

AN ACT

RELATING TO LICENSING; MAKING CHANGES IN THE SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AND DISPENSING PRACTICES ACT; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

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

"61-14B-1. SHORT TITLE.--Chapter 61, Article 14B NMSA 1978 may be cited as the "Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act"."

Section 2. Section 61-14B-2 NMSA 1978 (being Laws 1996, Chapter 57, Section 2) 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. "auditory trainer" means a custom-fitted FM amplifying instrument other than a hearing aid designed to enhance signal-to-noise ratios;

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

D. "board" means the speech language pathology, audiology and hearing aid dispensing practices board;

E. "business location" means a permanent physical business location in New Mexico where records can be examined and process served;

F. "clinical fellow" means a person who has completed all academic course work and practicum requirements for a master's degree or the equivalent in speech-language pathology or audiology or both and engages in the practice of speech-language pathology or audiology as set forth in the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

G. "clinical fellowship year" or "CFY" means the time following the completion of all academic course work and practicum requirements for a master's degree in speech-language pathology or audiology or both and during which a clinical fellow is working towards a certificate of clinical competence from a nationally recognized speech-language or hearing association or the equivalent;

H. "CFY supervisor" means a person licensed pursuant to the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act who oversees the work of a clinical fellow and is so designated in the CFY plan that is approved by the board;

I. "department" means the regulation and licensing department;

J. "hearing aid" means any wearable instrument or device designed or offered for the purpose of aiding or compensating for impaired human hearing and any parts,

attachments or accessories, including earmolds but excluding batteries and cords;

K. "hearing aid dispenser" means any person other than a audiologist or an otolaryngologist who is licensed to sell, fit and service hearing aids under the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act and maintains or occupies a permanent physical business location in New Mexico where records can be examined and process can be served;

L. "otolaryngologist" means a licensed physician who has completed a recognized residency in otolaryngology and is certified by the American board of otolaryngology;

M. "paraprofessional" means a person who provides adjunct speech-pathology or audiology services under the direct supervision of a licensed speech-language pathologist or audiologist;

N. "practice of audiology" means the application of principles, methods and procedures of measurement, testing, appraisal, prognostication, aural rehabilitation, aural habilitation, consultation, hearing aid selection and fitting, counseling, instruction and research related to hearing and disorders of hearing for the purpose of nonmedical diagnosis, prevention, identification, amelioration or the modification of communicative disorders involving speech, language auditory function or other aberrant behavior related to hearing disorders;

O. "practice of hearing aid dispensing" means the behavioral measurement of human hearing for the purpose of the selection and fitting of hearing aids or other rehabilitative devices to ameliorate the dysfunction of

hearing sensitivity; this may include otoscopic inspection of the ear, fabrication of ear impressions and earmolds, instruction, consultation and counseling on the use and care of these instruments, medical referral when appropriate and the analysis of function and servicing of these instruments involving their modification or adjustment;

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

Q. "screening" means a pass-fail procedure to identify individuals who may require further assessment in the areas of speech-language pathology, audiology or hearing aid dispensing;

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

S. "sponsor" means a licensed hearing aid dispenser, audiologist or otolaryngologist who has an endorsement to dispense hearing aids and:

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

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

T. "student" means any person who is a full- or part-time student enrolled in an accredited college or university program in speech-language pathology, audiology or communicative disorders;

U. "supervisor" means a speech-language pathologist or audiologist licensed pursuant to the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act who provides supervision in the area of speech-language pathology or audiology; and

V. "trainee" means a person working toward full licensure as a hearing aid dispenser under the direct supervision of a sponsor."

Section 3. A new section of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act is enacted to read:

"SCOPE OF PRACTICE--APPRENTICE IN SPEECH AND LANGUAGE.-

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The scope of practice for an apprentice in speech and language is to provide adjunct services that are planned, selected or designed by the supervising speech-language pathologist. These services may include:

- A. conducting speech language or hearing screenings;
- B. following documented treatment plans or protocols;
- C. preparing written daily plans based on the overall intervention plan;
- D. recording, charting, graphing or otherwise displaying data relative to client performance and reporting performance changes to the supervisor;
- E. maintaining daily service notes or delivery notes and completing daily charges as requested;
- F. reporting but not interpreting data relative to client performance to teacher, family or other professionals;
- G. performing clerical duties, including maintenance of therapy and diagnostic materials, equipment and client files as directed by the supervisor;
- H. assisting the speech-language pathologist during client treatment and assessment; and
- I. assisting the speech-language pathologist in research, in-service, training and public relations programs."

