

FIRST REGULAR SESSION

# HOUSE BILL NO. 657

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES TILLEY (Sponsor), SCHARNHORST, SMITH (14), ROBINSON, SMITH (150), PARSON, YOUNG, YAEGER AND KRATKY (Co-sponsors).

Read 1st time January 30, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1148L.01I

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### AN ACT

To repeal sections 345.015, 345.030, 345.045, 345.055, 346.030, 346.035, and 346.055, RSMo, and to enact in lieu thereof eight new sections relating to hearing instrument dispensing.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 345.015, 345.030, 345.045, 345.055, 346.030, 346.035, and  
2 346.055, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as  
3 sections 345.015, 345.030, 345.033, 345.045, 345.055, 346.030, 346.035, and 346.055, to read  
4 as follows:

345.015. As used in sections 345.010 to 345.080, the following terms mean:

2 (1) "Audiologist", a person who is licensed as an audiologist pursuant to sections  
3 345.010 to 345.080 to practice audiology;

4 (2) "Audiology aide", a person who is registered as an audiology aide by the board, who  
5 does not act independently but works under the direction and supervision of a licensed  
6 audiologist. Such person assists the audiologist with activities which require an understanding  
7 of audiology but do not require formal training in the relevant academics. To be eligible for  
8 registration by the board, each applicant shall submit a registration fee, be of good moral and  
9 ethical character; and:

10 (a) Be at least eighteen years of age;

11 (b) Furnish evidence of the person's educational qualifications which shall be at a  
12 minimum:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 13           a. Certification of graduation from an accredited high school or its equivalent; and  
14           b. On-the-job training;  
15           (c) Be employed in a setting in which direct and indirect supervision are provided on a  
16 regular and systematic basis by a licensed audiologist.  
17
- 18 However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or  
19 dispense hearing instruments, make ear impressions, make diagnostic statements, determine case  
20 selection, present written reports to anyone other than the supervisor without the signature of the  
21 supervisor, make referrals to other professionals or agencies, use a title other than  
22 speech-language pathology aide or clinical audiology aide, develop or modify treatment plans,  
23 discharge clients from treatment or terminate treatment, disclose clinical information, either  
24 orally or in writing, to anyone other than the supervising speech-language  
25 pathologist/audiologist, or perform any procedure for which he or she is not qualified, has not  
26 been adequately trained or both;
- 27           (3) "Board", the state board of registration for the healing arts;  
28           (4) "Clinical fellowship", the supervised professional employment period following  
29 completion of the academic and practicum requirements of an accredited training program as  
30 defined in sections 345.010 to 345.080;  
31           (5) "Commission", the advisory commission for speech-language pathologists and  
32 audiologists;  
33           (6) "Hearing instrument" or "hearing aid", any wearable device or instrument designed  
34 for or offered for the purpose of aiding or compensating for impaired human hearing and any  
35 parts, attachments or accessories, including ear molds, but excluding batteries, cords, receivers  
36 and repairs;  
37           (7) "Person", any individual, organization, or corporate body, except that only  
38 individuals may be licensed pursuant to sections 345.010 to 345.080;  
39           (8) "Practice of audiology":  
40           (a) The application of accepted audiologic principles, methods and procedures for the  
41 measurement, testing, interpretation, appraisal and prediction related to disorders of the auditory  
42 system, balance system or related structures and systems;  
43           (b) Provides consultation, counseling to the patient, client, student, their family or  
44 interested parties;  
45           (c) Provides academic, social and medical referrals when appropriate;  
46           (d) Provides for establishing goals, implementing strategies, methods and techniques,  
47 for habilitation, rehabilitation or aural rehabilitation, related to disorders of the auditory system,  
48 balance system or related structures and systems;

