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CHAPTER 67.

 SPEECH PATHOLOGISTS AND AUDIOLOGISTS

**SECTION 40‑67‑5.** Application of chapter; conflicts of laws.

 Unless otherwise provided for in this chapter, Article 1, Chapter 1, Title 40 applies to speech‑language pathologists and audiologists. However, if there is a conflict between this chapter and Article 1, Chapter 1, Title 40, the provisions of this chapter control.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑10.** Creation of Board of Examiners in Speech‑Language Pathology and Audiology; purpose of board; membership; vacancies; oath.

 (A) There is created the Board of Examiners in Speech‑Language Pathology and Audiology under the administration of the Department of Labor, Licensing and Regulation. The purpose of this board is to protect the public through the regulation of professionals who identify, assess, and provide treatment, including dispensing and fitting appropriate devices to promote communication, for individuals with communication disorders through the administration and enforcement of this chapter and any regulations promulgated under this chapter.

 (B) The Board of Examiners in Speech‑Language Pathology and Audiology consists of five members: two speech‑language pathologists, two audiologists, and one lay member. Each speech‑language pathologist and audiologist must hold active and valid licenses issued under this chapter.

 (C) All members must be appointed by the Governor with the advice and consent of the Senate. Nominations for appointment to the board may be submitted to the Governor from a group, individual, or association and must be considered in accordance with Section 40‑1‑45. Members shall serve terms of four years and until a successor has been appointed and qualifies.

 (D) A vacancy on the board must be filled for the remainder of the unexpired term in the manner of the original appointment.

 (E) The Governor may remove a member of the board in accordance with Section 1‑3‑240.

 (F) Each member of the board, before entering upon the discharge of the duties of the office, shall take and file with the Secretary of State, in writing, an oath to perform properly the duties of the office as a member of the board and to uphold the Constitution of this State and the United States.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑20.** Definitions.

 As used in this chapter:

 (1) "ASHA" means the American Speech‑Language Hearing Association.

 (2) "Audiologist" means an individual who practices audiology.

 A person represents himself to be an audiologist when he holds himself out to the public by any title or description of services which incorporates the words "audiologist", "audiology", "acoustician", "auditory integrative trainer", "hearing clinician", "hearing therapist", or any similar variation of these terms or any derivative term or uses terms such as "hearing", "auditory", "acoustic", "aural", or "listening" in combination with words such as "communicologist", "correctionist", "specialist", "pathologist", "therapist", "conservationist", "center", "clinic", "consultant", or "otometrist" to describe a function or service he performs.

 (3) "Audiology" or "audiology service" means screening, identifying, assessing, diagnosing, habilitating, and rehabilitating individuals with peripheral and central auditory and vestibular disorders; preventing hearing loss; researching normal and disordered auditory and vestibular functions; administering and interpreting behavioral and physiological measures of the peripheral and central auditory and vestibular systems; selecting, fitting, programming, and dispensing all types of amplification and assistive listening devices including hearing aids, and providing training in their use; providing aural habilitation, rehabilitation, and counseling to hearing impaired individuals and their families; designing, implementing, and coordinating industrial and community hearing conservation programs; training and supervising individuals not licensed in accordance with this chapter who perform air conduction threshold testing in the industrial setting; designing and coordinating infant hearing screening and supervising individuals not licensed in accordance with this chapter who perform infant hearing screenings; performing speech or language screening, limited to a pass‑fail determination; screening of other skills for the purpose of audiological evaluation; and identifying individuals with other communication disorders.

 (4) "The practice of audiology" means the rendering of or the offering to render any audiology service to an individual, group, organization, or the public.

 (5) "Board" means the South Carolina State Board of Examiners in Speech‑Language Pathology and Audiology.

 (6) "Director" means the Director of the Department of Labor, Licensing and Regulation.

 (7) "License" means an authorization to practice speech‑language pathology or audiology issued by the board pursuant to this chapter and includes an authorization to practice as a speech‑language pathology intern, an audiology intern, and a speech‑language pathology assistant.

 (8) "Licensee" means an individual who has met the requirements for licensure under this chapter and has been issued a license for speech language pathology or audiology or for speech language pathology or audiology intern or speech‑language pathology assistant.

