

LEGISLATIVE BILL 129

Approved by the Governor February 27, 1985

Introduced by Marsh, 29

AN ACT relating to public health and welfare; to amend sections 71-107, 71-121, 71-1,186 to 71-1,194, and 71-5815, Reissue Revised Statutes of Nebraska, 1943, and sections 71-102, 71-109, 71-110, 71-112, 71-113, 71-114, 71-116, 71-122, 71-139, and 71-162, Revised Statutes Supplement, 1984; to state intent; to define and redefine terms; to provide for the registration and supervision of communication aides; to provide powers and duties; to change provisions relating to audiologists and speech-language pathologists; to provide for continuing education; to eliminate obsolete language and a termination date; to provide an operative date; to repeal the original sections, and also sections 71-1,195 and 71-1,197, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-102, Revised Statutes Supplement, 1984, be amended to read as follows:

71-102. No person shall engage in the practice of medicine and surgery, osteopathy, chiropractic, dentistry, dental hygiene, pharmacy, podiatry, optometry, physical therapy, audiology, ~~speech~~ speech-language pathology, embalming, funeral directing, psychology, or veterinary medicine and surgery, as defined in this act, unless such person shall have obtained from the Department of Health a license for that purpose.

Sec. 2. That section 71-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-107. Every person licensed under this act to practice a profession, shall keep such license displayed in the office or place in which he or she practices; and place and keep placed, in a conspicuous place at each entrance thereto, a sign, in intelligible lettering not less than one inch in height, containing the name of such person immediately followed by the recognized abbreviation indicating the professional degree, if any, held by such person. In addition to the foregoing, those persons licensed to practice osteopathy, chiropractic, podiatry, optometry, audiology, ~~speech~~ speech-language pathology, or physical therapy shall cause to be placed upon such signs, in lettering of equal height, the word,

Osteopath, Chiropractor, Podiatrist, Optometrist, Audiologist, ~~Speech~~ Speech-Language Pathologist, or Physical Therapist, as the case may be. ~~The~~ ~~;~~ ~~PROVIDED;~~ ~~the~~ same wording shall be used in all signs, announcements, stationery, and advertisements of such licensees.

Sec. 3. That section 71-109, Revised Statutes Supplement, 1984, be amended to read as follows:

71-109. Every person holding a certificate under the laws of this state authorizing such person to practice medicine and surgery, osteopathy, chiropractic, dentistry, dental hygiene, podiatry, optometry, physical therapy, audiology, ~~speech~~ speech-language pathology, psychology, or veterinary medicine and surgery, whether practicing now or hereafter licensed to practice, shall have it registered in the office of the county clerk of the county where such person is practicing, proposes to practice, or maintains his or her principal place of business. Registration shall be made in a register kept by the county clerk for such purpose. The register shall be alphabetically arranged and show the following information in regard to the certificate and the person to whom the certificate is issued: (1) Name; (2) residence; (3) form of certificate issued; (4) scope of practice permitted thereunder, as prescribed on the certificate so registered; (5) number and date of the certificate; and (6) the date of registration of the certificate. Any person engaging in such practice without having registered such license, as herein required, shall be guilty of practicing without a license and subject to the penalties of this act. The county clerk shall keep, in a book provided for that purpose and furnished by the Department of Health, a complete list of the certificates so recorded, with the date of the record. Such book shall be open to public inspection during office hours. The county clerk shall, within twenty-four hours after recording of a license, forward an official notice of such recording to the department. ~~Any~~ ~~;~~ ~~PROVIDED;~~ ~~that~~ ~~any~~ practitioner, having lost an original certificate, may present a copy of the record of such certificate or his or her annual renewal card in lieu of the original certificate. Such records may be maintained by the county clerk by means of microfilming.

Sec. 4. That section 71-110, Revised Statutes Supplement, 1984, be amended to read as follows:

71-110. (1) The different licenses to practice a profession shall be renewed biennially upon request of the licensee without examination. The biennial license renewals provided for in this section shall be accomplished in such manner as the department, with the approval of the board, shall establish by rule and regulation. The biennial expiration date in the different professions shall be as follows: January, pharmacy and psychology; February, embalming and funeral directing; March, dentistry and dental hygiene; April, podiatry and

veterinary medicine and surgery; August, chiropractic and optometry; September, osteopathy; October, medicine and surgery; November, physical therapy; and December, audiology and ~~speech~~ speech-language pathology. The request for renewal need not be in any particular form, and shall be accompanied by the legal fee. Such fee shall be paid not later than the date of the expiration of such license, except ; ~~PROVIDED~~; that while actively engaged in the military service of the United States, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 as amended, persons licensed to practice the professions above named shall not be required to pay the renewal license fee.