- 49 (e) Provides for involvement in related research, teaching or public education;
- 50 (f) Provides for rendering of services or participates in the planning, directing or  
51 conducting of programs which are designed to modify audition, communicative, balance or  
52 cognitive disorder, which may involve speech and language or education issues;
- 53 (g) Provides and interprets behavioral and neurophysiologic measurements of auditory  
54 balance, cognitive processing and related functions, including intraoperative monitoring;
- 55 (h) Provides involvement in any tasks, procedures, acts or practices that are necessary  
56 for evaluation of audition, hearing, training in the use of amplification or assistive listening  
57 devices;
- 58 (i) Provides selection [and] , assessment, **fitting, programming, and dispensing** of  
59 hearing instruments, **assistive listening devices, and other amplification systems**;
- 60 (j) Provides for taking impressions of the ear, making custom ear molds, ear plugs, swim  
61 molds and industrial noise protectors;
- 62 (k) Provides assessment of external ear and cerumen management;
- 63 (l) Provides advising, fitting, mapping assessment of implantable devices such as  
64 cochlear or auditory brain stem devices;
- 65 (m) Provides information in noise control and hearing conservation including education,  
66 equipment selection, equipment calibration, site evaluation and employee evaluation;
- 67 (n) Provides performing basic speech-language screening test;
- 68 (o) Provides involvement in social aspects of communication, including challenging  
69 behavior and ineffective social skills, lack of communication opportunities;
- 70 (p) Provides support and training of family members and other communication partners  
71 for the individual with auditory balance, cognitive and communication disorders;
- 72 (q) Provides aural rehabilitation and related services to individuals with hearing loss and  
73 their families;
- 74 (r) Evaluates, collaborates and manages audition problems in the assessment of the  
75 central auditory processing disorders and providing intervention for individuals with central  
76 auditory processing disorders;
- 77 (s) Develops and manages academic and clinical problems in communication sciences  
78 and disorders;
- 79 (t) Conducts, disseminates and applies research in communication sciences and  
80 disorders;
- 81 (9) "Practice of speech-language pathology":
- 82 (a) Provides screening, identification, assessment, diagnosis, treatment, intervention,  
83 including but not limited to prevention, restoration, amelioration and compensation, and  
84 follow-up services for disorders of:

- 85           a. Speech: articulation, fluency, voice, including respiration, phonation and resonance;  
86           b. Language, involving the parameters of phonology, morphology, syntax, semantics and  
87 pragmatic; and including disorders of receptive and expressive communication in oral, written,  
88 graphic and manual modalities;  
89           c. Oral, pharyngeal, cervical esophageal and related functions, such as dysphagia,  
90 including disorders of swallowing and oral functions for feeding; orofacial myofunctional  
91 disorders;  
92           d. Cognitive aspects of communication, including communication disability and other  
93 functional disabilities associated with cognitive impairment;  
94           e. Social aspects of communication, including challenging behavior, ineffective social  
95 skills, lack of communication opportunities;  
96           (b) Provides consultation and counseling and makes referrals when appropriate;  
97           (c) Trains and supports family members and other communication partners of individuals  
98 with speech, voice, language, communication and swallowing disabilities;  
99           (d) Develops and establishes effective augmentative and alternative communication  
100 techniques and strategies, including selecting, prescribing and dispensing of augmentative aids  
101 and devices; and the training of individuals, their families and other communication partners in  
102 their use;  
103           (e) Selects, fits and establishes effective use of appropriate prosthetic/adaptive devices  
104 for speaking and swallowing, such as tracheoesophageal valves, electrolarynges, or speaking  
105 valves;  
106           (f) Uses instrumental technology to diagnose and treat disorders of communication and  
107 swallowing, such as videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;  
108           (g) Provides aural rehabilitative and related counseling services to individuals with  
109 hearing loss and to their families;  
110           (h) Collaborates in the assessment of central auditory processing disorders in cases in  
111 which there is evidence of speech, language or other cognitive communication disorders;  
112 provides intervention for individuals with central auditory processing disorders;  
113           (i) Conducts pure-tone air conduction hearing screening and screening tympanometry  
114 for the purpose of the initial identification or referral;  
115           (j) Enhances speech and language proficiency and communication effectiveness,  
116 including but not limited to accent reduction, collaboration with teachers of English as a second  
117 language and improvement of voice, performance and singing;  
118           (k) Trains and supervises support personnel;  
119           (l) Develops and manages academic and clinical programs in communication sciences  
120 and disorders;

121 (m) Conducts, disseminates and applies research in communication sciences and  
122 disorders;

123 (n) Measures outcomes of treatment and conducts continuous evaluation of the  
124 effectiveness of practices and programs to improve and maintain quality of services;

125 (10) "Speech-language pathologist", a person who is licensed as a speech-language  
126 pathologist pursuant to sections 345.010 to 345.080; who engages in the practice of  
127 speech-language pathology as defined in sections 345.010 to 345.080;

128 (11) "Speech-language pathology aide", a person who is registered as a speech-language  
129 aide by the board, who does not act independently but works under the direction and supervision  
130 of a licensed speech-language pathologist. Such person assists the speech-language pathologist  
131 with activities which require an understanding of speech-language pathology but do not require  
132 formal training in the relevant academics. To be eligible for registration by the board, each  
133 applicant shall submit a registration fee, be of good moral and ethical character; and:

134 (a) Be at least eighteen years of age;

135 (b) Furnish evidence of the person's educational qualifications which shall be at a  
136 minimum:

