

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3762

(SENATE AUTHORS: INGEBRIGTSEN)

DATE
03/07/2022

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OFFICIAL STATUS
Introduction and first reading
Referred to Health and Human Services Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to health occupations; establishing licensure requirements for
- 1.3 speech-language pathology assistants; establishing licensure fees and criminal
- 1.4 history background check requirements; providing for supervision of
- 1.5 speech-language pathology assistants working in elementary and secondary schools;
- 1.6 amending Minnesota Statutes 2020, sections 122A.15, subdivision 1; 144.0572,
- 1.7 subdivision 1; 148.512, subdivision 17a; 148.513, subdivisions 1, 2, by adding a
- 1.8 subdivision; 148.514, subdivision 1; 148.515, subdivision 1; 148.516; 148.519,
- 1.9 subdivision 1, by adding a subdivision; 148.5192, subdivisions 1, 3; 148.5193,
- 1.10 subdivision 1, by adding a subdivision; 148.5194, subdivision 8, by adding a
- 1.11 subdivision; 148.5195, subdivision 3; 148.5196, subdivisions 1, 3; Minnesota
- 1.12 Statutes 2021 Supplement, section 245C.031, subdivision 4; proposing coding for
- 1.13 new law in Minnesota Statutes, chapters 122A; 148.
- 1.14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.15 Section 1. Minnesota Statutes 2020, section 122A.15, subdivision 1, is amended to read:
- 1.16 Subdivision 1. **Teachers.** The term "teachers" for the purpose of licensure, means all
- 1.17 persons employed in a public school or education district or by a service cooperative as
- 1.18 members of the instructional, supervisory, and support staff including superintendents,
- 1.19 principals, supervisors, secondary vocational and other classroom teachers, librarians,
- 1.20 counselors, school psychologists, school nurses, school social workers, audio-visual directors
- 1.21 and coordinators, recreation personnel, media generalists, media supervisors, and ~~speech~~
- 1.22 ~~therapists~~ school speech-language pathologists.
- 1.23 Sec. 2. [122A.34] SPEECH-LANGUAGE PATHOLOGY ASSISTANT SUPERVISION
- 1.24 REQUIREMENTS.
- 1.25 The supervision requirements for speech-language pathology assistants in section
- 1.26 148.5192, subdivision 3, paragraph (h), apply to speech-language pathology assistants

working in elementary and secondary schools. In order to supervise speech-language pathology assistants under this section, a speech-language pathologist must be licensed to provide speech-language pathology services in the setting where the supervision takes place.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 3. Minnesota Statutes 2020, section 144.0572, subdivision 1, is amended to read:

Subdivision 1. **Criminal history background check requirements.** (a) Beginning January 1, 2018, an applicant for initial licensure, temporary licensure, or relicensure after a lapse in licensure as an audiologist or speech-language pathologist, or an applicant for initial certification as a hearing instrument dispenser, must submit to a criminal history records check of state data completed by the Bureau of Criminal Apprehension (BCA) and a national criminal history records check, including a search of the records of the Federal Bureau of Investigation (FBI).

(b) Beginning January 1, 2020, an applicant for a renewal license or certificate as an audiologist, speech-language pathologist, or hearing instrument dispenser who was licensed or obtained a certificate before January 1, 2018, must submit to a criminal history records check of state data completed by the BCA and a national criminal history records check, including a search of the records of the FBI.

(c) An applicant for initial licensure, relicensure after a lapse in licensure, or license renewal as a speech-language pathology assistant must submit to a criminal history records check of state data completed by the BCA and a national criminal history records check, including a search of the records of the FBI.

~~(e)~~ (d) An applicant must submit to a background study under chapter 245C.

~~(d)~~ (e) The criminal history records check must be structured so that any new crimes that an applicant or licensee or certificate holder commits after the initial background check are flagged in the BCA's or FBI's database and reported back to the commissioner of human services.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 4. Minnesota Statutes 2020, section 148.512, subdivision 17a, is amended to read:

Subd. 17a. **Speech-language pathology assistant.** "Speech-language pathology assistant" means a person who provides speech-language pathology services under the supervision of a licensed speech-language pathologist in accordance with section 148.5192, meets the qualifications under section 148.5185 or 148.5186, and is licensed by the commissioner.

3.1 **EFFECTIVE DATE.** This section is effective July 1, 2023.

3.2 Sec. 5. Minnesota Statutes 2020, section 148.513, subdivision 1, is amended to read:

3.3 Subdivision 1. **Unlicensed practice prohibited.** A person must not engage in the practice
3.4 of speech-language pathology or audiology or practice as a speech-language pathology
3.5 assistant unless the person is licensed as a speech-language pathologist or, an audiologist,
3.6 or a speech-language pathology assistant under sections 148.511 to 148.5198 or is practicing
3.7 as a speech-language pathology assistant in accordance with section 148.5192. For purposes
3.8 of this subdivision, a speech-language pathology assistant's duties are limited to the duties
3.9 described in accordance with section 148.5192, subdivision 2.

