

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 236
Health Care Committee Substitute Adopted 3/22/23
Third Edition Engrossed 3/29/23

Short Title: Modernize Audiology Practice Laws.

(Public)

Sponsors:

Referred to:

March 9, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE THE GENERAL STATUTES OF NORTH CAROLINA GOVERNING
3 THE PRACTICE OF AUDIOLOGY TO BETTER REFLECT THE CHANGES IN
4 EDUCATION, EXPERIENCE, AND PRACTICE OF THE PROFESSION IN ORDER TO
5 ENHANCE THE HEALTH AND WELFARE OF NORTH CAROLINA CITIZENS.

6 Whereas, it is the intention of the North Carolina General Assembly to promote the
7 health and welfare of the citizens of this State; and

8 Whereas, the COVID-19 pandemic has placed increasing demands on all health care
9 professionals; and

10 Whereas, it is the intention of the North Carolina General Assembly that statutes
11 governing the profession of audiology reflect current practices, improvements, and other
12 developments that have occurred in the profession; and

13 Whereas, the current statutory language does not fully encompass current practices,
14 improvements, and other developments; Now, therefore,
15 The General Assembly of North Carolina enacts:

16 **SECTION 1.(a)** G.S. 90-292 reads as rewritten:

17 **"§ 90-292. Declaration of policy.**

18 It is declared to be a policy of the State of North Carolina that, in order to safeguard the public
19 health, safety, and welfare; to protect the public from being misled by incompetent, unqualified,
20 unscrupulous, and unauthorized persons and from unprofessional conduct on the part of qualified
21 speech and language pathologists and audiologists and to help assure the availability of the
22 highest possible quality speech and language pathology and audiology services to the
23 communicatively handicapped people of this State, it is necessary to provide regulatory authority
24 over persons offering speech and language pathology and audiology services to the public."

25 **SECTION 1.(b)** G.S. 90-293 reads as rewritten:

26 **"§ 90-293. Definitions.**

27 As used in this Article, unless the context otherwise requires:

28 (1) ~~"Audiologist" means any Audiologist.~~ – Any person who ~~engages~~ is qualified
29 by education, training, and clinical experience and is licensed under this
30 Article to engage in the practice of audiology. The audiologist is an
31 independent hearing health care practitioner providing services in hospitals,
32 clinics, schools, private practices, and other settings in which audiologic
33 services are relevant. A person is deemed to be or to hold himself or herself
34 out as being an audiologist if he or she offers services to the public under any
35 title incorporating the terms of "audiology," "audiologist," "audiological,"



"audiological consultant," "hearing aid audiologist," "hearing clinic," "hearing clinician," "hearing therapist," "hearing specialist," "hearing aid clinician," or any variation, synonym, coinage, or similar title or description of ~~service~~ service that expresses, employs, or implies these terms, names, or functions.

(2) ~~"Board" means the Board.~~ – The Board of Examiners for Speech and Language Pathologists and Audiologists.

(3) ~~"License" means a License.~~ – A license issued by the Board under the provisions of this Article, including a temporary license.

(3a) Over-the-counter hearing aid. – As defined in 21 C.F.R. § 800.30(b).

(4) ~~"Person" means an Person.~~ – Any individual, organization, association, partnership, company, trust, or corporate body, except that only individuals can be licensed under this Article. Any reference in this Article to a "licensed person" shall mean a natural, individual person.

(5) ~~"Speech and language pathologist" means any Speech and language pathologist.~~ – Any person who represents himself or herself to the public by title or by description of services, methods, or procedures as one who evaluates, examines, instructs, counsels, or treats persons suffering from conditions or disorders affecting speech and language or swallowing. A person is deemed to be a speech and language pathologist if the person offers such services under any title incorporating the words "speech pathology," "speech pathologist," "speech correction," "speech correctionist," "speech therapy," "speech therapist," "speech clinic," "speech clinician," "language pathologist," "language therapist," "logopedist," "communication disorders," "communicologist," "voice therapist," "voice pathologist," or any similar title or description of service.

(6) ~~"The practice of audiology" means the~~ The practice of audiology. – The application of principles, methods, and procedures ~~of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, or rehabilitation related to hearing and vestibular disorders for the purpose of identifying, preventing, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals. For the purpose of this subdivision, the words "habilitation" and "rehabilitation" shall include auditory training, speech reading, aural rehabilitation, hearing aid use evaluation and recommendations, and fabrication of earmolds and similar accessories for clinical testing purposes related to disorders of the auditory and vestibular systems. Areas of audiology practice include the following, delivered to people across the lifespan:~~

a. Performing basic health screenings consistent with audiology training by an accredited institution and continuing education. Screenings that indicate the possibility of medical or other conditions that are outside the scope of practice of an audiologist must be referred to appropriate health care providers for further evaluation or management.