(2) At least thirty days before the expiration of a license, as set forth in subsection (1) of this section, the Department of Health shall notify each licensee by a letter addressed to him or her at his or her last place of residence as noted upon its records. Any licensee, who fails to pay the renewal fee, on or before the date of expiration of his or her license, shall be given a second notice in the same manner advising him or her (a) of the failure to pay, (b) that the license on that account has expired, (c) that the department will suspend action for thirty days following the date of expiration, (d) that upon the receipt of the renewal fee, together with an additional fee of five dollars, within that time, no order of revocation will be entered, and (e) that upon the failure to receive the amount then due and five dollars in addition to the regular renewal fee, as provided by subsection (1) of this section, an order of revocation will be entered.

(3) Any licensee who allows a license to lapse by failing to renew the same, as provided in subsections (1) and (2) of this section, may be reinstated upon the recommendation of the board of examiners for his or her profession and the payment of the regular and additional renewal fees then due.

Sec. 5. That section 71-112, Revised Statutes Supplement, 1984, be amended to read as follows:

71-112. The boards of examiners provided in section 71-111 shall be designated as follows: For medicine and surgery and osteopathy, Examiners in Medicine and Surgery; for chiropractic, Examiners in Chiropractic; for dentistry and dental hygiene, Examiners in Dentistry; for optometry, Examiners in Optometry; for physical therapy, Examiners in Physical Therapy; for pharmacy, Examiners in Pharmacy; for audiology and ~~speech~~ speech-language pathology, Examiners in Audiology and ~~Speech~~ Speech-Language Pathology; for embalming and funeral directing, Examiners in Embalming and Funeral Directing; for podiatry, Examiners in Podiatry; for psychology, Examiners of Psychologists; and for veterinary medicine and surgery, Examiners in Veterinary Medicine.

Sec. 6. That section 71-113, Revised Statutes Supplement, 1984, be amended to read as follows:

71-113. (1) Each board of examiners shall consist of four members, including one lay person, except that (a) in audiology and ~~speech~~ speech-language pathology the board shall consist of five members, including one lay person, (b) in dentistry the board shall consist of eight members, including one lay person, (c) in medicine and surgery the board shall consist of seven members, including one lay person, (d) in embalming and funeral directing the board shall consist of four members, including one lay person appointed by the Department of Health, (e) in pharmacy the board shall consist of five members, including one lay member; and (f) in psychology the board shall consist of six members, including one lay person. Notwithstanding any other provision of law, the Department of Health shall appoint one lay member to each board of examiners set forth in this subsection in accordance with ~~the provisions of~~ section 71-114.

(2) Membership on the Board of Examiners in Audiology and ~~Speech~~ Speech-Language Pathology shall consist of two members who are audiologists, two members who are ~~speech~~ speech-language pathologists, and one lay person. All professional members shall be qualified to be licensed in accordance with ~~the provisions of~~ this act. The professional members appointed to the initial board shall be licensed not later than six months after being appointed to the board. If for any reason a professional member cannot be licensed within such time period, a new professional member shall be appointed.

Sec. 7. That section 71-114, Revised Statutes Supplement, 1984, be amended to read as follows:

71-114. (1) Except as provided in subsection (4) of this section, every professional examiner shall be and have been actively engaged in the practice of his or her profession in the State of Nebraska, under a license issued in this state, for a period of five years just preceding his or her appointment, except for the members of boards of examiners for professions coming within the scope of sections 71-101 to 71-1,152, for the first time and for a period of five years thereafter. Examiners appointed during such period shall be required to meet the minimum qualifications for licensure in the profession in this state and shall, insofar as possible, meet the requirements as to years of practice in this state otherwise provided by this section.

(2) A lay member of a board of examiners shall be of the age of legal majority and shall have been a resident of the State of Nebraska for at least five years immediately prior to appointment to the board. Such a lay member shall never serve in a capacity to judge professional competence and should be a representative of consumer viewpoints.