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

"61-14B-5. SCOPE OF PRACTICE--AUDIOLOGISTS.--

A. The scope of practice for audiologists shall include:

(1) the rendering or offering to render professional services, including non-medical diagnosis, prevention, identification, evaluation, consultation,

counseling, habilitation, rehabilitation and instruction on and prognostication of individuals having or suspected of having disorders of hearing, balance or central auditory processing;

(2) identification and evaluation of auditory function through the performance and interpretation of appropriate behavioral or electrophysiological tests for this purpose;

(3) making ear impressions for use with auditory trainers or for non-amplified devices such as swim molds or ear protectors;

(4) cerumen management; and

(5) evaluation and management of tinnitus.

B. The scope of practice for audiologists may include:

(1) consultation regarding noise control or environmental noise evaluation;

(2) hearing conservation;

(3) calibration of equipment used in hearing testing and environmental evaluation;

(4) fitting and management of auditory trainers, including their general service, adjustment and analysis of function, as well as instruction, orientation and counseling in the use and care of these instruments;

(5) speech or language screening for the purposes of audiological evaluation or initial identification for referral of individuals with disorders of communication other than hearing; and

(6) supervision of students, clinical fellows and paraprofessionals.

C. The scope of practice for audiologists may be expanded by special endorsement to include the dispensing of hearing aids. This expanded scope:

(1) shall include the scope of practice for audiologists as specified in Subsections A and B of this section;

(2) shall include the scope of practice for hearing aid dispenser; and

(3) may include the sponsorship of hearing aid dispenser trainees."

Section 5. Section 61-14B-12 NMSA 1978 (being Laws 1996, Chapter 57, Section 12) is amended to read:

"61-14B-12. REQUIREMENTS FOR LICENSURE--SPEECH-LANGUAGE PATHOLOGIST--AUDIOLOGIST.--A license to practice as a speech-language pathologist or an audiologist shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who submits satisfactory evidence that the applicant:

A. holds at least a master's degree in speech pathology, speech-language pathology, communication disorders or audiology or equivalent degree regardless of degree name and meets the academic requirements for certification by a nationally recognized speech language or hearing association;

B. certifies that he is not guilty of any of the activities listed in Section 61-14B-21 NMSA 1978; and

C. currently holds a certificate of clinical competence from a nationally recognized speech-language or hearing association in the area for which he is seeking licensure; or

D. has submitted evidence of having completed the current academic, practicum and employment experience requirements for a certificate of clinical competence from a nationally recognized speech-language or hearing association in the area for which he is applying for license and has passed a recognized standard national examination in either speech-language pathology or audiology or both and has complied with the provisions of Subsection B of this section."

Section 6. Section 61-14B-13 NMSA 1978 (being Laws 1996, Chapter 57, Section 13) is amended to read:

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

A. provides evidence satisfactory to the board of at least six months' experience in the dispensing of hearing aids through practical examination or other methods as determined by the board in either a graduate training program or in a work or training experience;

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

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

D. certifies that he is not guilty of any activities listed in Section 61-14B-21 NMSA 1978."

Section 7. Section 61-14B-14 NMSA 1978 (being Laws

1996, Chapter 57, Section 14) is amended to read:

"61-14B-14. REQUIREMENTS FOR LICENSURE BY EXAMINATION-
-HEARING AID DISPENSER.--

A. A license to practice as a hearing aid dispenser shall be issued to any person who files a completed application, passes the examination approved by the board, pays the required fees, provides required documentation and submits satisfactory evidence that the person:

(1) is an audiologist, a clinical fellow in audiology or an otolaryngologist; or

(2) is a person other than an audiologist, a clinical fellow in audiology or an otolaryngologist applying for a license under the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act and who:

(a) has reached the age of majority and has at least a high school education or the equivalent;

(b) has worked for no less than seven months under a training permit; and

(c) certifies that he is not guilty of any of the activities listed in Section 61-14B-21 NMSA 1978.