 (9) "Intern" means an individual who has met the requirements for licensure as a speech‑language pathology or audiology intern under this chapter and has been issued this license by the board.

 (10) "Person" means an individual, organization, or corporation, except that only individuals can be licensed under this chapter.

 (11) "Speech‑language pathologist" means an individual who practices speech‑language pathology.

 A person represents himself to be a speech‑language pathologist when he 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 pathology", "language pathologist", "logopedics", "logopedist", "communicology", "communicologist", "aphasiologist", "voice therapy", "voice therapist", "voice pathologist", "voice pathology", "voxologist", "language therapist", "phoniatrist", "cognitive communication therapist clinician", or any similar variation of these terms or any derivative term, to describe a function or service he performs. "Similar variations" include the use of words such as "speech", "voice", "language", or "stuttering" in combination with other words which imply a title or service relating to the practice of speech‑language pathology.

 (12) "Speech‑language pathology" or "speech‑language pathology service" means screening, identifying, assessing, interpreting, diagnosing, rehabilitating, researching, and preventing disorders of speech, language, voice, oral‑pharyngeal function, and cognitive/communication skills; developing and dispensing augmentative and alternative communication systems and providing training in their use; providing aural rehabilitation and counseling services to hearing impaired individuals and their families; enhancing speech‑language proficiency and communication effectiveness; screening of hearing, limited to a pass‑fail determination; screening of other skills for the purpose of speech‑language evaluation; and identifying individuals with other communication disorders.

 (13) "The practice of speech‑language pathology" means the rendering of or the offering to render any speech‑language pathology services to an individual, group, organization, or the public.

 (14) "Speech‑language pathology assistant" means an individual who provides speech‑language pathology services as prescribed, directed, and supervised by a speech‑language pathologist licensed under this chapter. A person represents himself to be a speech‑language pathology assistant when he holds himself out to the public by any title or description of services incorporating the words "speech aid", "speech‑language support personnel", "speech assistant", "communication aid", "communication assistant", "speech pathology technician", or any similar variation of these terms, to describe a function or service he performs.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑30.** Licensure requirement for practice of speech‑language pathology and audiology; supervision of interns and assistants.

 No person may practice speech‑language pathology or audiology without a license issued in accordance with this chapter. A speech‑language pathology intern or assistant may only practice under the direct supervision of a speech‑language pathologist, and an audiology intern may only practice under the direct supervision of an audiologist as specified by the board.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑50.** Assessment, collection, and adjustment of fees.

 (A) These fees must be assessed, collected, and adjusted on behalf of the board by the Department of Labor, Licensing and Regulation in accordance with this chapter and Section 40‑1‑50(D):

 (1) initial license fee ‑ $220.00;

 (2) initial intern license fee ‑ $110.00;

 (3) biennial license renewal fee ‑ $220.00;

 (4) annual intern license fee ‑ $110.00;

 (5) reinstatement fee ‑ $50.00 for renewals received after March 31 but before May 1;

 (6) replacement fee ‑ $10.00 for replacing a license;

 (7) initial inactive license status fee ‑ $100.00;

 (8) biennial inactive license renewal fee ‑ $100.00;

 (9) roster fee ‑ $15.00;

 (10) initial speech‑language pathology assistant fee ‑ $50.00;

 (11) biennial speech‑language pathology assistant license renewal fee ‑ $100.00;

 (12) change in supervising Speech‑Language Pathologist or Audiologist fee ‑ $25.00 for changes during a license period.

 (B) All fees are nonrefundable.

 (C) A check which is presented to the board as payment for a fee which the board is permitted to charge under this chapter and which is returned unpaid may be cause for denial of a license or for imposing a sanction authorized under this chapter or Section 40‑1‑50(G).

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑60.** Election of chairman, vicechairman and other officers; meetings; quorum; adoption of rules and procedures; seal; positive majority vote.

 (A) The board annually shall elect from among its members a chairman, vicechairman, and other officers as the board determines necessary.

 (B) The board shall meet quarterly and at other times upon the call of the chairman or a majority of the board.

 (C) Three members of the board constitute a quorum; however, if there is a vacancy on the board, a majority of the members serving constitutes a quorum.