(3) Each member of the Board of Examiners in Audiology and ~~Speech~~ Speech-Language Pathology shall have been a resident of the State of Nebraska for at least one year immediately prior to appointment, and shall also have been engaged in rendering services to the public in audiology or ~~speech~~ speech-language pathology for at least three years immediately prior to appointment.

(4) The requirement of five years experience shall apply to members of the Board of Examiners of Psychologists, except that up to two of the five years may have been served in teaching or research.

Sec. 8. That section 71-116, Revised Statutes Supplement, 1984, be amended to read as follows:

71-116. (1) The members of each board of examiners shall be appointed for a term of five years and no member shall be appointed for or serve for more than two consecutive full five-year terms.

(2) The members of the Board of Examiners in Dentistry shall be appointed as follows: As of December 1, 1971, one member shall be appointed for a term of five years and one member shall be appointed for a term of three years; as of December 1, 1972, one member shall be appointed for a term of three years; as of December 1, 1973, one member shall be appointed for a term of three years; as of December 1 of each year thereafter, two members shall be appointed for a term of five years; as of December 1, 1979, one member, who is a duly licensed dental hygienist and complies with ~~the provisions of~~ sections 71-114 and 71-115 shall be appointed for a term of five years; and as of December 1, 1984, one lay member shall be appointed for a term of five years. The dental hygienist member shall have full voting rights, except in matters pertaining to the initial or continuing licensure or competency of a duly licensed practitioner of dentistry. Thereafter successors with like qualifications shall be appointed for five-year terms. No member shall be appointed for or serve for more than two consecutive full five-year terms.

(3) The members of the Board of Examiners in Medicine and Surgery shall be appointed as follows: Within thirty days after May 25, 1943, five members shall be appointed, one of whom shall hold office until December 1, 1944, one until December 1, 1945, one until December 1, 1946, one until December 1, 1947, and one until December 1, 1948; upon the expiration of such terms, successors shall be appointed for terms of five years each. Within thirty days after October 19, 1963, a sixth member, who shall be a person eligible for appointment to the Board of Examiners in Osteopathy who also has a license to practice medicine and surgery in the State of Nebraska, shall be appointed for a term expiring on December 1, 1968. As of December 1, 1984, one lay member shall be appointed for a term of five years. Thereafter successors with like qualifications

shall be appointed for five-year terms. Upon the expiration of the five-year term of such sixth member of the board after August 30, 1981, his or her eligible successor shall be a person who has a license to practice medicine and surgery and a license to practice osteopathy in the State of Nebraska.

(4) The members of the Board of Examiners in Audiology and ~~Speech~~ Speech-Language Pathology shall consist of two audiologists, two ~~speech~~ speech-language pathologists, and one lay member and shall be appointed as follows: Within sixty days after July 22, 1978, four members shall be appointed, two of whom shall hold office until December 1, 1979, and two until December 1, 1980. As of December 1, 1984, one lay member shall be appointed for a term of five years. Upon the expiration of such terms the successors shall be appointed for terms of five years each. No member shall be appointed for or serve for more than two consecutive five-year terms.

(5) As of December 1, 1983, the Board of Examiners in Pharmacy shall be composed of five members, including four actively practicing pharmacists, one of whom practices within the confines of a hospital, and a lay member who is interested in the health of the people of Nebraska and is of the age of majority. The members of the Board of Examiners in Pharmacy shall be appointed as follows: As of December 1, 1983, the hospital pharmacist member shall be appointed for a term of five years and the lay member shall be appointed for a term of three years. Upon the expiration of such terms and the terms of existing members, all successors shall be appointed for terms of five years each.

(6) The members of the Board of Examiners of Psychologists appointed as successors to the members serving on February 25, 1984, shall be appointed for terms of five years. The terms of members serving on February 25, 1984, are hereby extended to December 1 of the year in which they would otherwise expire.

(7) The term of each examiner provided for herein shall commence on the first day of December, following the expiration of the term of the member whom such person succeeds, and shall be rotated in such a manner that no more than one examiner shall retire during any year in which a term expires unless the number of members on a board makes it impractical to do so.