3.10 **EFFECTIVE DATE.** This section is effective July 1, 2023.

3.11 Sec. 6. Minnesota Statutes 2020, section 148.513, subdivision 2, is amended to read:

3.12 Subd. 2. **Protected titles and restrictions on use; speech-language pathologists and**
3.13 **audiologists.** ~~(a) Notwithstanding paragraph (b)~~ Except as provided in subdivision 2b, the
3.14 use of the following terms or initials which represent the following terms, alone or in
3.15 combination with any word or words, by any person to form an occupational title is prohibited
3.16 unless that person is licensed as a speech-language pathologist or audiologist under sections
3.17 148.511 to 148.5198:

3.18 (1) speech-language;

3.19 (2) speech-language pathologist, S, SP, or SLP;

3.20 (3) speech pathologist;

3.21 (4) language pathologist;

3.22 (5) audiologist, A, or AUD;

3.23 (6) speech therapist;

3.24 (7) speech clinician;

3.25 (8) speech correctionist;

3.26 (9) language therapist;

3.27 (10) voice therapist;

3.28 (11) voice pathologist;

3.29 (12) logopedist;

(13) communicologist;

(14) aphasiologist;

(15) phoniatrix;

(16) audiometrist;

(17) audioprosthologist;

(18) hearing therapist;

(19) hearing clinician; or

(20) hearing aid audiologist.

(b) Except as provided in subdivision 2b, use of the term "Minnesota licensed" in conjunction with the titles protected under this paragraph (a) by any person is prohibited unless that person is licensed as a speech-language pathologist or audiologist under sections 148.511 to 148.5198.

~~(b) A speech-language pathology assistant practicing under section 148.5192 must not represent, indicate, or imply to the public that the assistant is a licensed speech-language pathologist and shall only utilize one of the following titles: "speech-language pathology assistant," "SLP assistant," or "SLP asst."~~

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 7. Minnesota Statutes 2020, section 148.513, is amended by adding a subdivision to read:

Subd. 2b. **Protected titles and restrictions on use; speech-language pathology assistants.** (a) Use of the following titles is prohibited unless that person is licensed as a speech-language pathology assistant under sections 148.511 to 148.5198: "speech-language pathology assistant," "SLP assistant," or "SLP asst." Use of the term "Minnesota licensed" in connection with a title listed in this paragraph is prohibited unless that person is licensed as a speech-language pathology assistant under sections 148.511 to 148.5198.

(b) A speech-language pathology assistant must not represent, indicate, or imply to the public that the assistant is a licensed speech-language pathologist.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 8. Minnesota Statutes 2020, section 148.514, subdivision 1, is amended to read:

Subdivision 1. General licensure procedures. An applicant for licensure must:

- 5.1 (1) submit an application as required under section 148.519, subdivision 1 or 1a;
- 5.2 (2) submit all fees required under section 148.5194; and
- 5.3 (3) consent to a fingerprint-based background check as required under section 148.519.

5.4 **EFFECTIVE DATE.** This section is effective July 1, 2023.

5.5 Sec. 9. Minnesota Statutes 2020, section 148.515, subdivision 1, is amended to read:

5.6 Subdivision 1. **Applicability.** Except as provided in section 148.516 or 148.517, an

5.7 applicant for licensure as a speech-language pathologist or audiologist must meet the

5.8 requirements in this section.

5.9 **EFFECTIVE DATE.** This section is effective July 1, 2023.

5.10 Sec. 10. Minnesota Statutes 2020, section 148.516, is amended to read:

5.11 **148.516 LICENSURE BY EQUIVALENCY; SPEECH-LANGUAGE**

5.12 **PATHOLOGISTS AND AUDIOLOGISTS.**

5.13 An applicant who applies for licensure by equivalency as a speech-language pathologist

5.14 or audiologist must show evidence of possessing a current certificate of clinical competence

5.15 issued by the American Speech-Language-Hearing Association or board certification by

5.16 the American Board of Audiology and must meet the requirements of section 148.514.

5.17 **EFFECTIVE DATE.** This section is effective July 1, 2023.

5.18 Sec. 11. **[148.5185] RESTRICTED LICENSURE; SPEECH-LANGUAGE**

5.19 **PATHOLOGY ASSISTANTS.**

5.20 Subdivision 1. **Qualifications for a restricted license.** To be eligible for restricted

5.21 licensure as a speech-language pathology assistant, an applicant must satisfy the requirements

5.22 in subdivision 2, 3, or 4.

5.23 Subd. 2. **Person practicing as a speech-language pathology assistant before July 1,**

5.24 **2023.** (a) A person who is practicing as a speech-language pathology assistant before July

5.25 1, 2023, and who does not meet the qualifications for a license under section 148.5186 may

5.26 apply for a restricted speech-language pathology assistant license from the commissioner.

