

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 200

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Clemente Sanchez and James E. Smith

AN ACT

RELATING TO PROFESSIONAL LICENSES; AMENDING THE SPEECH-LANGUAGE
PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING PRACTICES ACT
TO CLARIFY THE DEFINITION AND USE OF CERTAIN TERMS IN THE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-14B-2 NMSA 1978 (being Laws 1996,
Chapter 57, Section 2, as amended) is amended to read:

"61-14B-2. DEFINITIONS.--As used in the Speech-Language
Pathology, Audiology and Hearing Aid Dispensing Practices Act:

A. "apprentice" means a person working toward full
licensure in speech-language pathology who meets the
requirements for licensure as an apprentice in speech and
language pursuant to the Speech-Language Pathology, Audiology
and Hearing Aid Dispensing Practices Act;

B. "appropriate supervisor" means a person licensed

underscored material = new
[bracketed material] = delete

1 pursuant to the provisions of the Speech-Language Pathology,
2 Audiology and Hearing Aid Dispensing Practices Act who has a
3 minimum of two years' experience as a speech-language
4 pathologist after the clinical fellowship year;

5 C. "auditory trainer" means a custom-fitted FM
6 amplifying instrument other than a hearing aid designed to
7 enhance signal-to-noise ratios;

8 D. "audiologist" means a person who engages in the
9 practice of audiology, who may or may not dispense hearing aids
10 and who meets the qualifications set forth in the Speech-
11 Language Pathology, Audiology and Hearing Aid Dispensing
12 Practices Act;

13 E. "bilingual-multicultural endorsement" means an
14 endorsement that is issued pursuant to the Speech-Language
15 Pathology, Audiology and Hearing Aid Dispensing Practices Act
16 to a qualified speech-language pathologist and that recognizes
17 the licensee's or applicant's demonstrated proficiency in the
18 use of languages other than English to provide speech-language
19 pathology services;

20 [~~E-~~] F. "board" means the speech-language
21 pathology, audiology and hearing aid dispensing practices
22 board;

23 [~~F-~~] G. "business location" means a permanent
24 physical business location in New Mexico where records can be
25 examined and process served;

.198777.1

underscored material = new
[bracketed material] = delete

1 H. "certification by a national professional
2 association" means certification issued by a board-approved
3 national speech-language or hearing association;

4 [G.] I. "clinical fellow" means a person who has
5 completed all academic course work and practicum requirements
6 for a master's degree or the equivalent in speech-language
7 pathology and engages in the practice of speech-language
8 pathology as set forth in the provisions of the Speech-Language
9 Pathology, Audiology and Hearing Aid Dispensing Practices Act;

10 [H.] J. "clinical fellowship year" or "CFY" means
11 the time following the completion of all academic course work
12 and practicum requirements for a master's degree in speech-
13 language pathology and during which a clinical fellow is
14 working toward [~~a certificate of clinical competence from a~~
15 ~~nationally recognized speech-language or hearing association or~~
16 ~~the equivalent]~~ certification by a national professional
17 association;

18 [I.] K. "department" means the regulation and
19 licensing department;

20 [J.] L. "hearing aid" means a wearable instrument
21 or device designed or offered for the purpose of aiding or
22 compensating for impaired human hearing and any parts,
23 attachments or accessories, including earmolds but excluding
24 batteries and cords;

25 [K.] M. "hearing aid dispenser" means a person

underscoring material = new
~~[bracketed material] = delete~~

1 other than an audiologist or an otolaryngologist who is
2 licensed to sell, fit and service hearing aids pursuant to the
3 Speech-Language Pathology, Audiology and Hearing Aid Dispensing
4 Practices Act and maintains or occupies a permanent physical
5 business location in New Mexico where records can be examined
6 and process can be served;

7 ~~[H-]~~ N. "otolaryngologist" means a licensed
8 physician who has completed a recognized residency in
9 otolaryngology and is certified by the American board of
10 otolaryngology;

