degree
26 program in hearing instrument fitter/dispenser instruction. The
27 program must be approved by the board; or

28 (b) Holds a current, unsuspended, unrevoked license from another
29 jurisdiction if the standards for licensing in such other jurisdiction
30 are substantially equivalent to those prevailing in this state as
31 provided in (a) of this subsection; or

32 (c)(i) Holds a current, unsuspended, unrevoked license from another
33 jurisdiction, has been actively practicing as a licensed hearing aid
34 fitter/dispenser in another jurisdiction for at least forty-eight of
35 the last sixty months, and submits proof of completion of advance
36 certification from either the international hearing society or the
37 national board for certification in hearing instrument sciences; and

1 (ii) Satisfactorily completes the hearing instrument
2 fitter/dispenser examination required by this chapter or a
3 substantially equivalent examination approved by the board.

4 The applicant must present proof of qualifications to the board in
5 the manner and on forms prescribed by the secretary and proof of
6 completion of a minimum of four clock hours of AIDS education and
7 training pursuant to rules adopted by the board.

8 (2)(a) An applicant for licensure as a speech-language pathologist
9 or audiologist must have the following minimum qualifications:

10 ((+a)) (i) Has not committed unprofessional conduct as specified
11 by the uniform disciplinary act;

12 ((+b)) (ii) Has a master's degree or the equivalent, or a
13 doctorate degree or the equivalent, from a program at a board-approved
14 institution of higher learning, which includes completion of a
15 supervised clinical practicum experience as defined by rules adopted by
16 the board; and

17 ((+c)) (iii) Has completed postgraduate professional work
18 experience approved by the board.

19 (b) All qualified applicants must satisfactorily complete the
20 speech-language pathology or audiology examinations required by this
21 chapter.

22 (c) The applicant must present proof of qualifications to the board
23 in the manner and on forms prescribed by the secretary and proof of
24 completion of a minimum of four clock hours of AIDS education and
25 training pursuant to rules adopted by the board.

26 (3) An applicant for licensure as a speech-language pathology
27 assistant must have the following minimum qualifications:

28 (a) An associate of arts or sciences degree, or a certificate of
29 proficiency, from a speech-language pathology assistant program from an
30 institution of higher education that is approved by the board, as is
31 evidenced by the following:

32 (i) Transcripts showing forty-five quarter hours or thirty semester
33 hours of speech-language pathology coursework; and

34 (ii) Transcripts showing forty-five quarter hours or thirty
35 semester hours of general education credit; or

36 (b) A bachelor of arts or bachelor of sciences degree, as evidenced
37 by transcripts, from a speech, language, and hearing program from an
38 institution of higher education that is approved by the board.

1 **Sec. 4.** RCW 18.35.095 and 2002 c 310 s 9 are each amended to read
2 as follows:

3 (1) A hearing instrument fitter/dispenser licensed under this
4 chapter and not actively practicing may be placed on inactive status by
5 the department at the written request of the licensee. The board shall
6 define by rule the conditions for inactive status licensure. In
7 addition to the requirements of RCW 43.24.086, the licensing fee for a
8 licensee on inactive status shall be directly related to the costs of
9 administering an inactive license by the department. A hearing
10 instrument fitter/dispenser on inactive status may be voluntarily
11 placed on active status by notifying the department in writing, paying
12 the remainder of the licensing fee for the licensing year, and
13 complying with subsection (2) of this section.

14 (2) Hearing instrument fitter/dispenser inactive licensees applying
15 for active licensure shall comply with the following: A licensee who
16 has not fitted or dispensed hearing instruments for more than five
17 years from the expiration of the licensee's full fee license shall
18 retake the practical or the written, or both, hearing instrument
19 fitter/dispenser examinations required under this chapter and other
20 requirements as determined by the board. Persons who have inactive
21 status in this state but who are actively licensed and in good standing
22 in any other state shall not be required to take the hearing instrument
23 fitter/dispenser practical examination, but must submit an affidavit
24 attesting to their knowledge of the current Washington Administrative
25 Code rules and Revised Code of Washington statutes pertaining to the
26 fitting and dispensing of hearing instruments.