(8) Except as otherwise specifically provided, the members of boards for professions, coming under the scope of sections 71-101 to 71-1,196, for the first time shall be appointed within thirty days after the effective date of the act providing for licensing of the profession, the terms of the initial board members to be as follows: One member shall hold office until December 1 of the third year, one until December 1 of the fourth year, and two, including the lay member, until December 1 of the fifth

year following the year in which the act providing for licensing of the profession became effective.

Sec. 9. That section 71-121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-121. The Department of Health shall, as far as practicable, provide for the conducting of the business of several boards of examiners by mail. Any official action or vote of the members of a board of examiners taken by mail shall be preserved in the records of the department and shall be embodied in the proper minute book by the Director of the Bureau of Examining Boards. At least a majority of each board of examiners shall be present at any examination given in that profession, except for examinations in audiology and ~~speech~~ speech-language pathology. The board members who are audiologists shall be present at any examination in audiology, and the board members who are ~~speech~~ speech-language pathologists shall be present at any examination in ~~speech~~ speech-language pathology.

Sec. 10. That section 71-122, Revised Statutes Supplement, 1984, be amended to read as follows:

71-122. Each member of a board of examiners, except members of the Board of Examiners in Medicine and Surgery, the Board of Examiners of Psychologists, and the Board of Examiners in Dentistry, shall, in addition to necessary traveling and hotel expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting the examination, and, with the exception of board members who are lay persons, for a reasonable number of days for the preparation of examination questions and the reading of the answer papers, in addition to the time actually spent in conducting the examination. Traveling ~~PROVIDED; that traveling~~ and hotel expenses shall be on the same basis as provided in sections 84-306.01 to 84-306.05 for state employees. The compensation per day in the several professions shall be as follows: (1) In chiropractic, embalming and funeral directing, and pharmacy, fifteen dollars; (2) in podiatry and physical therapy, ten dollars; (3) in audiology and ~~speech~~ speech-language pathology, twenty dollars; and (4) in optometry, thirty dollars. There ~~PROVIDED; there~~ shall not be paid for examiners' compensation and expenses a greater sum than is received in fees from the applicants taking the examination in any particular profession.

Sec. 11. That section 71-139, Revised Statutes Supplement, 1984, be amended to read as follows:

71-139. The Department of Health, without examination, except when a practical examination is required, may issue a license to practice any profession except pharmacy, podiatry, dentistry, medicine and surgery, osteopathic medicine and surgery, osteopathic

medicine, osteopathy, and audiology and ~~speech~~ speech-language pathology; to a person who has been in the active practice of that profession in some other state, territory, or the District of Columbia, upon the certificate of the proper licensing authority of the state, territory, or the District of Columbia, certifying that the applicant is duly licensed, that his or her license has never been suspended or revoked, and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof of the following things: (1) That the state, territory, or the District of Columbia from which the applicant comes shall have and maintain standards regulating his or her profession equal to those maintained in that profession by Nebraska; (2) that his or her license there was based upon a written examination and the grades given at such examination; (3) the date of his or her license; (4) that such licensee has been actively engaged in the practice under such license or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for license by reciprocity; (5) the affidavit of at least two practitioners in that state, territory, or the District of Columbia, testifying to the applicant being of good moral character and standing in his or her profession; and (6) that the applicant has been in the active and continuous practice under license by examination in the state, territory, or the District of Columbia from whence he or she comes for at least one year. An applicant for reciprocal registration coming from any state may be licensed by reciprocity, ~~PROVIDED~~, if his or her individual qualifications meet the Nebraska legal requirements. Persons who graduate from colleges of osteopathy accredited by the Department of Health on recommendation of the Board of Examiners in Osteopathy since January 1, 1963, and prior to May 23, 1981, and after May 23, 1981, persons who graduate from colleges of osteopathy accredited by the Department of Health on recommendation of the Board of Examiners in Medicine and Surgery who meet the requirements of this section and who have passed a written examination which is equivalent to that required in section 71-1,104 as determined by the Board of Examiners in Medicine and Surgery and who meet the requirements of section 71-1,137 for the practice of osteopathic medicine and surgery as evidenced by a certificate of the Board of Examiners in Medicine and Surgery may be granted a license to practice osteopathic medicine and surgery as defined in section 71-1,137 if such person has been actively engaged in the practice under such license or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for license by reciprocity. Graduates of an accredited school of osteopathy since

January 1, 1963, who meet the requirements of this section and who meet the applicable requirements of section 71-1,139.01 as certified by the Board of Examiners in Medicine and Surgery may be granted a special license as doctor of osteopathic medicine and surgery.