 (D) The board shall adopt rules and procedures reasonably necessary for the performance of its duties and the governance of its operations and proceedings.

 (E) The board may have and use an official seal bearing the name of the board.

 (F) Any business conducted by the board must be by a positive majority vote. For purposes of this subsection, "positive majority vote" means a majority vote of the entire membership of the board, reduced by any vacancies existing at the time.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑70.** Additional powers and duties of board.

 In addition to the powers and duties enumerated in Sections 40‑1‑70 through 40‑1‑100, the board shall:

 (1) regulate the issuance of speech‑language pathology and audiology licenses;

 (2) promulgate regulations and establish policies and procedures necessary to carry out this chapter; and

 (3) discipline licensees in any manner permitted by this chapter or under Sections 40‑1‑110 through 40‑1‑150.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑80.** Investigations; subpoena authority, taking evidence, and requiring production of documents or records.

 For the purpose of conducting an investigation or proceeding under this chapter, the board or a person designated by the board may subpoena witnesses, take evidence, and require the production of any documents or records which the board considers relevant to the inquiry.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑100.** Restraining orders and cease and desist orders.

 Restraining orders and cease and desist orders must be issued in accordance with Section 40‑1‑100.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑110.** Actions warranting disciplinary action.

 In addition to grounds for disciplinary action as set forth in Section 40‑1‑110 and in accordance with Section 40‑67‑120, the board may take disciplinary action against a licensee who:

 (1) violates federal, state, or local laws relating to speech‑language pathology or audiology;

 (2) violates a provision of this chapter or an order issued under this chapter or a regulation promulgated under this chapter;

 (3) fraudulently or deceptively attempts to use, obtain, alter, sell, or barter a license;

 (4) aids or abets a person who is not a licensed audiologist or speech‑language pathologist in illegally engaging in the practice of audiology or speech‑language pathology within this State;

 (5) participates in the fraudulent procurement or renewal of a license for himself or another person or allows another person to use his license;

 (6) commits fraud or deceit in the practice of speech‑language pathology or audiology including, but not limited to:

 (a) misrepresenting an educational degree, training, credentials, competence, or any other material fact;

 (b) using or promoting or causing the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial guarantee, warranty, label, brand, insignia, or any other representation;

 (c) wilfully making or filing a false report or record in the practice of audiology or speech‑language pathology or in satisfying requirements of this chapter;

 (d) submitting a false statement to collect a fee or obtaining a fee through fraud or misrepresentation;

 (7) commits an act of dishonest, immoral, or unprofessional conduct while engaging in the practice of speech‑language pathology or audiology including, but not limited to:

 (a) engaging in illegal, incompetent, or negligent practice of speech‑language pathology or audiology;

 (b) providing professional services while mentally incompetent or under the influence of alcohol or drugs;

 (c) providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from the services, devices, appliances, or products;

 (d) diagnosing or treating individuals for speech or hearing disorders by mail or telephone unless the individual had been previously examined by the licensee and the diagnosis or treatment is related to the examination;

 (8) is convicted of or pleads guilty or nolo contendere to a felony or crime involving moral turpitude or a violation of a federal, state, or local alcohol or drug law, whether or not an appeal or other proceeding is pending to have the conviction or plea set aside;

 (9) is disciplined by a licensing or disciplinary authority of another state, country, or nationally recognized professional organization or convicted of or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section;

 (10) fails to obtain informed consent when performing an invasive procedure or fails to obtain informed written consent when engaging in an experimental procedure;

 (11) violates the code of ethics promulgated in regulation by the board.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑115.** Jurisdiction of the board.

 The board has jurisdiction over the actions of licensees and former licensees as provided for in Section 40‑1‑115.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑120.** Imposition of fine.

 Upon a determination by the board that one or more of the grounds for discipline of a licensee exists, as provided for in Sections 40‑67‑110 or 40‑1‑110, the board, in addition to the actions provided for in Section 40‑1‑120, may impose a fine of not more than one thousand dollars.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑130.** Denial of licensure on grounds of possible disciplinary action.

 The board may deny licensure to an applicant based on the grounds for which the board may take disciplinary action against a licensee.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑140.** Denial of licensure on grounds of prior criminal record.