b. Eliciting patient histories, including the review of present and past illnesses, current symptoms, reviewing appropriate audiologic test results, obtaining or reviewing separately obtained history, reviewing the outcome of procedures, and documentation of clinical information in the electronic health record or other records.

c. Preventing hearing loss by designing, implementing, and coordinating industrial, school, and community-based hearing conservation programs (i) by educational outreach, including screening, to the

public, schools, and other health care professionals and governmental entities and (ii) by counseling and treating those at risk for hearing loss with behavioral or nutritional modification strategies related to noise-induced hearing loss prevention or with active or passive hearing protection devices.

d. Identifying dysfunction of hearing, balance, and other auditory-related systems by developing and overseeing hearing and balance-related screening programs for persons of all ages, including newborn and school screening programs.

e. Conducting audiological examination and audiologic diagnosis and treatment, as authorized in this subdivision, of hearing and vestibular disorders revealed through the administration of behavioral, psychoacoustic, electrophysiologic tests of the peripheral and central auditory and vestibular systems using standardized test procedures, including, but not limited to, audiometry, tympanometry, acoustic reflex, or other immittance measures, otoacoustic emissions, auditory evoked potentials, video and electronystagmography, and other tests of human equilibrium and tests of central auditory function using calibrated instrumentation leading to the diagnosis of auditory and vestibular dysfunction abnormality.

f. Assessing the candidacy of persons with hearing loss for cochlear implants, auditory brainstem implants, middle ear implantable hearing aids, fully implantable hearing aids, bone-anchored hearing aids, and post-surgery audiologic testing, follow-up assessment, and nonmedical management.

g. Offering audiologic decision making for treatment for persons with impairment of auditory function utilizing amplification or other hearing impairment assistive devices, or auditory training.

h. Prescribing, ordering the use of, selecting, fitting, evaluating, and dispensing hearing aids and other amplification or hearing-assistive or hearing-protective systems and audiologic rehabilitation to optimize use. The sale of an over-the-counter hearing aid is solely a financial transaction and, without additional services, does not constitute treatment by an audiologist.

i. Fitting and mapping of cochlear implants and audiologic rehabilitation to optimize device use.

j. Fitting of middle ear implantable hearing aids, fully implantable hearing aids and bone-anchored hearing aids, and audiologic rehabilitation to optimize device use.

k. Conducting otoscopic examinations, removing cerumen obstructions, and taking ear canal impressions.

l. Providing audiologic examination, audiological decision making, and audiological treatment of persons with tinnitus, including determining candidacy, treatment selection and provision, and providing ongoing management, using techniques, including biofeedback, masking, sound enrichment, hearing aids and other devices, education, counseling, or other relevant tinnitus therapies.

m. Counseling on the psychosocial aspects of hearing loss and the use of amplification systems.

n. Providing aural habilitation and rehabilitation across the life span, including the provision of counseling related to appropriate devices,

such as amplification, cochlear implants, bone-anchored hearing aids, other assistive listening devices, which may include auditory, auditory-visual, and visual training, communication strategies training, and counseling related to psychosocial consequences of hearing loss.

- o. Administering of electrophysiologic examination of neural function related to the auditory or vestibular system, including sensory and motor-evoked potentials, preoperative and postoperative evaluation of neural function, neurophysiologic intraoperative monitoring of the central nervous system, and cranial nerve function. An audiologist shall not perform neurophysiologic intraoperative monitoring except upon delegation from and under the overall direction of a physician, and the audiologist shall be qualified to perform those procedures.
- p. Referring persons with auditory and vestibular dysfunction abnormalities to an appropriate physician for medical evaluation when indicated based upon audiologic and vestibular test results.
- q. Participating as members of a team to implement goals for treatment of balance disorders, including habituation exercises, retraining exercises and adaptation techniques, and providing assessment and treatment of Benign Paroxysmal Positional Vertigo (BPPV) using canalith positioning maneuvers or other appropriate techniques for assessment and treatment.
- r. Communication with the patient, family, or caregivers, whether through face-to-face or non-face-to-face electronic means.
- s. Providing audiologic treatment services for infants and children with hearing impairment and their families in accordance with G.S. 90-294A.

(7) ~~"The practice of speech and language pathology" means the pathology. –~~
The application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, counseling, treating, instruction, habilitation, or rehabilitation related to the development and disorders of speech, voice, language, communication, cognitive-communication, and swallowing for the purpose of identifying, preventing, ameliorating, or modifying such disorders.

...
 (9) ~~"Accredited college or university" means an university. – An~~
institution of higher learning accredited by the Southern Association of Colleges and Universities, or accredited by a similarly recognized association of another locale."

SECTION 1.(c) G.S. 90-294 reads as rewritten:

"§ 90-294. License required; Article not applicable to certain activities.

...