The Board of Examiners in Dentistry may approve without examination any person who has been duly licensed to practice dentistry in some other state or territory of the United States of America or in the District of Columbia under conditions and circumstances which the board shall find to be comparable to the requirements of the State of Nebraska for obtaining a license to practice dentistry if such person has been actively engaged in the practice under such license or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for license by reciprocity. The applicant shall produce evidence satisfactory to the board that he or she has had the required secondary and professional education and training and is possessed of good character and morals as required by the laws of the State of Nebraska. The applicant shall submit a certificate of the proper licensing authority of the state, territory, or the District of Columbia where he or she is licensed to practice such profession, that he or she is duly licensed, that his or her license has not been suspended or revoked, and that so far as the records of such authority are concerned he or she is entitled to its endorsement. If the applicant is found by the board to meet the requirements provided in this section and is qualified to be licensed to practice the profession of dentistry in the State of Nebraska, the board shall certify such fact to the Department of Health, and the department upon receipt of such certification shall issue a license to practice dentistry in the State of Nebraska to such applicant.

Sec. 12. That section 71-162, Revised Statutes Supplement, 1984, be amended to read as follows:

71-162. (1) The following fees shall be collected by the Department of Health and turned in to the state treasury as is now provided by law:

(a) Not less than fifty dollars nor more than three hundred dollars for a license issued on the basis of an examination given by the appropriate state or national board of examiners or on the basis of a license granted by another state or territory to practice dental hygiene, embalming, physical therapy, dentistry, podiatry, optometry, pharmacy, chiropractic, audiology, ~~speech~~ speech-language pathology, or funeral directing and for a license to practice psychology on the basis of such an examination or foreign license, one hundred dollars plus actual costs incurred in issuing the license, as determined by the department, except that the total fee shall not exceed four hundred dollars;

(b) Not less than twenty dollars nor more than one hundred dollars for the biennial renewal of a license to practice medicine and surgery, osteopathy, or any of the professions enumerated in subdivision (a) of this subsection except psychology, for which the renewal fee shall equal the actual costs incurred for such renewal by the department or one hundred dollars, whichever is less;

(c) For a license to practice medicine and surgery and osteopathy issued upon the basis of an examination given by the board of examiners, three hundred dollars, and this may be adjusted by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

(d) For a license to practice medicine and surgery and osteopathy issued without examination based on a license granted in another state, territory, or the District of Columbia, two hundred dollars, and this may be adjusted by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

(e) For a certified statement that a licensee is licensed in this state, five dollars; and

(f) For a duplicate original license, five dollars, except that for a duplicate license to practice psychology the fee shall be ten dollars.

All money paid as license and renewal fees shall be kept in a separate fund to be used for the benefit of the profession so paying such fees.

(2) The Department of Health, upon the recommendation of the appropriate examining board, shall determine the exact fee to be charged for a license or license renewal in each profession enumerated in subdivisions (1)(a) and (b) of this section based on the administrative costs incurred by the board. Such board may provide differing rates for licenses issued on the basis of an examination and licenses issued on the basis of a license from another state or territory.

Sec. 13. It is the intent of the Legislature, through sections 71-1,186 to 71-1,196 and sections 13 and 23 to 32 of this act, to safeguard the life and health of the citizens of this state and to ensure that the audiologists and speech-language pathologists serving the public meet minimum standards of proficiency and competency.

Sec. 14. That section 71-1,186, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,186. As used in this act and sections 13 and 23 to 32 of this act, unless the context otherwise requires:

(1) Board shall mean the Board of Examiners in Audiology and ~~Speech~~ Speech-Language Pathology;

(2) Practice of audiology shall mean the application of principles, methods, and procedures for

testing, measuring, and monitoring hearing, preparation of ear impressions and selection of hearing aids, aural ~~habilitation~~ rehabilitation, hearing conservation, vestibular testing of patients when vestibular testing is done as a result of a referral by a physician, and instruction related to hearing and disorders of hearing for the purpose of preventing, identifying, evaluating, and minimizing the effects of such disorders and conditions, but shall not include the practice of medical diagnosis, medical treatment, or surgery;