27 (3) A speech-language pathologist, speech-language pathology
28 assistant, or audiologist licensed under this chapter and not actively
29 practicing either speech-language pathology or audiology may be placed
30 on inactive status by the department at the written request of the
31 license holder. The board shall define by rule the conditions for
32 inactive status licensure. In addition to the requirements of RCW
33 43.24.086, the fee for a license on inactive status shall be directly
34 related to the cost of administering an inactive license by the
35 department. A person on inactive status may be voluntarily placed on
36 active status by notifying the department in writing, paying the
37 remainder of the fee for the year, and complying with subsection (4) of
38 this section.

1 (4) Speech-language pathologist, speech-language pathology
2 assistant, or audiologist inactive license holders applying for active
3 licensure shall comply with requirements set forth by the board, which
4 may include completion of continuing competency requirements and taking
5 an examination.

6 **Sec. 5.** RCW 18.35.150 and 2002 c 310 s 15 are each amended to read
7 as follows:

8 (1) There is created hereby the board of hearing and speech to
9 govern the three separate professions: Hearing instrument
10 fitting/dispensing, audiology, and speech-language pathology. The
11 board shall consist of (~~ten~~) eleven members to be appointed by the
12 governor.

13 (2) Members of the board shall be residents of this state. Three
14 members shall represent the public and shall have an interest in the
15 rights of consumers of health services, and shall not be or have been
16 a member of, or married to a member of, another licensing board, a
17 licensee of a health occupation board, an employee of a health
18 facility, nor derive his or her primary livelihood from the provision
19 of health services at any level of responsibility. Two members shall
20 be hearing instrument fitter/dispensers who are licensed under this
21 chapter, have at least five years of experience in the practice of
22 hearing instrument fitting and dispensing, and must be actively engaged
23 in fitting and dispensing within two years of appointment. Two members
24 of the board shall be audiologists licensed under this chapter who have
25 at least five years of experience in the practice of audiology and must
26 be actively engaged in practice within two years of appointment. Two
27 members of the board shall be speech-language pathologists licensed
28 under this chapter who have at least five years of experience in the
29 practice of speech-language pathology and must be actively engaged in
30 practice within two years of appointment. One member of the board
31 shall be a speech-language pathology assistant licensed under this
32 chapter who has at least five years of experience as a speech-language
33 pathology assistant and must be actively engaged in practice within two
34 years of appointment. One advisory nonvoting member shall be a medical
35 physician licensed in the state of Washington.

36 (3) The term of office of a member is three years. Of the initial
37 appointments, one hearing instrument fitter/dispenser, one speech-

1 language pathologist, one audiologist, and one consumer shall be
2 appointed for a term of two years, and one hearing instrument
3 fitter/dispenser, one speech-language pathologist, one audiologist, and
4 two consumers shall be appointed for a term of three years.
5 Thereafter, all appointments shall be made for expired terms. No
6 member shall be appointed to serve more than two consecutive terms. A
7 member shall continue to serve until a successor has been appointed.
8 The governor shall either reappoint the member or appoint a successor
9 to assume the member's duties at the expiration of his or her
10 predecessor's term. A vacancy in the office of a member shall be
11 filled by appointment for the unexpired term.

12 (4) The chair shall rotate annually among the hearing instrument
13 fitter/dispensers, speech-language pathologists, speech-language
14 pathology assistant, audiologists, and public members serving on the
15 board. In the absence of the chair, the board shall appoint an interim
16 chair. In event of a tie vote, the issue shall be brought to a second
17 vote and the chair shall refrain from voting.

18 (5) The board shall meet at least once each year, at a place, day
19 and hour determined by the board, unless otherwise directed by a
20 majority of board members. The board shall also meet at such other
21 times and places as are requested by the department or by three members
22 of the board. A quorum is a majority of the board. A hearing
23 instrument fitter/dispenser, speech-language pathologist, and
24 audiologist must be represented. Meetings of the board shall be open
25 and public, except the board may hold executive sessions to the extent
26 permitted by chapter 42.30 RCW.

27 (6) Members of the board shall be compensated in accordance with
28 RCW 43.03.240 and shall be reimbursed for their travel expenses in
29 accordance with RCW 43.03.050 and 43.03.060.

30 (7) The governor may remove a member of the board for cause at the
31 recommendation of a majority of the board.