5.27 An applicant under this paragraph must submit to the commissioner:

5.28 (1) proof of current employment as a speech-language pathology assistant; and

5.29 (2) a signed affidavit affirming supervision, from the licensed speech-language pathologist

5.30 currently supervising the applicant.

(b) In order to be licensed as a speech-language pathology assistant under section 148.5186, a licensee with a restricted license under this subdivision must obtain an associate degree from a speech-language pathology assistant program that is accredited by the Higher Learning Commission of the North Central Association of Colleges or its equivalent, as approved by the commissioner, and that includes:

(1) coursework on an introduction to communication disorders, phonetics, language development, articulation disorders, language disorders, anatomy of speech/language hearing, stuttering, adult communication disorders, and clinical documentations and materials management; and

(2) at least 100 hours of supervised field work experience in speech-language pathology assisting.

A licensee under this subdivision must obtain an associate degree that meets the requirements of this paragraph prior to July 1, 2028. A licensee who fails to obtain an associate degree prior to July 1, 2028, is not eligible to apply for licensure under section 148.5186. Upon completion of the requirements in this paragraph prior to July 1, 2028, a licensee with a restricted license under this subdivision is eligible to apply for licensure under section 148.5186.

(c) A restricted license issued under this subdivision may be renewed until July 1, 2028.

Subd. 3. Person with a bachelor's degree in communication sciences or disorders and practicing as a speech-language pathology assistant before July 1, 2023. (a) A person with a bachelor's degree in the discipline of communication sciences or disorders and who is practicing as a speech-language pathology assistant before July 1, 2023, but who does not meet the qualifications for a license under section 148.5186, may apply for a restricted speech-language pathology assistant license from the commissioner. An applicant under this paragraph must submit to the commissioner:

(1) a transcript from an educational institution documenting satisfactory completion of a bachelor's degree in the discipline of communication sciences or disorders;

(2) proof of current employment as a speech-language pathology assistant; and

(3) a signed affidavit affirming supervision from the licensed speech-language pathologist currently supervising the applicant.

(b) In order to be licensed as a speech-language pathology assistant under section 148.5186, a licensee with a restricted license under this subdivision must complete the

following coursework and supervised field work experience within two years after the date on which the licensee obtains a restricted license under paragraph (a):

(1) coursework from a speech-language pathology assistant program in articulation disorders, language disorders, adult communication disorders, and stuttering; and

(2) at least 100 hours of supervised field work experience in speech-language pathology assisting.

A licensee under this subdivision who fails to complete the required coursework and supervised field work experience within two years after obtaining a restricted license under this subdivision is not eligible to apply for licensure under section 148.5186. Upon completion of the requirements in this paragraph within two years after obtaining a restricted license under this subdivision, a licensee is eligible to apply for licensure under section 148.5186.

(c) A restricted license issued under this subdivision may be renewed until July 1, 2026.

Subd. 4. Person with an associate degree from a program that does not meet requirements in section 148.5186. (a) A person with an associate degree from a speech-language pathology assistant program that does not meet the requirements in section 148.5186, subdivision 1, clause (1), may apply for a restricted speech-language pathology assistant license from the commissioner. An applicant under this paragraph must submit to the commissioner a transcript from an educational institution documenting satisfactory completion of an associate degree from a speech-language pathology assistant program. If the commissioner determines that the applicant's speech-language pathology assistant program does not include coursework or supervised field work experience that is equivalent to a program under section 148.5186, subdivision 1, clause (1), the commissioner may issue a restricted license to the applicant.

(b) In order to be licensed as a speech-language pathology assistant under section 148.5186, a licensee with a restricted license under this subdivision must complete any missing coursework or supervised field work experience, as determined by the commissioner, in a speech-language pathology assisting program prior to July 1, 2028. A licensee who fails to complete the required course work or supervised field work experience prior to July 1, 2028, is not eligible for licensure under section 148.5186. Upon completion of the requirements in this paragraph prior to July 1, 2028, a licensee with a restricted license under this subdivision is eligible to apply for licensure under section 148.5186.

(c) A restricted license issued under this subdivision may be renewed until July 1, 2028.

8.1 Subd. 5. **Change of employer.** If a licensee with a restricted license under subdivision
8.2 2 or 3 changes employers, the licensee must submit to the commissioner updated proof of
8.3 current employment as a speech-language pathology assistant in order to maintain the
8.4 restricted license.

8.5 Subd. 6. **Continuing education.** In order to renew a restricted license, a licensee must
8.6 comply with the continuing education requirements in section 148.5193, subdivision 1a.

8.7 Subd. 7. **Scope of practice.** Scope of practice for a speech-language pathology assistant
8.8 licensed under this section is governed by section 148.5192, subdivision 2.

8.9 **EFFECTIVE DATE.** This section is effective July 1, 2023.