(c1) The provisions of this Article do not apply to:

- (1) The activities, services, and use of an official title by a person employed by an agency of the federal government and solely in connection with such employment.
- (1a) The selling of over-the-counter hearing aids, as defined in this Article.
- (2) The activities and services of a student or trainee in speech and language pathology or audiology pursuing a course of study in an accredited college or university, or working in a training center program approved by the Board, if these activities and services constitute a part of the person's course of

1 ~~study~~ study and that student or trainee is not registered with the Board as an
2 ~~assistant under G.S. 90-298.1.~~
3 (3) ~~Individuals—~~ The fitting and selling of hearing aids by individuals licensed
4 under Chapter 93D of the General Statutes.
5 ...
6 (e) ~~This Article shall not be construed to prevent any person licensed in this State under~~
7 ~~Chapter 93D of the General Statutes of North Carolina from the practice of fitting and selling~~
8 ~~hearing aids.~~
9 (f) The provisions of this Article do not apply to registered nurses and licensed practical
10 nurses or other certified technicians trained to perform audiometric screening tests and whose
11 work is under the supervision of a physician, consulting physician, or licensed
12 ~~audiologist~~ audiologist, unless he or she is registered with the Board as an assistant under
13 G.S. 90-298.1.
14 ...
15 (i) Nothing in this Article shall apply to a licensed physical therapy or occupational
16 therapy practitioner providing evaluation and treatment of swallowing disorders,
17 ~~cognitive/communication~~ cognitive-communication deficits, and balance functions within the
18 context of his or her licensed practice."
19 **SECTION 1.(d)** Article 22 of Chapter 90 of the General Statutes is amended by
20 adding a new section to read:
21 **"§ 90-294A. Treatment of minors.**
22 (a) Audiologists licensed under this Article may treat minors by administering
23 nonmedical audiologic services to minors of all ages with hearing impairment, from birth to less
24 than 18 years of age. Only individuals licensed to practice medicine under Article 1 of this
25 Chapter or working under the supervision of an individual licensed to practice medicine under
26 Article 1 of this Chapter or a person licensed under this Article shall make an assessment of a
27 minor for hearing impairment treatment or manage hearing rehabilitative services of a minor for
28 hearing impairment.
29 (b) Audiologists licensed under this Article may provide clinical treatment, home
30 intervention, family support, case management, and other audiologic services, including
31 audiologic identification, assessment, audiologic diagnosis, and treatment programs to minors of
32 all ages.
33 (c) Audiologists may participate in the development of Individualized Educational
34 Programs and Individual Family Service Plans; consult in matters pertaining to classroom
35 acoustics, assistive listening systems, hearing aids, communication, and psychosocial effects of
36 hearing loss; and maintain classroom assistive systems and students' personal hearing aids. The
37 audiologist may administer hearing screening programs in schools and train and supervise
38 non-audiologists performing hearing screening in an educational setting.
39 (d) Over-the-counter hearing aids are not appropriate for individuals under 18 years of
40 age and do not apply to this section."
41 **SECTION 1.(e)** G.S. 90-295(a) reads as rewritten:
42 "(a) To be eligible for permanent licensure by the Board as a speech and language
43 pathologist, the applicant must:
44 ...
45 (3) Submit evidence of the completion of a minimum of 400 clock hours of
46 supervised, direct clinical experience with individuals who present a variety
47 of communication disorders. This experience must have been obtained within
48 the training institution or in one of its cooperating ~~programs in the following~~
49 ~~areas: (i) Speech—Adult (20 diagnostic and 20 therapeutic); Children (20~~
50 ~~diagnostic and 20 therapeutic); and (ii) Language—Adult (20 diagnostic and~~
51 ~~20 therapeutic); Children (20 diagnostic and 20 therapeutic).~~ programs. Each

new applicant must submit a verified clinical clock hour summary sheet signed by the clinic or program director, in addition to completion of the license application.

- (4) Present written evidence of nine months of full-time professional experience in which ~~bona fide~~ clinical work has been accomplished in speech and language pathology. The professional work must have been supervised by a speech and language pathologist who is State-licensed or certified by the American Speech-Language-Hearing Association. This experience must follow the completion of the requirements listed in subdivisions (1), (2) and (3). Full time is defined as at least nine months in a calendar year and a minimum of 30 hours per week. Half time is defined as at least 18 months in two calendar years and a minimum of 20 hours per week. The supervision must be performed by a person who holds a valid license under this Article, or certificate of clinical competence from the American Speech-Language-Hearing Association, in speech and language pathology.

...."

SECTION 1.(f) G.S. 90-298.1 reads as rewritten:

"§ 90-298.1. Registered assistant.

A licensed speech and language pathologist or a licensed audiologist may register with the Board an assistant who works under the licensee's supervision if all of the following requirements are met:

- (1) The assistant meets the qualifications for registered assistants adopted by the Board.
- (2) The licensee who supervises the assistant pays the registration fee set by the Board.
- (3) The registration fee must be remitted to the Board by the supervisor, assistant, or employer before the assistant can be registered.