11 ~~[M-]~~ O. "paraprofessional" means a person who
12 provides adjunct speech-pathology or audiology services under
13 the direct supervision of a licensed speech-language
14 pathologist or audiologist;

15 ~~[N-]~~ P. "practice of audiology" means the
16 application of principles, methods and procedures of
17 measurement, testing, appraisal, prognostication, aural
18 rehabilitation, aural habilitation, consultation, hearing aid
19 selection and fitting, counseling, instruction and research
20 related to hearing and disorders of hearing for the purpose of
21 nonmedical diagnosis, prevention, identification, amelioration
22 or the modification of communicative disorders involving
23 speech, language auditory function or other aberrant behavior
24 related to hearing disorders;

25 ~~[O-]~~ Q. "practice of hearing aid dispensing" means

.198777.1

underscoring material = new
~~[bracketed material] = delete~~

1 the behavioral measurement of human hearing for the purpose of
2 the selection and fitting of hearing aids or other
3 rehabilitative devices to ameliorate the dysfunction of hearing
4 sensitivity; this may include otoscopic inspection of the ear,
5 fabrication of ear impressions and earmolds, instruction,
6 consultation and counseling on the use and care of these
7 instruments, medical referral when appropriate and the analysis
8 of function and servicing of these instruments involving their
9 modification or adjustment;

10 [P-] R. "practice of speech-language pathology"
11 means the rendering or offering to render to individuals,
12 groups, organizations or the public any service in speech or
13 language pathology involving the nonmedical application of
14 principles, methods and procedures for the measurement,
15 testing, diagnosis, prognostication, counseling and instruction
16 related to the development and disorders of communications,
17 speech, fluency, voice, verbal and written language, auditory
18 comprehension, cognition, dysphagia, oral pharyngeal or
19 laryngeal sensorimotor competencies and treatment of persons
20 requiring use of an augmentative communication device for the
21 purpose of nonmedical diagnosing, preventing, treating and
22 ameliorating such disorders and conditions in individuals and
23 groups of individuals;

24 [Q-] S. "screening" means a pass-fail procedure to
25 identify individuals who may require further assessment in the

.198777.1

underscored material = new
[bracketed material] = delete

1 areas of speech-language pathology, audiology or hearing aid
2 dispensing;

3 [R-] T. "speech-language pathologist" means a
4 person who engages in the practice of speech-language pathology
5 and who meets the qualifications set forth in the Speech-
6 Language Pathology, Audiology and Hearing Aid Dispensing
7 Practices Act;

8 [S-] U. "sponsor" means a licensed hearing aid
9 dispenser, audiologist or otolaryngologist who has an
10 endorsement to dispense hearing aids and:

11 (1) is employed in the same business location
12 where the trainee is being trained; and

13 (2) has been actively engaged in the
14 dispensing of hearing aids during three of the past five years;

15 [F-] V. "student" means a person who is a full- or
16 part-time student enrolled in an accredited college or
17 university program in speech-language pathology, audiology or
18 communicative disorders;

19 [H-] W. "supervisor" means a speech-language
20 pathologist or audiologist licensed pursuant to the provisions
21 of the Speech-Language Pathology, Audiology and Hearing Aid
22 Dispensing Practices Act who provides supervision in the area
23 of speech-language pathology or audiology; and

24 [V-] X. "trainee" means a person working toward
25 full licensure as a hearing aid dispenser under the direct

.198777.1

underscored material = new
[bracketed material] = delete

1 supervision of a sponsor."