(3) Audiologist shall mean an individual who practices audiology and who presents himself or herself to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, or any similar title or description of service services;

(4) Practice of ~~speech~~ speech-language pathology shall mean the application of principles, methods, and procedures for the evaluation, monitoring, instruction, habilitation, or rehabilitation related to the development and disorders of speech, voice, or language for the purpose of preventing, identifying, evaluating, and minimizing the effects of such disorders and conditions, but shall not include the practice of medical diagnosis, medical treatment, or surgery; and

(5) ~~Speech~~ Speech-language pathologist shall mean an individual who presents himself or herself to the public by any title or description of services incorporating the words ~~speech~~ speech-language pathologist, speech therapist, speech correctionist, speech clinician, language pathologist, language therapist, language clinician, logopedist, communicologist, aphasiologist, aphasia therapist, voice pathologist, voice therapist, voice clinician, phoniatrist, or any similar title, term, or description of services; and

(6) Communication aide shall mean any person who, following specified training and receiving specified supervision, provides specified limited structured communication services, which are developed and supervised by a licensed audiologist or speech-language pathologist, in the areas in which the supervisor holds licenses.

Sec. 15. That section 71-1,187, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,187. Nothing in this act and sections 13 and 23 to 32 of this act shall be construed to prevent or restrict:

(1) The practice of audiology or ~~speech~~ speech-language pathology or the use of the official title of such practice by a person employed as a ~~speech~~ speech-language pathologist or audiologist by the federal government;

(2) A physician from engaging in the practice of

medicine and surgery or any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery under the supervision of a physician;

(3) A person licensed as a hearing aid fitter and dealer in this state from engaging in the fitting, selling, and servicing of hearing aids, or performing such other duties as defined in Chapter 71, article 47;

(4) The practice of audiology or ~~speech~~ speech-language pathology or the use of the official title of such practice by a person who holds a valid and current credential as a speech or hearing specialist, issued by the State Department of Education, if such person performs ~~speech~~ speech-language pathology or audiology services solely as a part of his or her duties within an agency, institution, or organization for which no fee is paid directly or indirectly by the recipient of such service and under the jurisdiction of the State Department of Education, but such person may elect to be within the jurisdiction of this act;

(5) The clinical practice in audiology or ~~speech~~ speech-language pathology required for students enrolled in an accredited college or university pursuing a major in audiology or ~~speech~~ speech-language pathology, if such clinical practices are supervised by a person licensed to practice audiology or ~~speech~~ speech-language pathology and if the student is designated by a title such as trainee or other title clearly indicating the training status; or

(6) The activities and services of persons fulfilling the supervised clinical experience requirements of this act and sections 13 and 23 to 32 of this act which shall be performed by persons under the supervision of a person licensed in the area in which the individual is practicing.

Sec. 16. That section 71-1,188, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,188. Nothing in this act and sections 13 and 23 to 32 of this act shall be construed to prevent or restrict (1) a qualified person licensed in this state from engaging in the profession for which he or she is licensed if he or she does not present himself or herself to be an audiologist or ~~speech~~ speech-language pathologist, or (2) the performance of audiology or ~~speech~~ speech-language pathology services in this state by any person not a resident of this state who is not licensed under ~~the provisions~~ the provisions of this act and sections 13 and 23 to 32 of this act, if such services are performed for not more than thirty days in any calendar year, if such person meets the qualifications and requirements for application for licensure under ~~the provisions of this act and sections 13 and 23 to 32 of this act~~, if such person is working under the supervision of a person licensed to practice ~~speech~~ speech-language pathology or audiology, and if such person

registers with the board prior to initiation of professional services.

Sec. 17. That section 71-1,189, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,189. Before any audiologist initiates any aural ~~habilitation~~, rehabilitation for an individual, the audiologist shall have in his or her possession evidence of a current otologic examination performed by a physician or the audiologist shall issue a written statement that the individual has been informed that he or she may have a medically or surgically remediable hearing loss and should seek the advice of a physician. The audiologist and the individual receiving aural rehabilitation shall sign the statement and a copy of the statement shall be provided to the individual. All vestibular testing performed by an audiologist shall be done at the referral of a physician and, whenever possible, at the referral of an otolaryngologist or neurologist.