137 a. Certification of graduation from an accredited high school or its equivalent; and

138 b. On-the-job training;

139 (c) Be employed in a setting in which direct and indirect supervision is provided on a  
140 regular and systematic basis by a licensed speech-language pathologist. However, the aide shall  
141 not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing  
142 instruments, make ear impressions, make diagnostic statements, determine case selection, present  
143 written reports to anyone other than the supervisor without the signature of the supervisor, make  
144 referrals to other professionals or agencies, use a title other than speech-language pathology aide  
145 or clinical audiology aide, develop or modify treatment plans, discharge clients from treatment  
146 or terminate treatment, disclose clinical information, either orally or in writing, to anyone other  
147 than the supervising speech-language pathologist/audiologist, or perform any procedure for  
148 which he or she is not qualified, has not been adequately trained or both;

149 (12) "Speech-language pathology assistant", a person who is registered as a  
150 speech-language pathology assistant by the board, who does not act independently but works  
151 under the direction and supervision of a licensed speech-language pathologist and whose  
152 activities require both academic and practical training in the field of speech-language pathology  
153 although less training than those established by sections 345.010 to 345.080 as necessary for  
154 licensing as a speech-language pathologist. To be eligible for registration by the board, each  
155 applicant shall submit the registration fee, be of good moral character and furnish evidence of  
156 the person's educational qualifications which meet the following:

157 (a) Hold a bachelor's level degree in the field of speech-language pathology from an  
158 institution accredited or approved by a regional accrediting body recognized by the United States  
159 Department of Education or its equivalent; and

160 (b) Submit official transcripts from one or more accredited colleges or universities  
161 presenting evidence of the completion of bachelor's level course work and clinical practicum  
162 requirements equivalent to that required or approved by a regional accrediting body recognized  
163 by the United States Department of Education or its equivalent.

345.030. 1. The board shall administer, coordinate, and enforce the provisions of  
2 sections 345.010 to 345.080, evaluate the qualifications of applicants, supervise the examination  
3 of applicants, issue licenses, and shall investigate persons engaging in practices which appear  
4 to violate the provisions of sections 345.010 to 345.080.

5 2. The board shall conduct such hearings and keep such records and minutes as shall be  
6 necessary to an orderly dispatch of business.

7 3. The board shall adopt reasonable rules and regulations which establish ethical  
8 standards of practice and may amend or repeal the same. **Rules and regulations shall be**  
9 **adopted that ensure consumer protection related to hearing instrument dispensing that**  
10 **meet or exceed those provided under sections 346.007 to 346.250, RSMo, and rules and**  
11 **regulations promulgated pursuant thereto.**

12 4. Regular meetings of the commission shall be held at such times and places as it  
13 prescribes, and special meetings may be held upon the call of the chairperson or by request of  
14 at least two other members of the commission, but at least one regular meeting shall be held each  
15 year.

16 5. No rule or portion of a rule promulgated pursuant to the authority of sections 345.010  
17 to 345.080 shall become effective unless it has been promulgated pursuant to the provisions of  
18 chapter 536, RSMo.

**345.033. 1. Any person licensed under sections 345.010 to 345.081 who dispenses**  
2 **products associated with professional practice to clients for remuneration shall deliver to**  
3 **each person supplied with a product a completed purchase agreement which shall include**  
4 **the terms of the sale clearly stated using ordinary English language and terminology which**  
5 **is easily understood by the purchaser. If a product which is not new is sold, the purchase**  
6 **agreement and the container thereof shall be clearly marked as "used", "recased", or**  
7 **"reconditioned", whichever is applicable, with terms of guarantee, if any.**

8 **2. Any audiologist licensed under sections 345.010 to 345.080 who dispenses hearing**  
9 **instruments shall include in the purchase agreement for a hearing instrument the**  
10 **following:**

11 **(1) The licensee's signature, business address, and license number;**

- 12           (2) The specifications of the hearing instrument dispensed including make, model,  
13 and serial number;  
14           (3) The exact amount of any down payment;  
15           (4) The length of any trial period provided;  
16           (5) The amount of any charges or service fees connected with any trial period;  
17           (6) A description of the right of the purchaser to return the hearing instrument or  
18 written notification that no such right exists;  
19           (7) The name of the manufacturer of the component parts and the assembler or  
20 reassembler of the hearing instrument when the product sold is remanufactured or  
21 assembled by someone other than the manufacturer of the component parts.