8.10 Sec. 12. **[148.5186] LICENSURE; SPEECH-LANGUAGE PATHOLOGY**
8.11 **ASSISTANTS.**

8.12 Subdivision 1. **Requirements for licensure.** To be eligible for licensure as a
8.13 speech-language pathology assistant, an applicant must submit to the commissioner:

8.14 (1) a transcript from an educational institution documenting satisfactory completion of
8.15 either:

8.16 (i) an associate degree from a speech-language pathology assistant program that is
8.17 accredited by the Higher Learning Commission of the North Central Association of Colleges
8.18 or its equivalent as approved by the commissioner, which includes at least 100 hours of
8.19 supervised field work experience in speech-language pathology assisting; or

8.20 (ii) a bachelor's degree in the discipline of communication sciences or disorders and a
8.21 speech-language pathology assistant certificate program that includes:

8.22 (A) coursework in an introduction to speech-language pathology assisting, stuttering,
8.23 articulation disorders, and language disorders; and

8.24 (B) at least 100 hours of supervised field work experience in speech-language pathology
8.25 assisting; or

8.26 (2) for an applicant with a restricted license, evidence of compliance with the requirements
8.27 in section 148.5185, subdivision 2, paragraph (b); 3, paragraph (b); or 4, paragraph (b).

8.28 Subd. 2. **Licensure by equivalency.** An applicant who applies for licensure by
8.29 equivalency as a speech-language pathology assistant must provide evidence to the
8.30 commissioner of satisfying the requirements for licensure in subdivision 1, clause (1), item
8.31 (i) or (ii).

9.1 Subd. 3. **Scope of practice.** Scope of practice for a speech-language pathology assistant
9.2 licensed under this section is governed by section 148.5192, subdivision 2.

9.3 **EFFECTIVE DATE.** This section is effective July 1, 2023.

9.4 Sec. 13. Minnesota Statutes 2020, section 148.519, subdivision 1, is amended to read:

9.5 Subdivision 1. **Applications for licensure; speech-language pathologists and**
9.6 **audiologists.** (a) An applicant for licensure as a speech-language pathologist or audiologist
9.7 must:

9.8 (1) submit a completed application for licensure on forms provided by the commissioner.
9.9 The application must include the applicant's name, certification number under chapter 153A,
9.10 if applicable, business address and telephone number, or home address and telephone number
9.11 if the applicant practices speech-language pathology or audiology out of the home, and a
9.12 description of the applicant's education, training, and experience, including previous work
9.13 history for the five years immediately preceding the date of application. The commissioner
9.14 may ask the applicant to provide additional information necessary to clarify information
9.15 submitted in the application; and

9.16 (2) submit documentation of the certificate of clinical competence issued by the American
9.17 Speech-Language-Hearing Association, board certification by the American Board of
9.18 Audiology, or satisfy the following requirements:

9.19 (i) submit a transcript showing the completion of a master's or doctoral degree or its
9.20 equivalent meeting the requirements of section 148.515, subdivision 2;

9.21 (ii) submit documentation of the required hours of supervised clinical training;

9.22 (iii) submit documentation of the postgraduate clinical or doctoral clinical experience
9.23 meeting the requirements of section 148.515, subdivision 4; and

9.24 (iv) submit documentation of receiving a qualifying score on an examination meeting
9.25 the requirements of section 148.515, subdivision 6.

9.26 (b) In addition, an applicant must:

9.27 (1) sign a statement that the information in the application is true and correct to the best
9.28 of the applicant's knowledge and belief;

9.29 (2) submit with the application all fees required by section 148.5194;

(3) sign a waiver authorizing the commissioner to obtain access to the applicant's records in this or any other state in which the applicant has engaged in the practice of speech-language pathology or audiology; and

(4) consent to a fingerprint-based criminal history background check as required under section 144.0572, pay all required fees, and cooperate with all requests for information. An applicant must complete a new criminal history background check if more than one year has elapsed since the applicant last applied for a license.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 14. Minnesota Statutes 2020, section 148.519, is amended by adding a subdivision to read:

Subd. 1a. Applications for licensure; speech-language pathology assistants. An applicant for licensure as a speech-language pathology assistant must:

(1) submit a completed application on forms provided by the commissioner. The application must include the applicant's name, business address and telephone number, home address and telephone number, and a description of the applicant's education, training, and experience, including previous work history for the five years immediately preceding the application date. The commissioner may ask the applicant to provide additional information needed to clarify information submitted in the application;

(2) submit documentation that the applicant satisfies the qualifications in section 148.5185 or 148.5186;

(3) submit a signed statement that the information in the application is true and correct to the best of the applicant's knowledge and belief;

(4) submit all fees required under section 148.5194;

(5) submit a signed waiver authorizing the commissioner to obtain access to the applicant's records in this or any other state in which the applicant has worked as a speech-language pathology assistant; and

(6) consent to a fingerprint-based criminal history background check as required under section 144.0572, pay all required fees, and cooperate with all requests for information. An applicant must complete a new criminal history background check if more than one year has elapsed since the applicant last applied for a license.