Sec. 18. That section 71-1,190, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,190. Every applicant for a license to practice audiology or ~~speech~~ speech-language pathology shall submit to the board satisfactory evidence of completion of (1) a master's degree or its equivalent with academic credit distributed as prescribed by the board, (2) at least three hundred hours of clinical experience in audiology and ~~speech~~ speech-language pathology with such hours distributed as required by the board, and (3) at least nine calendar months of full-time professional experience or eighteen months of at least half-time professional experience in ~~speech~~ speech-language pathology or audiology, supervised in the area in which licensure is sought. The board shall require that the applicant, to qualify for licensure, shall have passed an examination to be determined by the board.

Sec. 19. That section 71-1,191, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,191. The Board of Examiners in Audiology and ~~Speech~~ Speech-Language Pathology may recommend to the Department of Health that a national examination in audiology or ~~speech~~ speech-language pathology be approved in lieu of or in addition to an examination given by the board. When only a national examination is used, no examination fee will be charged by the board. The board shall recommend a passing score to the Department of Health.

Sec. 20. That section 71-1,192, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,192. The Board of Examiners in Audiology and ~~Speech~~ Speech-Language Pathology may approve, without examination, any person who holds credentials either through licensure in another state or territory of the United States or in the District of Columbia or

certification by a nationwide professional accrediting organization, recognized as such by the board, if such licensure or certification is equivalent to the requirements of this act and sections 13 and 23 to 32 of this act.

Sec. 21. That section 71-1,193, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,193. (1) The board may contract with institutions of higher learning, professional organizations, or qualified individuals to provide continuing education programs for audiologists and ~~speech~~ speech-language pathologists. License fees may be used for such programs. Any funds set aside for the purposes of continuing education may be treated as state funds for the purposes of applying for and accepting any funds made available under federal law on a matching basis for the promulgation and maintenance of programs of continuing education. The board may also accept continuing education activities from other providers.

(2) Commencing in 1986, every audiologist and speech-language pathologist who is licensed to practice in Nebraska and is in active practice in this state shall be required to complete twenty clock hours of continuing education every two years in accordance with sections 71-161.09 and 71-161.10 as a condition for relicensure.

Sec. 22. That section 71-1,194, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,194. A temporary license to practice audiology or ~~speech~~ speech-language pathology may be granted to persons who establish residence in Nebraska and who meet all the requirements for a license except passage of the examination required by this act and sections 13 and 23 to 32 of this act. Such temporary license shall be valid only until the next examination, at which time it shall expire. The fee to be paid and procedures for the denial, refusal of renewal, suspension, or revocation of or other disciplinary action against such a temporary license shall be the same as for a license, except that the fee paid shall equal the renewal fee rather than the initial fee for a license.

Sec. 23. Commencing January 1, 1986, upon application and payment of a registration fee in an amount prescribed by the Department of Health and sufficient to reimburse the department for its administrative costs for registration pursuant to this section, the department shall register to practice as a communication aide any person who:

(1) Is a graduate of an accredited high school or its equivalent;

(2) Has successfully completed all required training pursuant to sections 23 to 32 of this act and any annual continuing education required pursuant to section 31 of this act; and

(3) Has demonstrated ability to reliably maintain records and provide treatment under the supervision of a licensed audiologist or speech-language pathologist.

Sec. 24. The Department of Health shall adopt and promulgate guidelines for the approval of an application by a licensed audiologist or speech-language pathologist to supervise communication aides. If the applicant meets such guidelines, he or she shall be approved as a supervising audiologist or speech-language pathologist. The department, whenever necessary for the protection of public health and safety, may require such information from the licensed audiologist or speech-language pathologist as is necessary to determine if the communication aide will be properly utilized and supervised.

Sec. 25. The Department of Health may, after proper notice, deny, suspend, limit, or revoke the registration of a communication aide or the approval of a supervising audiologist or speech-language pathologist granted under sections 23 and 24 of this act for any violation of sections 23 to 32 of this act. Any person whose registration or approval is denied, suspended, limited, or revoked may request a hearing before the department. Such request shall be in writing and shall be made within twenty days after issuance of the notice by the department.