32 **Sec. 6.** RCW 18.35.205 and 2002 c 310 s 22 are each amended to read
33 as follows:

34 The legislature finds that the public health, safety, and welfare
35 would best be protected by uniform regulation of hearing instrument
36 fitter/dispensers, speech-language pathologists, speech-language
37 pathology assistants, audiologists, and interim permit holders

1 throughout the state. Therefore, the provisions of this chapter
2 relating to the licensing of hearing instrument fitter/dispensers,
3 speech-language pathologists, speech-language pathology assistants, and
4 audiologists and regulation of interim permit holders and their
5 respective establishments or facilities is exclusive. No political
6 subdivision of the state of Washington within whose jurisdiction a
7 hearing instrument fitter/dispenser, audiologist, or speech-language
8 pathologist establishment or facility is located may require any
9 registrations, bonds, licenses, certificates, or interim permits of the
10 establishment or facility or its employees or charge any fee for the
11 same or similar purposes: PROVIDED, HOWEVER, That nothing herein shall
12 limit or abridge the authority of any political subdivision to levy and
13 collect a general and nondiscriminatory license fee levied on all
14 businesses, or to levy a tax based upon the gross business conducted by
15 any firm within the political subdivision.

16 **Sec. 7.** RCW 18.35.260 and 2002 c 310 s 26 are each amended to read
17 as follows:

18 (1) A person who is not a licensed hearing instrument
19 fitter/dispenser may not represent himself or herself as being so
20 licensed and may not use in connection with his or her name the words
21 "licensed hearing instrument fitter/dispenser," "hearing instrument
22 specialist," or "hearing aid fitter/dispenser," or a variation,
23 synonym, word, sign, number, insignia, coinage, or whatever expresses,
24 employs, or implies these terms, names, or functions of a licensed
25 hearing instrument fitter/dispenser.

26 (2) A person who is not a licensed speech-language pathologist may
27 not represent himself or herself as being so licensed and may not use
28 in connection with his or her name the words including "licensed
29 speech-language pathologist" or a variation, synonym, word, sign,
30 number, insignia, coinage, or whatever expresses, employs, or implies
31 these terms, names, or functions as a licensed speech-language
32 pathologist.

33 (3) A person who is not a licensed speech-language pathology
34 assistant may not represent himself or herself as being so licensed and
35 may not use in connection with his or her name the words including
36 "licensed speech-language pathology assistant" or a variation, synonym,

1 word, sign, number, insignia, coinage, or whatever expresses, employs,
2 or implies these terms, names, or functions as a licensed speech-
3 language pathology assistant.

4 (4) A person who is not a licensed audiologist may not represent
5 himself or herself as being so licensed and may not use in connection
6 with his or her name the words "licensed audiologist" or a variation,
7 synonym, letter, word, sign, number, insignia, coinage, or whatever
8 expresses, employs, or implies these terms, names, or functions of a
9 licensed audiologist.

10 ((+4)) (5) Nothing in this chapter prohibits a person credentialed
11 in this state under another act from engaging in the practice for which
12 he or she is credentialed.

13 **Sec. 8.** RCW 18.130.040 and 2009 c 2 s 16 (Initiative Measure No.
14 1029) are each amended to read as follows:

15 (1) This chapter applies only to the secretary and the boards and
16 commissions having jurisdiction in relation to the professions licensed
17 under the chapters specified in this section. This chapter does not
18 apply to any business or profession not licensed under the chapters
19 specified in this section.

20 (2)(a) The secretary has authority under this chapter in relation
21 to the following professions:

22 (i) Dispensing opticians licensed and designated apprentices under
23 chapter 18.34 RCW;

24 (ii) Naturopaths licensed under chapter 18.36A RCW;

25 (iii) Midwives licensed under chapter 18.50 RCW;

26 (iv) Ocularists licensed under chapter 18.55 RCW;

27 (v) Massage operators and businesses licensed under chapter 18.108
28 RCW;

29 (vi) Dental hygienists licensed under chapter 18.29 RCW;

30 (vii) Acupuncturists licensed under chapter 18.06 RCW;

31 (viii) Radiologic technologists certified and X-ray technicians
32 registered under chapter 18.84 RCW;

33 (ix) Respiratory care practitioners licensed under chapter 18.89
34 RCW;

35 (x) Persons registered under chapter 18.19 RCW;

36 (xi) Persons licensed as mental health counselors, marriage and
37 family therapists, and social workers under chapter 18.225 RCW;

1 (xii) Persons registered as nursing pool operators under chapter
2 18.52C RCW;

3 (xiii) Nursing assistants registered or certified under chapter
4 18.88A RCW;