EFFECTIVE DATE. This section is effective July 1, 2023.

11.1 Sec. 15. Minnesota Statutes 2020, section 148.5192, subdivision 1, is amended to read:

11.2 Subdivision 1. **Delegation requirements.** A licensed speech-language pathologist may
11.3 delegate duties to a speech-language pathology assistant in accordance with this section.
11.4 Duties may only be delegated to an individual who ~~has documented with a transcript from~~
11.5 ~~an educational institution satisfactory completion of either:~~ is licensed under sections 148.511
11.6 to 148.5198.

11.7 ~~(1) an associate degree from a speech-language pathology assistant program that is~~
11.8 ~~accredited by the Higher Learning Commission of the North Central Association of Colleges~~
11.9 ~~or its equivalent as approved by the commissioner; or~~

11.10 ~~(2) a bachelor's degree in the discipline of communication sciences or disorders with~~
11.11 ~~additional transcript credit in the area of instruction in assistant-level service delivery~~
11.12 ~~practices and completion of at least 100 hours of supervised field work experience as a~~
11.13 ~~speech-language pathology assistant student.~~

11.14 **EFFECTIVE DATE.** This section is effective July 1, 2023.

11.15 Sec. 16. Minnesota Statutes 2020, section 148.5192, subdivision 3, is amended to read:

11.16 Subd. 3. **Supervision requirements.** (a) A supervising speech-language pathologist
11.17 shall authorize and accept full responsibility for the performance, practice, and activity of
11.18 a speech-language pathology assistant.

11.19 (b) A supervising speech-language pathologist must:

11.20 (1) be licensed under sections 148.511 to 148.5198;

11.21 (2) hold a certificate of clinical competence from the American Speech-Language-Hearing
11.22 Association or its equivalent as approved by the commissioner; and

11.23 (3) have completed at least one continuing education unit in supervision.

11.24 (c) The supervision of a speech-language pathology assistant shall be maintained on the
11.25 following schedule:

11.26 (1) for the first 90 workdays, within a 40-hour work week, 30 percent of the work
11.27 performed by the speech-language pathology assistant must be supervised and at least 20
11.28 percent of the work performed must be under direct supervision; and

11.29 (2) for the work period after the initial 90-day period, within a 40-hour work week, 20
11.30 percent of the work performed must be supervised and at least ten percent of the work
11.31 performed must be under direct supervision.

(d) For purposes of this section, "direct supervision" means ~~on-site, in-view~~ observation and guidance by the supervising speech-language pathologist during the performance of a delegated duty that is either on-site, in-view observation and guidance, or observation and guidance performed through the use of real-time, two-way interactive audio and visual communication. The supervision requirements described in this section are minimum requirements. Additional supervision requirements may be imposed at the discretion of the supervising speech-language pathologist.

(e) A supervising speech-language pathologist must be available to communicate with a speech-language pathology assistant at any time the assistant is in direct contact with a client.

(f) A supervising speech-language pathologist must document activities performed by the assistant that are directly supervised by the supervising speech-language pathologist. At a minimum, the documentation must include:

(1) information regarding the quality of the speech-language pathology assistant's performance of the delegated duties; and

(2) verification that any delegated clinical activity was limited to duties authorized to be performed by the speech-language pathology assistant under this section.

(g) A supervising speech-language pathologist must review and cosign all informal treatment notes signed or initialed by the speech-language pathology assistant.

(h) A full-time, speech-language pathologist may supervise no more than ~~one~~ two full-time, speech-language pathology ~~assistant~~ assistants or the equivalent of ~~one~~ two full-time ~~assistant~~ assistants.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 17. Minnesota Statutes 2020, section 148.5193, subdivision 1, is amended to read:

Subdivision 1. **Number of contact hours required; speech-language pathologists and audiologists.** (a) An applicant for licensure renewal as a speech-language pathologist or audiologist must meet the requirements for continuing education stipulated by the American Speech-Language-Hearing Association or the American Board of Audiology, or satisfy the requirements described in paragraphs (b) to (e).

(b) Within one month following expiration of a license, an applicant for licensure renewal as either a speech-language pathologist or an audiologist must provide evidence to the commissioner of a minimum of 30 contact hours of continuing education obtained within

the two years immediately preceding licensure expiration. A minimum of 20 contact hours of continuing education must be directly related to the licensee's area of licensure. Ten contact hours of continuing education may be in areas generally related to the licensee's area of licensure. Licensees who are issued licenses for a period of less than two years shall prorate the number of contact hours required for licensure renewal based on the number of months licensed during the biennial licensure period. Licensees shall receive contact hours for continuing education activities only for the biennial licensure period in which the continuing education activity was performed.