345.045. 1. All moneys received [pursuant to sections 345.010 to 345.080] **under  
2 subdivision (1) of subsection 3 of section 345.055** shall be collected by the division of  
3 professional registration and shall be transmitted to the department of revenue for deposit in the  
4 state treasury to the credit of the board of registration for the healing arts fund.  
5           **2. All moneys received under subdivision (2) of subsection 3 of section 345.055 shall  
6 be collected by the division of professional registration and shall be transmitted to the  
7 department of revenue for deposit in the state treasury to the credit of the hearing  
8 instrument specialist fund created under section 346.135, RSMo. Moneys collected and  
9 deposited under this subsection may be used to assist in the enforcement of the statutes  
10 relating to the fitting and dispensing of hearing aids by unlicensed individuals.**

345.055. 1. The board shall charge a license or registration renewal fee for each license  
2 or registration renewed. Persons possessing the required training and qualifications to be  
3 licensed or registered as both a speech-language pathologist and audiologist shall receive both  
4 licenses, which for the purposes of this section shall be considered as a single license or  
5 certificate. Duplicate licenses or certificates shall be issued without additional charge to persons  
6 practicing in more than one location. Persons who allow their licenses to lapse shall submit a  
7 reinstatement fee, and if the license has lapsed for more than a three-year period, the board may  
8 require reexamination.

9           2. The fees prescribed by section 345.051 and this section shall be exclusive, and  
10 notwithstanding any other provision of law, no municipality may require any person licensed  
11 pursuant to the provisions of sections 345.010 to 345.080 to furnish any bond, pass any  
12 examination, or pay any license fee or occupational tax.

13           3. The board shall set the amount of the fees which sections 345.010 to 345.080  
14 authorize and require by rules and regulations promulgated pursuant to section 536.021, RSMo.  
15 The fees shall be set at a level to produce:

16           (1) Revenue which shall not substantially exceed the cost and expense of administering  
17 sections 345.010 to 345.080; **and**

18           (2) **An annualized contribution to the fund created under section 346.135, RSMo,**  
19 **in an amount equal to the fees paid by individuals licensed under subsection 2 of section**  
20 **346.060, RSMo, annualized for fiscal year 2007.**

          346.030. Sections 346.010 to **346.015 and 346.030** to 346.250 [are not intended to  
2 prevent] **shall not apply to** any audiologist licensed pursuant to chapter 345, RSMo, [from  
3 engaging in the practice of measuring human hearing for the purpose of selection of hearing aids,  
4 provided such audiologist, or organization employing such audiologist, does not sell hearing  
5 instruments, or accessories thereto, except in the case of earmolds provided by an audiologist to  
6 be used only for the purpose of audiologic evaluation] **while practicing exclusively under that**  
7 **license.**

          346.035. [1.] Sections 346.010 to 346.250 shall not apply to a person who is a physician  
2 licensed to practice in Missouri pursuant to chapter 334, RSMo.

3           [2. Sections 346.010 to 346.250 shall not apply to an audiologist, provided such person  
4 or organization employing such person does not engage in the sale of hearing aids.]

          346.055. **1.** An applicant may obtain a license by successfully passing a qualifying  
2 examination of the type described in sections 346.010 to 346.250, provided the applicant:

3           (1) Is at least twenty-one years of age;

4           (2) Is of good moral character; **and**

5           (3) **Until December 31, 2008,** has an education equivalent to at least a high school  
6 diploma from an accredited high school.

7           **2. Beginning January 1, 2009, an applicant for a hearing instrument specialist**  
8 **license or a hearing instrument specialist-in-training permit shall demonstrate successful**  
9 **completion of a minimum of sixty semester hours, or its equivalent, at a state or regionally**  
10 **accredited institution of higher education.**

11           **3. Beginning January 1, 2011, an applicant for a hearing instrument specialist**  
12 **license or a hearing instrument specialist-in-training permit shall hold an associate's level**  
13 **degree or higher from a state or regionally accredited institution of higher education.**

14           **4. Beginning, January 1, 2013, or any date thereafter when an associate degree**  
15 **program in hearing instrument sciences is available from a state or regionally accredited**  
16 **institution within Missouri, an applicant for a hearing instrument specialist license or a**  
17 **hearing instrument specialist-in-training permit shall hold:**

18           (1) **An associate's degree or higher in hearing instrument sciences; or**

19           (2) **A master's or doctoral degree in audiology from a state or regionally accredited**  
20 **institution.**



21           **5. The provisions of subsections 2, 3, and 4 of this section shall not apply to any**  
22 **person holding a valid Missouri hearing instrument specialist license under this chapter**  
23 **when applying for the renewal of that license. These provisions shall apply to any person**  
24 **holding a hearing instrument specialist-in-training permit at the time of their application**  
25 **for licensure or renewal of said permit.**

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