5 (xiv) Health care assistants certified under chapter 18.135 RCW;

6 (xv) Dietitians and nutritionists certified under chapter 18.138
7 RCW;

8 (xvi) Chemical dependency professionals certified under chapter
9 18.205 RCW;

10 (xvii) Sex offender treatment providers and certified affiliate sex
11 offender treatment providers certified under chapter 18.155 RCW;

12 (xviii) Persons licensed and certified under chapter 18.73 RCW or
13 RCW 18.71.205;

14 (xix) Denturists licensed under chapter 18.30 RCW;

15 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

16 (xxi) Surgical technologists registered under chapter 18.215 RCW;

17 (xxii) Recreational therapists;

18 (xxiii) Animal massage practitioners certified under chapter 18.240
19 RCW;

20 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; (~~and~~)

21 (xxv) Home care aides certified under chapter 18.88B RCW; and

22 (xxvi) Speech-language pathology assistants licensed under chapter
23 18.35 RCW.

24 (b) The boards and commissions having authority under this chapter
25 are as follows:

26 (i) The podiatric medical board as established in chapter 18.22
27 RCW;

28 (ii) The chiropractic quality assurance commission as established
29 in chapter 18.25 RCW;

30 (iii) The dental quality assurance commission as established in
31 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
32 licenses and registrations issued under chapter 18.260 RCW;

33 (iv) The board of hearing and speech as established in chapter
34 18.35 RCW;

35 (v) The board of examiners for nursing home administrators as
36 established in chapter 18.52 RCW;

37 (vi) The optometry board as established in chapter 18.54 RCW
38 governing licenses issued under chapter 18.53 RCW;

1 (vii) The board of osteopathic medicine and surgery as established
2 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
3 18.57A RCW;

4 (viii) The board of pharmacy as established in chapter 18.64 RCW
5 governing licenses issued under chapters 18.64 and 18.64A RCW;

6 (ix) The medical quality assurance commission as established in
7 chapter 18.71 RCW governing licenses and registrations issued under
8 chapters 18.71 and 18.71A RCW;

9 (x) The board of physical therapy as established in chapter 18.74
10 RCW;

11 (xi) The board of occupational therapy practice as established in
12 chapter 18.59 RCW;

13 (xii) The nursing care quality assurance commission as established
14 in chapter 18.79 RCW governing licenses and registrations issued under
15 that chapter;

16 (xiii) The examining board of psychology and its disciplinary
17 committee as established in chapter 18.83 RCW; and

18 (xiv) The veterinary board of governors as established in chapter
19 18.92 RCW.

20 (3) In addition to the authority to discipline license holders, the
21 disciplining authority has the authority to grant or deny licenses.
22 The disciplining authority may also grant a license subject to
23 conditions.

24 (4) All disciplining authorities shall adopt procedures to ensure
25 substantially consistent application of this chapter, the Uniform
26 Disciplinary Act, among the disciplining authorities listed in
27 subsection (2) of this section.

28 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.35 RCW
29 to read as follows:

30 Speech-language pathologists are responsible for patient care given
31 by assistive personnel under their supervision. A speech-language
32 pathologist may delegate to assistive personnel selected acts, tasks,
33 or procedures that fall within the scope of speech-language pathology
34 practice but do not exceed the education or training of the assistive
35 personnel.

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 18.35 RCW
2 to read as follows:

3 A speech-language pathology assistant may only perform procedures
4 or tasks delegated by the speech-language pathologist and must follow
5 the individualized education program or treatment plan. Speech-
6 language pathology assistants may not perform procedures or tasks that
7 require diagnosis, evaluation, or clinical interpretation.

8 NEW SECTION. **Sec. 11.** An applicant for licensure as a speech-
9 language pathology assistant may meet the requirements for a license to
10 practice as a speech-language pathology assistant if, within one year
11 of the effective date of this section, he or she submits a competency
12 checklist to the board of hearing and speech, and is employed under the
13 supervision of a speech-language pathologist for at least six hundred
14 hours within the last three years as defined by the board by rule.

15 NEW SECTION. **Sec. 12.** The code reviser is directed to put the
16 defined terms in RCW 18.35.010 in alphabetical order.

17 NEW SECTION. **Sec. 13.** In order to allow for adequate time to
18 establish the program created in this act, the provisions of this act
19 must be implemented beginning one year after the effective date of this
20 section.

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