B. The examination for hearing aid dispenser shall be conducted by the board quarterly unless there are no applicants for examination.

C. The board:

(1) shall provide procedures to assure that examinations for licensure are offered as needed;

(2) shall establish rules regarding the examination application deadline and other rules relating to the taking and retaking of licensure examinations;

(3) shall determine a passing grade for the examination; and

(4) may accept an applicant's examination scores used for national certification or other examination approved by the board."

Section 8. A new section of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act is enacted to read:

"REQUIREMENTS FOR LICENSURE--APPRENTICE IN SPEECH AND LANGUAGE.--A license to practice as an apprentice in speech and language shall be issued by the board to any person who files a completed application accompanied by the required fees and documentation and provides satisfactory evidence that the applicant:

A. is working toward full licensure pursuant to the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

B. has a baccalaureate degree in speech-language pathology or communicative disorders or an equivalent degree regardless of degree name or a baccalaureate degree in another field with thirty semester hours of credit in speech-language pathology, audiology or communicative disorder;

C. is enrolled in and successfully completes graduate classes in communicative disorders at a minimum rate of nine semester hours per year and is accepted into a master's level program in communicative disorders within two years of initial licensing;

D. maintains a minimum of a 3.0 grade point average in his master's degree course and other work;

E. is supervised by an individual licensed as a speech-language pathologist who has a minimum of two years experience as a speech-language pathologist; and

F. receives a minimum of ten percent direct supervision and ten percent indirect supervision."

Section 9. Section 61-14B-17 NMSA 1978 (being Laws 1996, Chapter 57, Section 17) is amended to read:

"61-14B-17. HEARING AID DISPENSING TEMPORARY TRAINEE PERMITS--ISSUANCE.--

A. Any person who does not meet the requirements for licensure without examination as an audiologist or otolaryngologist as set forth in Section 61-14B-13 NMSA 1978 or as a hearing aid dispenser as set forth in Section 61-14B-14 NMSA 1978, may apply for a temporary trainee permit. A temporary trainee permit shall be issued to a person who:

(1) has reached the age of majority and has a high school education or the equivalent;

(2) has identified a sponsor;

(3) pays an application fee as determined by the board;

(4) has not failed the licensing examination twice within a five-year period; and

(5) certifies that he is not guilty of any of the activities listed in Section 61-14B-21 NMSA 1978.

B. A temporary trainee permit shall:

(1) be valid for one year from the date of its issuance and is nonrenewable for a period of one year following its expiration; and

(2) allow the person to complete a training

period.

C. A person issued a temporary trainee permit may be eligible for licensure as a hearing aid dispenser upon:

(1) the completion of a minimum of three hundred twenty hours of training, to be completed within a three-month period under the direct supervision of the sponsor;

(2) the completion of five continuous months of full-time dispensing work, during which time all sales are approved by the sponsor prior to delivery; and

(3) the sponsor approving all fittings, adjustments, modifications or repairs to hearing aids and earmolds.

D. An audiologist, clinical fellow in audiology or otolaryngologist issued a temporary trainee permit may be eligible for licensure without examination as a hearing aid dispenser upon the sponsor providing direct supervision for a minimum of three months of all fittings, adjustments, modifications or repairs to hearing aids and earmolds."

Section 10. Section 61-14B-20 NMSA 1978 (being Laws 1996, Chapter 57, Section 20) is amended to read:

"61-14B-20. FEES.--The board shall establish a schedule of reasonable fees for applications, licenses, renewal of licenses, exams, penalties and administrative fees. The license and license renewal fees shall not exceed:

A. fifty dollars (\$50.00) for clinical fellows and apprentices in speech and language;

B. one hundred dollars (\$100) for audiologists or speech-language pathologists;

C. three hundred dollars (\$300) for hearing aid dispensers;

D. two hundred dollars (\$200) for examinations;

E. one hundred dollars (\$100) for late renewal fees;

F. two hundred dollars (\$200) for hearing aid dispensing endorsement;

G. five hundred dollars (\$500) for a hearing aid trainee license, which fee includes examination, both written and practical; and

H. reasonable administrative fees."

Section 11. REPEAL.--Section 61-14B-4 NMSA 1978 (being Laws 1996, Chapter 57, Section 4) is repealed.

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