Sec. 26. Initial training for communication aides shall consist of at least twelve hours and shall include:

- (1) An overview of speech and language and the practice of audiology and speech-language pathology;
- (2) Ethical and legal responsibilities;
- (3) Normal language, speech, and hearing functions;
- (4) Observing and recording patient progress;
- (5) Behavior management and modification; and
- (6) Recordkeeping.

Sec. 27. In addition to the initial training required by section 26 of this act, any communication aide assigned to provide aural rehabilitation programs shall have additional training which shall include, but not be limited to:

- (1) Information concerning the nature of hearing loss;
- (2) Purposes and principles of auditory and visual training;
- (3) Maintenance and use of amplification devices; and
- (4) Such other subjects as the Department of Health may deem appropriate.

Sec. 28. A communication aide may, under the supervision of a licensed audiologist or speech-language

pathologist, perform the following duties and activities:

(1) Implement programs and procedures designed by a licensed audiologist or speech-language pathologist which develop or refine receptive and expressive verbal and nonverbal communication skills;

(2) Maintain records of implemented procedures which document a patient's responses to treatment;

(3) Provide input for interdisciplinary treatment planning, in-service training, and other activities directed by a licensed audiologist or speech-language pathologist;

(4) Prepare instructional material to facilitate program implementation as directed by a licensed audiologist or speech-language pathologist;

(5) Recommend speech, language, and hearing referrals for evaluation by a licensed audiologist or speech-language pathologist;

(6) Follow plans, developed by the licensed audiologist or speech-language pathologist, that provide specific sequences of treatment to individuals with communicative disorders; and

(7) Chart or log patient responses to the treatment plan.

Sec. 29. Communication aides shall not:

(1) Evaluate or diagnose any type of communication disorder;

(2) Interpret evaluation results or treatment progress;

(3) Consult or counsel, independent of the licensed audiologist or speech-language pathologist, with a patient, a patient's family, or staff regarding the nature or degree of communication disorders;

(4) Plan patient treatment programs;

(5) Represent himself or herself as an audiologist or speech-language pathologist or as a provider of speech, language, or hearing treatment or assessment services; or

(6) Independently initiate, modify, or terminate any treatment program.

Sec. 30. (1) When supervising the communication aide, the supervising audiologist or speech-language pathologist shall:

(a) Provide direct onsite supervision for the first treatment session;

(b) Provide direct onsite supervision of at least twenty per cent of all subsequent treatment sessions per quarter;

(c) Provide regular and frequent in-service training, either formal or informal, which is directly related to the particular services provided by the communication aide; and

(d) Prepare semiannual performance evaluations of the communication aide.

(2) The supervising audiologist or speech-language pathologist shall be responsible for all aspects of patient treatment.

Sec. 31. The supervising audiologist or speech-language pathologist shall provide the communication aide with an evaluation, supervision, and training, including at least ten hours each year of in-service training in areas related to the services provided by the communication aide pursuant to section 30 of this act. Such training shall be verified by annual reports to the department. The audiologist or speech-language pathologist shall keep accurate records of such evaluation, supervision, and training.

Sec. 32. Commencing July 1, 1985, all audiologists and speech-language pathologists, except those specified in section 71-1,187, shall be required to be licensed by the Department of Health.

Sec. 33. That section 71-5815, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5815. Home health agency shall mean an organization which offers a program of two or more health services in a client's residence or other community setting to people of all ages. Such services may include physician services, nursing services, physical therapy services, occupational therapy services, ~~speech~~ speech-language pathology services, home health ~~aid-homemaker aid homemaker~~ services, medically related social services, nutrition counseling services, laboratory services, and medical supplies and equipment.

Sec. 34. The Revisor of Statutes shall, whenever the number 71-1,197 appears in sections 71-1,198, 71-1,207, 71-1,212, 71-1,217, 71-1,219, 71-1,220, and 71-1,221, substitute the number 71-1,196.

Sec. 35. This act shall become operative on July 1, 1985.

Sec. 36. That original sections 71-107, 71-121, 71-1,186 to 71-1,194, and 71-5815, Reissue Revised Statutes of Nebraska, 1943, and sections 71-102, 71-109, 71-110, 71-112, 71-113, 71-114, 71-116, 71-122, 71-139, and 71-162, Revised Statutes Supplement, 1984, and also sections 71-1,195 and 71-1,197, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 37. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.