A registration of an assistant must be renewed annually. To renew the registration of an assistant, the licensee who supervises the assistant must submit an application for renewal and pay the renewal fee. An initial or renewal fee for registering an assistant may not exceed the renewal license fee set under G.S. 90-305."

SECTION 1.(g) G.S. 90-299 reads as rewritten:

"§ 90-299. Licensee to notify Board of place of practice.

(a) A person who holds a license or registration with the Board shall notify the Board in writing of the address of the place or places where he engages or intends to engage in the practice of speech and language pathology or audiology.

(b) The Board shall keep a record of the places of practice of ~~licensees~~licensees and registered assistants.

(c) Any notice required to be given by the Board to a licensee or registered assistant may be given by mailing it to him at the address of the last place of practice of which he has notified the Board."

SECTION 1.(h) G.S. 90-301 reads as rewritten:

"§ 90-301. Grounds for ~~suspension or revocation~~suspension, revocation, or denial of licenselicense or registration.

Any person licensed or registered under this Article may have his or her license or registration revoked or suspended for a fixed period by the Board or may have his or her application for license or registration denied by the Board under the provisions of North Carolina General Statutes, Chapter 150B, for any of the following causes:

- (1) His or her license or registration has been secured by fraud or deceit practiced upon the Board.

- (2) Fraud or deceit in connection with his or her services rendered as an audiologist or speech and language pathologist.
- (3) Unethical or immoral conduct as defined in this Article or in a code of ethics adopted by the Board.
- (4) Violation of any lawful order, rule or regulation rendered or adopted by the Board.
- (5) Failure to exercise a reasonable degree of professional skill and care in the delivery of professional services.
- (6) Any violation of the provisions of this Article.
- (7) Failure to exercise good moral conduct as defined in rules adopted by the Board or in a code of moral conduct adopted by the Board."

SECTION 1.(i) G.S. 90-303(c) reads as rewritten:

"§ 90-303. Board of Examiners for speech and language pathology and audiology; qualifications, appointment and terms of members; vacancies; meetings, etc.

...

(c) ~~The initial Board shall have members appointed for terms of one year, two years, three years, four years, and five years. All board members serving on June 30, 1981, shall be eligible to complete their respective terms. No member appointed to a term on or after July 1, 1981, shall serve more than two complete consecutive three-year terms."~~

SECTION 1.(j) G.S. 90-304 reads as rewritten:

"§ 90-304. Powers and duties of Board.

(a) The powers and duties of the Board are as follows:

- (1) To administer, coordinate, and enforce the provisions of this Article, establish fees, evaluate the qualifications of applicants, supervise the examination of applicants, and issue subpoenas, examine witnesses, and administer oaths, and investigate persons engaging in practices which violate the provisions of this Article.
- (2) To conduct hearings and keep records and minutes as necessary to an orderly dispatch of business.
- (3) To adopt responsible rules including rules that establish ethical standards of practice and require continuing professional education and to amend or repeal the same.
- (4) ~~To issue annually~~ provide a list stating the names of persons currently licensed under the provisions of this ~~Article~~ Article on the Board's website.
- (5) To employ such personnel as determined by its needs and budget.
- (6) To adopt seals by which it shall authenticate their proceedings, copies of the proceedings, records and the acts of the Board, and licenses.
- (7) To bring an action to restrain or enjoin violations of this Article in addition to and not in lieu of criminal prosecution or proceedings to revoke or suspend licenses issued under this Article.

(b) The Board shall not adopt or enforce any rule or regulation which prohibits advertising except for false or misleading advertising."

SECTION 1.(k) G.S. 90-305 reads as rewritten:

"§ 90-305. Fees.

Persons subject to licensure or registration under this Article shall pay fees to the Board not to exceed the following:

- | | | |
|-----|---------------------------|---------|
| (1) | Application fee | \$30.00 |
| (2) | Examination fee | 30.00 |
| (3) | Initial license fee | 100.00 |
| (4) | Renewal license fee..... | 100.00 |
| (5) | Temporary license..... | 40.00 |

1 (6) Delinquency fee25.00."

2 **SECTION 1.(l)** G.S. 90-306 reads as rewritten:

3 **"§ 90-306. Penalty for violation.**

4 Any person, partnership, or corporation ~~who or which~~ that willfully violates the provisions
5 of this Article shall be guilty of a Class 2 misdemeanor."

6 **SECTION 2.** The Board of Examiners for Speech and Language Pathologists and
7 Audiologists may adopt temporary rules to implement the provisions of this act.

8 **SECTION 3.** Section 1 of this act becomes effective October 1, 2023. The remainder
9 of this act is effective when it becomes law.