(c) An applicant for licensure renewal as both a speech-language pathologist and an audiologist must attest to and document completion of a minimum of 36 contact hours of continuing education offered by a continuing education sponsor within the two years immediately preceding licensure renewal. A minimum of 15 contact hours must be received in the area of speech-language pathology and a minimum of 15 contact hours must be received in the area of audiology. Six contact hours of continuing education may be in areas generally related to the licensee's areas of licensure. Licensees who are issued licenses for a period of less than two years shall prorate the number of contact hours required for licensure renewal based on the number of months licensed during the biennial licensure period. Licensees shall receive contact hours for continuing education activities only for the biennial licensure period in which the continuing education activity was performed.

(d) If the licensee is licensed by the Professional Educator Licensing and Standards Board:

(1) activities that are approved in the categories of Minnesota Rules, part 8710.7200, subpart 3, items A and B, and that relate to speech-language pathology, shall be considered:

(i) offered by a sponsor of continuing education; and

(ii) directly related to speech-language pathology;

(2) activities that are approved in the categories of Minnesota Rules, part 8710.7200, subpart 3, shall be considered:

(i) offered by a sponsor of continuing education; and

(ii) generally related to speech-language pathology; and

(3) one clock hour as defined in Minnesota Rules, part 8710.7200, subpart 1, is equivalent to 1.0 contact hours of continuing education.

(e) Contact hours may not be accumulated in advance and transferred to a future continuing education period.

14.1 **EFFECTIVE DATE.** This section is effective July 1, 2023.

14.2 Sec. 18. Minnesota Statutes 2020, section 148.5193, is amended by adding a subdivision
14.3 to read:

14.4 Subd. 1a. **Continuing education; speech-language pathology assistants.** An applicant
14.5 for licensure renewal as a speech-language pathology assistant must meet the requirements
14.6 for continuing education established by the American Speech-Language-Hearing Association.
14.7 A licensee shall receive contact hours for continuing education activities only for the biennial
14.8 licensure period in which the continuing education activity was completed. Continuing
14.9 education contact hours obtained in one licensure period shall not be transferred to a future
14.10 licensure period.

14.11 **EFFECTIVE DATE.** This section is effective July 1, 2023.

14.12 Sec. 19. Minnesota Statutes 2020, section 148.5194, is amended by adding a subdivision
14.13 to read:

14.14 Subd. 3b. **Speech-language pathology assistant licensure fees.** The fee for initial
14.15 licensure or restricted licensure as a speech-language pathology assistant is \$130. The fee
14.16 for licensure renewal is \$120.

14.17 **EFFECTIVE DATE.** This section is effective July 1, 2023.

14.18 Sec. 20. Minnesota Statutes 2020, section 148.5194, subdivision 8, is amended to read:

14.19 Subd. 8. **Penalty fees.** (a) The penalty fee for practicing speech-language pathology or
14.20 audiology, practicing as a speech-language pathology assistant, or using protected titles
14.21 without a current license after the credential has expired and before it is renewed is the
14.22 amount of the license renewal fee for any part of the first month, plus the license renewal
14.23 fee for any part of any subsequent month up to 36 months.

14.24 (b) The penalty fee for applicants who engage in the unauthorized practice of
14.25 speech-language pathology or audiology, practice as a speech-language pathology assistant,
14.26 or using use protected titles before being issued a license is the amount of the license
14.27 application fee for any part of the first month, plus the license application fee for any part
14.28 of any subsequent month up to 36 months. This paragraph does not apply to applicants not
14.29 qualifying for a license who engage in the unauthorized practice of speech language
14.30 pathology or audiology.

(c) The penalty fee for practicing speech-language pathology or audiology and failing to submit a continuing education report by the due date with the correct number or type of hours in the correct time period is \$100 plus \$20 for each missing clock hour. The penalty fee for a licensed speech-language pathology assistant who fails to submit a continuing education report by the due date with the correct number or type of hours in the correct time period is \$100 plus \$20 for each missing clock hour. "Missing" means not obtained between the effective and expiration dates of the certificate, the one-month period following the certificate expiration date, or the 30 days following notice of a penalty fee for failing to report all continuing education hours. The licensee must obtain the missing number of continuing education hours by the next reporting due date.