2 SECTION 2. Section 61-14B-12 NMSA 1978 (being Laws 1996,
3 Chapter 57, Section 12, as amended) is amended to read:

4 "61-14B-12. REQUIREMENTS FOR LICENSURE--SPEECH-LANGUAGE
5 PATHOLOGIST.--A license to practice as a speech-language
6 pathologist shall be issued to a person who files a completed
7 application, accompanied by the required fees and
8 documentation; certifies that the applicant is not guilty of
9 any of the activities listed in Section 61-14B-21 NMSA 1978;
10 and submits satisfactory evidence that the applicant:

11 A. holds at least a master's degree in speech
12 pathology, speech-language pathology or communication disorders
13 or an equivalent degree regardless of degree name and meets the
14 academic requirements for certification by a [~~nationally~~
15 ~~recognized speech-language~~] national professional association;
16 and either

17 B. currently holds [~~a certificate of clinical~~
18 ~~competence from a nationally recognized speech-language~~]
19 certification by a national professional association in the
20 area for which the applicant is seeking licensure; or

21 C. has completed the current academic, practicum
22 and employment experience requirements for [~~a certificate of~~
23 ~~clinical competence from a nationally recognized speech-~~
24 ~~language~~] certification by a national professional association
25 in the area for which the applicant is applying for license and

.198777.1

underscored material = new
[bracketed material] = delete

1 has passed a recognized standard national examination in
2 speech-language pathology."

3 SECTION 3. Section 61-14B-12.1 NMSA 1978 (being Laws
4 2005, Chapter 250, Section 3, as amended) is amended to read:

5 "61-14B-12.1. REQUIREMENTS FOR LICENSURE--AUDIOLOGIST.--

6 A. A license to practice as an audiologist shall be
7 issued to any person who:

8 (1) files a completed application, accompanied
9 by the required fees and documentation;

10 (2) certifies that the applicant is not guilty
11 of any of the activities listed in Section 61-14B-21 NMSA 1978;
12 and

13 (3) submits satisfactory evidence that the
14 applicant:

15 (a) holds a doctor of audiology degree
16 or an equivalent degree regardless of degree name and meets the
17 academic requirements for certification by a [~~nationally~~
18 ~~recognized hearing~~] national professional association, as
19 determined by the board by rule; [~~and~~]

20 (b) has passed a nationally recognized
21 standard examination in audiology, if required by rule; and

22 [~~(4) provides official documentation from a~~
23 ~~nationally recognized hearing association, as determined by the~~
24 ~~board by rule]~~

25 (c) has earned certification by a

.198777.1

underscored material = new
[bracketed material] = delete

1 national professional association as evidence that the
2 applicant meets the clinical experience and examination
3 requirements of the Speech-Language Pathology, Audiology and
4 Hearing Aid Dispensing Practices Act [~~and~~

5 ~~(5) maintains or occupies a business location,~~
6 ~~hospital, clinical medical practice or other facility in which~~
7 ~~hearing aids are regularly dispensed].~~

8 B. A license to practice as an audiologist shall be
9 issued to a person who:

10 (1) files a completed application, accompanied
11 by the required fees and documentation;

12 (2) certifies that the applicant is not guilty
13 of any of the activities listed in Section 61-14B-21 NMSA 1978;
14 [~~and~~]

15 (3) submits satisfactory evidence that the
16 applicant:

17 (a) holds a master's degree in audiology
18 or communication disorders or an equivalent degree in audiology
19 or communication disorders or an equivalent degree awarded
20 prior to January 1, 2007; [~~meets~~] has met the academic
21 requirements for certification by a [~~nationally recognized~~
22 ~~hearing~~] national professional association; and has earned [~~a~~
23 ~~certificate of clinical competence from a nationally recognized~~
24 ~~hearing~~] certification by a national professional association
25 in the area in which the applicant is seeking licensure; or

.198777.1

underscored material = new
[bracketed material] = delete

1 (b) has completed the current academic,
2 practicum and employment experience requirements for [a
3 ~~certificate of competence in audiology from a nationally~~
4 ~~recognized hearing]~~ certification by a national professional
5 association and has passed a nationally recognized standard
6 examination in audiology; and

7 [~~e~~] (4) provides evidence satisfactory to
8 the board of at least six months' experience in the dispensing
9 of hearing aids through practical examination or other methods
10 as determined by the board in either a graduate training
11 program or in a work or training experience [~~and~~

12 ~~(d) maintains or occupies a business~~
13 ~~location, hospital, clinical medical practice or other facility~~
14 ~~in which hearing aids are regularly dispensed]."~~