 A license may be denied based on a person's prior criminal record as provided for in Section 40‑1‑140.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑150.** Voluntary surrender of license.

 A licensee who is under investigation for any of the grounds provided for in Section 40‑67‑110 or Section 40‑1‑110 voluntarily may surrender his license to the board in accordance with Section 40‑1‑150.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑160.** Appeal.

 A person aggrieved by an action of the board may seek review of the decision in accordance with Section 40‑1‑160.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑170.** Payment of investigation and prosecution costs.

 A person found in violation of this chapter or regulations promulgated under this chapter may be required to pay costs associated with the investigation and prosecution of the case in accordance with Section 40‑1‑170.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑180.** Collection and enforcement of costs and fines.

 All costs and fines imposed pursuant to this chapter must be paid in accordance with and are subject to the collection and enforcement provisions of Section 40‑1‑180.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑190.** Privileged communications.

 Communications made in connection with an investigation or hearing relevant to a complaint against a licensee are privileged as provided for in Section 40‑1‑190.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑200.** Submission of false information for purpose of obtaining a license; penalties.

 (A) A person who practices or offers to practice speech‑language pathology or audiology in this State in violation of this chapter or a regulation promulgated under this chapter or who knowingly submits false information to the board for the purpose of obtaining a license is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

 (B) A person violating any other provision of this chapter or a regulation promulgated under this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑210.** Civil and injunctive relief.

 In addition to initiating a criminal proceeding for a violation of this chapter, the board also may seek civil and injunctive relief pursuant to Section 40‑1‑210.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑220.** Period of licensure; qualifications for licensure; inactive licensure.

 (A) A license must be issued independently in either speech‑language pathology or audiology. A license is valid for two years; however, an intern license only is valid for one year. A license application received after December 31 is valid for the next licensure period.

 (B) To be licensed by the board as a speech‑language pathologist or audiologist an individual must:

 (1)(a) have earned a post‑graduate degree in speech language pathology or audiology from a school or program determined by the board to be equivalent to those accredited by the Council on Professional Standards of the American Speech‑Language Hearing Association (ASHA);

 (b) passed an exam approved by the board; and

 (c) completed supervised professional employment which is a minimum of thirty hours a week of professional employment in speech‑language pathology or audiology for at least nine months whether or not for wages or other compensation under the supervision of a speech‑language pathologist or audiologist licensed under this chapter; or

 (2) meet ASHA's Standards for Certificate of Clinical Competence, or its equivalent as approved by the board, in speech‑language pathology or audiology in effect at the time of application; or

 (3) have a current ASHA Certificate of Clinical Competence or its equivalent as approved by the board.

 (C) A speech‑language pathology or audiology intern license must be issued to an applicant who has satisfied the requirement of subsection (B)(1)(a) and who has not passed the examination required by subsection (B)(1)(b) or who lacks the supervised professional employment as required by subsection (B)(1)(c), or both.

 A person who has been issued a license as an intern who has not met the requirement of subsection (B)(1)(b) must pass an examination approved by the board within twelve months of the issuance of the intern license.

 (D) To be licensed as a speech‑language pathology assistant, an applicant must have earned a bachelors degree in speech‑language pathology and must submit an application which includes a supervisory agreement and an on‑the‑job training plan, both of which must comply with requirements established by the board in regulation. Speech‑language pathologists who use a speech‑language pathology assistant in their practices must comply with guidelines promulgated by the board in regulation.

 (E) A person requesting inactive licensure must:

 (1) hold a valid unrestricted license issued by this board at the time that inactive licensure is requested.

 (2) agree not to practice speech‑language pathology or audiology while holding an inactive license. An inactive license may be renewed for up to eight years.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑230.** Notarized application for licensure; fee and documentation of eligibility.

 An individual applying for a license as a speech‑language pathologist or audiologist must file a notarized application with the board. Each application must be accompanied by the appropriate fee and documentation of eligibility as prescribed by the board.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑240.** Issuance of license upon satisfaction of all requirements; personal right; display of license; title; duplicate license.

 (A) If an applicant satisfies all licensure requirements as provided for in this chapter, the board shall issue a license to the applicant. A license is a personal right and not transferable, and the issuance of a license is evidence that the person is entitled to all rights and privileges of a speech‑language pathologist or an audiologist, or of an assistant or intern while the license remains current and unrestricted. However, the license is the property of the State and upon suspension or revocation immediately must be returned to the board.