(d) Civil penalties and discipline incurred by licensees prior to August 1, 2005, for conduct described in paragraph (a), (b), or (c) shall be recorded as nondisciplinary penalty fees. For conduct described in paragraph (a) or (b) occurring after August 1, 2005, and exceeding six months, payment of a penalty fee does not preclude any disciplinary action reasonably justified by the individual case.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 21. Minnesota Statutes 2020, section 148.5195, subdivision 3, is amended to read:

Subd. 3. **Grounds for disciplinary action by commissioner.** The commissioner may take any of the disciplinary actions listed in subdivision 4 on proof that the individual has:

(1) intentionally submitted false or misleading information to the commissioner or the advisory council;

(2) failed, within 30 days, to provide information in response to a written request by the commissioner or advisory council;

(3) performed services of a speech-language pathologist ~~or~~, audiologist, or speech-language pathology assistant in an incompetent or negligent manner;

(4) violated sections 148.511 to 148.5198;

(5) failed to perform services with reasonable judgment, skill, or safety due to the use of alcohol or drugs, or other physical or mental impairment;

(6) violated any state or federal law, rule, or regulation, and the violation is a felony or misdemeanor, an essential element of which is dishonesty, or which relates directly or indirectly to the practice of speech-language pathology or audiology or to the practice of a speech-language pathology assistant. Conviction for violating any state or federal law which

16.1 relates to speech-language pathology ~~or~~, audiology, or the practice of a speech-language
16.2 pathology assistant is necessarily considered to constitute a violation, except as provided
16.3 in chapter 364;

16.4 (7) aided or abetted another person in violating any provision of sections 148.511 to
16.5 148.5198;

16.6 (8) been or is being disciplined by another jurisdiction, if any of the grounds for the
16.7 discipline is the same or substantially equivalent to those under sections 148.511 to 148.5198;

16.8 (9) not cooperated with the commissioner or advisory council in an investigation
16.9 conducted according to subdivision 1;

16.10 (10) advertised in a manner that is false or misleading;

16.11 (11) engaged in conduct likely to deceive, defraud, or harm the public; or demonstrated
16.12 a willful or careless disregard for the health, welfare, or safety of a client;

16.13 (12) failed to disclose to the consumer any fee splitting or any promise to pay a portion
16.14 of a fee to any other professional other than a fee for services rendered by the other
16.15 professional to the client;

16.16 (13) engaged in abusive or fraudulent billing practices, including violations of federal
16.17 Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical
16.18 assistance laws;

16.19 (14) obtained money, property, or services from a consumer through the use of undue
16.20 influence, high pressure sales tactics, harassment, duress, deception, or fraud;

16.21 (15) performed services for a client who had no possibility of benefiting from the services;

16.22 (16) failed to refer a client for medical evaluation or to other health care professionals
16.23 when appropriate or when a client indicated symptoms associated with diseases that could
16.24 be medically or surgically treated;

16.25 (17) had the certification required by chapter 153A denied, suspended, or revoked
16.26 according to chapter 153A;

16.27 (18) used the term doctor of audiology, doctor of speech-language pathology, AuD, or
16.28 SLPD without having obtained the degree from an institution accredited by the North Central
16.29 Association of Colleges and Secondary Schools, the Council on Academic Accreditation
16.30 in Audiology and Speech-Language Pathology, the United States Department of Education,
16.31 or an equivalent;

17.1 (19) failed to comply with the requirements of section 148.5192 regarding supervision
17.2 of speech-language pathology assistants; or

17.3 (20) if the individual is an audiologist or certified hearing instrument dispenser:

17.4 (i) prescribed or otherwise recommended to a consumer or potential consumer the use
17.5 of a hearing instrument, unless the prescription from a physician or recommendation from
17.6 an audiologist or certified dispenser is in writing, is based on an audiogram that is delivered
17.7 to the consumer or potential consumer when the prescription or recommendation is made,
17.8 and bears the following information in all capital letters of 12-point or larger boldface type:
17.9 "THIS PRESCRIPTION OR RECOMMENDATION MAY BE FILLED BY, AND
17.10 HEARING INSTRUMENTS MAY BE PURCHASED FROM, THE LICENSED
17.11 AUDIOLOGIST OR CERTIFIED DISPENSER OF YOUR CHOICE";

17.12 (ii) failed to give a copy of the audiogram, upon which the prescription or
17.13 recommendation is based, to the consumer when the consumer requests a copy;

17.14 (iii) failed to provide the consumer rights brochure required by section 148.5197,
17.15 subdivision 3;

17.16 (iv) failed to comply with restrictions on sales of hearing instruments in sections
17.17 148.5197, subdivision 3, and 148.5198;

17.18 (v) failed to return a consumer's hearing instrument used as a trade-in or for a discount
17.19 in the price of a new hearing instrument when requested by the consumer upon cancellation
17.20 of the purchase agreement;

17.21 (vi) failed to follow Food and Drug Administration or Federal Trade Commission
17.22 regulations relating to dispensing hearing instruments;

17.23 (vii) failed to dispense a hearing instrument in a competent manner or without appropriate
17.24 training;

17.25 (viii) delegated hearing instrument dispensing authority to a person not authorized to
17.26 dispense a hearing instrument under this chapter or chapter 153A;

17.27 (ix) failed to comply with the requirements of an employer or supervisor of a hearing
17.28 instrument dispenser trainee;

17.29 (x) violated a state or federal court order or judgment, including a conciliation court
17.30 judgment, relating to the activities of the individual's hearing instrument dispensing; or

17.31 (xi) failed to include on the audiogram the practitioner's printed name, credential type,
17.32 credential number, signature, and date.