15 SECTION 4. Section 61-14B-13 NMSA 1978 (being Laws 1996,
16 Chapter 57, Section 13, as amended) is amended to read:

17 "61-14B-13. REQUIREMENTS FOR ENDORSEMENT TO DISPENSE
18 HEARING AIDS AS AN [~~AUDIOLOGIST OR~~] OTOLARYNGOLOGIST.--An
19 endorsement to practice hearing aid dispensing shall be issued
20 to a licensed [~~audiologist or~~] otolaryngologist who files a
21 completed application accompanied by the required fees and
22 documentation and who:

23 A. provides evidence satisfactory to the board of
24 at least six months' experience in the dispensing of hearing
25 aids through practical examination or other methods as

.198777.1

underscored material = new
[bracketed material] = delete

1 determined by the board in either a graduate training program
2 or in a work or training experience;

3 B. maintains or occupies a business location,
4 hospital, clinical medical practice or other facility where
5 hearing aids are regularly dispensed;

6 C. passes the jurisprudence examination given by
7 the board; and

8 D. certifies that ~~[he]~~ the otolaryngologist is not
9 guilty of any activities listed in Section 61-14B-21 NMSA
10 1978."

11 SECTION 5. Section 61-14B-13.1 NMSA 1978 (being Laws
12 2013, Chapter 110, Section 16) is amended to read:

13 "61-14B-13.1. REQUIREMENTS FOR BILINGUAL-MULTICULTURAL
14 ENDORSEMENT.--A bilingual-multicultural endorsement shall be
15 issued to any person who:

16 A. files a completed application, accompanied by
17 the required fees and documentation; certifies that the
18 applicant is not guilty of any of the activities listed in
19 Section 61-14B-21 NMSA 1978; and submits satisfactory evidence
20 that the applicant:

21 (1) is eligible for and in the process of
22 obtaining a license to practice as a speech-language
23 pathologist;

24 (2) has completed the required education as
25 determined by rule;

.198777.1

underscored material = new
[bracketed material] = delete

1 (3) has met experience requirements approved
2 by the board; and

3 (4) has demonstrated proficiency in the
4 specified language as determined by the board; or

5 B. files a completed application accompanied by the
6 required fees and documentation; certifies that the applicant
7 is not guilty of any of the activities listed in Section
8 61-14B-21 NMSA 1978; and submits satisfactory evidence that the
9 applicant:

10 (1) has an active license in good standing in
11 the state of New Mexico as a speech-language pathologist;

12 (2) has a current bilingual endorsement from
13 the public education department; or

14 (3) has a minimum of five years practicing
15 with clients who utilize a language other than English and
16 [~~4~~] has demonstrated proficiency in the specified language as
17 determined by the board; or

18 C. files a completed application, accompanied by
19 the required fees and documentation; certifies that the
20 applicant is not guilty of any of the activities listed in
21 Section 61-14B-21 NMSA 1978; and submits satisfactory evidence
22 that the applicant:

23 (1) has [~~an active~~] a license in good standing
24 in another state or country as a speech-language pathologist;

25 (2) has a minimum of five years practicing

.198777.1

underscored material = new
[bracketed material] = delete

1 with clients who utilize a language other than English; and

2 (3) has demonstrated proficiency in the
3 specified language as determined by the board."

4 SECTION 6. Section 61-14B-15 NMSA 1978 (being Laws 1996,
5 Chapter 57, Section 15, as amended) is amended to read:

6 "61-14B-15. REQUIREMENTS FOR LICENSURE--CLINICAL FELLOW
7 OF SPEECH-LANGUAGE PATHOLOGY.--A license to practice as a
8 clinical fellow of speech-language pathology shall be issued to
9 a person who files a completed application, pays the required
10 fees, provides documentation and submits satisfactory evidence
11 that the person:

12 A. has met all academic course work and practicum
13 requirements for a master's degree in speech-language
14 pathology, speech pathology or communication disorders for
15 certification by a [~~nationally recognized speech-language or~~
16 ~~hearing~~] national professional association;