 (B) A person licensed under this chapter must display the document in a prominent and conspicuous place in the person's place of business or place of employment.

 (C) Only a person licensed under this chapter may use the title of "speech‑language pathologist" or "audiologist" or "speech‑language pathology assistant".

 (D) A duplicate license may be issued by the board in accordance with Section 40‑67‑50.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑250.** Issuance of license to person holding current license in another state.

 The board may issue a license to a person who holds a current speech‑language pathology or audiology license in another state if the standards for licensure in that state are at least the substantial equivalent to the licensing standards provided for in this chapter, and the person satisfies any other requirements the board may prescribe including, but not limited to, continuing education requirements.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑260.** License renewal; conditions; continuing education; records.

 (A) As a condition of license renewal, a speech‑language pathologist or audiologist must satisfactorily complete sixteen hours per license of approved continuing education per license period.

 (B) As a condition of an intern license renewal, a speech‑language pathologist or audiologist must satisfactorily complete eight hours per license of approved continuing education per license period.

 (C) As a condition of an assistant license renewal, a speech‑language pathology assistant must satisfactorily complete eight hours of approved continuing education per license period.

 (D) Continuing education must be reported on forms and in the time and manner specified by the board in regulation.

 (E) Each licensee must maintain records of continuing education hours earned for a period of four years, and these records must be made available to the director or the director's designee upon request for audits that the board may conduct annually.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑270.** Renewal periods; renewal fee; evidence of continuing education; reinstatement of license.

 (A) A speech‑language pathology or audiology license and a speech‑language pathology assistant license must be renewed biennially and expire on March 31 of the second year. A speech‑language pathology or audiology intern license may only be renewed for one twelve‑month period for the purpose of completing the supervised professional employment required by Section 40‑67‑220(B)(1)(c).

 (B) To renew a license the individual shall:

 (1) pay a renewal fee as provided for in Section 40‑67‑50;

 (2) submit evidence of compliance with continuing education requirements as provided for in Section 40‑67‑260.

 (C) A license which was not renewed by March 31 is invalid and only may be reinstated upon receipt of a renewal application postmarked before May 1 and accompanied by the biennial license fee and the reinstatement fee. A renewal request not postmarked before May 1 only may be reinstated upon receipt of an application for licensure submitted under the license requirements in effect at the time the renewal request is submitted and accompanied by the biennial license fee and reinstatement fee.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑280.** Activation of inactive license.

 To activate an inactive license an individual must submit evidence attesting to satisfactory completion of sixteen hours of approved continuing education for each two years inactive licensure.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑290.** Promulgation of code of ethics.

 The Board of Examiners in Speech‑Language Pathology and Audiology may promulgate regulations setting forth a code of ethics for persons licensed by the board.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑300.** Limits on applicability of chapter.

 This chapter does not apply to:

 (1) A speech‑language pathologist or audiologist employed by a state or federal agency or a political subdivision of the State while engaged in the discharge of official duties; however, federal and state or political subdivision employees or employees of a political subdivision of the State who are licensed by this board are subject to the provisions of this chapter.

 (2) Students of speech‑language pathology or audiology enrolled in a course of study at an accredited university or college whose activities constitute a part of the course of study.

 (3) Hearing aid specialists licensed to fit and sell hearing aids pursuant to Chapter 25. Nothing in this chapter is in lieu of or shall conflict with or supersede Chapter 25 and the rights of those licensed under Chapter 25.

 (4) Registered nurses and licensed practical nurses or other certified technicians trained to perform audiometric screening tests in industrial operations and whose work is under the supervision of a company physician, otological consultant, or licensed audiologist.

 (5) A person licensed by the State under this title or any other provision of law whose scope of practice overlaps with the practice of speech‑language pathology or audiology is not also required to be licensed under this chapter unless the person holds himself out to be a practitioner of speech‑language pathology or audiology.

HISTORY: 1997 Act No. 96, Section 1.

**SECTION 40‑67‑350.** Severability.

 If a provision of this chapter or the application of a provision to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

HISTORY: 1997 Act No. 96, Section 1.