17 B. certifies that the person has received no
18 reprimands of unprofessional conduct or incompetency;

19 C. applies for licensure under Section 61-14B-12
20 NMSA 1978 after completing the clinical fellowship year; and

21 D. has an appropriate supervisor, as defined in
22 Section 61-14B-2 NMSA 1978."

23 SECTION 7. Section 61-14B-21 NMSA 1978 (being Laws 1996,
24 Chapter 57, Section 21) is amended to read:

25 "61-14B-21. DISCIPLINARY PROCEEDINGS--JUDICIAL REVIEW.--

.198777.1

underscored material = new
[bracketed material] = delete

1 A. The board may deny, revoke, suspend or impose
2 conditions upon ~~[any]~~ a license held or applied for under the
3 Speech-Language Pathology, Audiology and Hearing Aid Dispensing
4 Practices Act in accordance with the procedures set forth in
5 the Uniform Licensing Act upon findings by the board that the
6 licensee or applicant:

7 (1) is guilty of fraud or deceit in procuring
8 or attempting to procure a license;

9 (2) has been convicted of a felony. A
10 certified copy of the record of conviction shall be conclusive
11 evidence of the conviction;

12 (3) is guilty of incompetence;

13 (4) is guilty of unprofessional conduct;

14 (5) is selling or fitting the first hearing
15 aid of ~~[any]~~ a child under sixteen years of age who has not
16 been examined and cleared for the hearing aid by an
17 otolaryngologist ~~[and]~~ or a dispensing audiologist who ~~[is~~
18 ~~certified competent by a nationally recognized speech-language~~
19 ~~or hearing association or holds equivalent certification]~~ has
20 earned certification by a national professional association;

21 (6) is selling or fitting a hearing aid on
22 ~~[any]~~ a person who has not been tested, except for replacement
23 aids;

24 (7) uses untruthful or misleading advertising;

25 (8) ~~[is representing himself as]~~ makes any

underscored material = new
[bracketed material] = delete

1 representation as being a medical doctor when [~~he~~] the licensee
2 or applicant is not a licensed medical doctor;

3 (9) is addicted to the use of habit-forming
4 drugs or is addicted to [~~any~~] a substance to such a degree as
5 to render [~~him~~] the licensee or applicant unfit to practice as
6 a speech-language pathologist, dispensing or nondispensing
7 audiologist or hearing aid dispenser;

8 (10) is guilty of unprofessional conduct, as
9 defined by regulation of the board;

10 (11) is guilty of [~~any~~] a violation of the
11 Controlled Substances Act;

12 (12) has violated [~~any~~] a provision of the
13 Speech-Language Pathology, Audiology and Hearing Aid Dispensing
14 Practices Act;

15 (13) is guilty of willfully or negligently
16 practicing beyond the scope of the Speech-Language Pathology,
17 Audiology and Hearing Aid Dispensing Practices Act;

18 (14) is guilty of aiding or abetting the
19 practice of speech-language pathology, audiology or hearing aid
20 dispensing by a person not licensed by the board;

21 (15) is guilty of practicing without a license
22 in violation of the Speech-Language Pathology, Audiology and
23 Hearing Aid Dispensing Practices Act and its regulations; or

24 (16) has had a license, certificate or
25 registration to practice speech-language pathology, audiology

.198777.1

underscoring material = new
~~[bracketed material] = delete~~

1 or hearing aid dispensing revoked, suspended or denied in any
2 jurisdiction, territory or possession of the United States or
3 another country for actions of the licensee similar to acts
4 described in this section. A certified copy of the record of
5 the jurisdiction taking such disciplinary action will be
6 conclusive evidence thereof.

7 B. Disciplinary proceedings may be initiated by
8 ~~[any]~~ a person filing a sworn complaint. ~~[Any]~~ A person filing
9 a sworn complaint shall be immune from liability arising out of
10 civil action if the complaint is filed in good faith and
11 without actual malice."