18.1 **EFFECTIVE DATE.** This section is effective July 1, 2023.

18.2 Sec. 22. Minnesota Statutes 2020, section 148.5196, subdivision 1, is amended to read:

18.3 Subdivision 1. **Membership.** The commissioner shall appoint ~~42~~ 13 persons to a
18.4 Speech-Language Pathologist and Audiologist Advisory Council. The ~~42~~ 13 persons must
18.5 include:

18.6 (1) three public members, as defined in section 214.02. Two of the public members shall
18.7 be either persons receiving services of a speech-language pathologist or audiologist, or
18.8 family members of or caregivers to such persons, and at least one of the public members
18.9 shall be either a hearing instrument user or an advocate of one;

18.10 (2) three speech-language pathologists licensed under sections 148.511 to 148.5198,
18.11 one of whom is currently and has been, for the five years immediately preceding the
18.12 appointment, engaged in the practice of speech-language pathology in Minnesota and each
18.13 of whom is employed in a different employment setting including, but not limited to, private
18.14 practice, hospitals, rehabilitation settings, educational settings, and government agencies;

18.15 (3) one speech-language pathologist licensed under sections 148.511 to 148.5198, who
18.16 is currently and has been, for the five years immediately preceding the appointment,
18.17 employed by a Minnesota public school district or a Minnesota public school district
18.18 consortium that is authorized by Minnesota Statutes and who is licensed in speech-language
18.19 pathology by the Professional Educator Licensing and Standards Board;

18.20 (4) three audiologists licensed under sections 148.511 to 148.5198, two of whom are
18.21 currently and have been, for the five years immediately preceding the appointment, engaged
18.22 in the practice of audiology and the dispensing of hearing instruments in Minnesota and
18.23 each of whom is employed in a different employment setting including, but not limited to,
18.24 private practice, hospitals, rehabilitation settings, educational settings, industry, and
18.25 government agencies;

18.26 (5) one nonaudiologist hearing instrument dispenser recommended by a professional
18.27 association representing hearing instrument dispensers; ~~and~~

18.28 (6) one physician licensed under chapter 147 and certified by the American Board of
18.29 Otolaryngology, Head and Neck Surgery; and

18.30 (7) one speech-language pathology assistant licensed under section 148.5186.

18.31 **EFFECTIVE DATE.** This section is effective July 1, 2023.

19.1 Sec. 23. Minnesota Statutes 2020, section 148.5196, subdivision 3, is amended to read:

19.2 Subd. 3. **Duties.** The advisory council shall:

19.3 (1) advise the commissioner regarding speech-language pathologist and audiologist
19.4 licensure standards;

19.5 (2) advise the commissioner regarding the delegation of duties to, licensure standards
19.6 for, and the training required for speech-language pathology assistants;

19.7 (3) advise the commissioner on enforcement of sections 148.511 to 148.5198;

19.8 (4) provide for distribution of information regarding speech-language pathologist ~~and,~~
19.9 audiologist, and speech-language pathology assistant licensure standards;

19.10 (5) review applications and make recommendations to the commissioner on granting or
19.11 denying licensure or licensure renewal;

19.12 (6) review reports of investigations relating to individuals and make recommendations
19.13 to the commissioner as to whether licensure should be denied or disciplinary action taken
19.14 against the individual;

19.15 (7) advise the commissioner regarding approval of continuing education activities
19.16 provided by sponsors using the criteria in section 148.5193, subdivision 2; and

19.17 (8) perform other duties authorized for advisory councils under chapter 214, or as directed
19.18 by the commissioner.

19.19 **EFFECTIVE DATE.** This section is effective July 1, 2023.

19.20 Sec. 24. Minnesota Statutes 2021 Supplement, section 245C.031, subdivision 4, is amended
19.21 to read:

19.22 Subd. 4. **Applicants, licensees, and other occupations regulated by the commissioner**
19.23 **of health.** The commissioner shall conduct an alternative background study, including a
19.24 check of state data, and a national criminal history records check of the following individuals.
19.25 For studies under this section, the following persons shall complete a consent form:

19.26 (1) An applicant for initial licensure, temporary licensure, or relicensure after a lapse in
19.27 licensure as an audiologist or speech-language pathologist or an applicant for initial
19.28 certification as a hearing instrument dispenser who must submit to a background study
19.29 under section 144.0572.

20.1 (2) An applicant for a renewal license or certificate as an audiologist, speech-language
20.2 pathologist, or hearing instrument dispenser who was licensed or obtained a certificate
20.3 before January 1, 2018.

20.4 (3) An applicant for initial licensure, relicensure after a lapse in licensure, or license
20.5 renewal as a speech-language pathology assistant.

20.6 **EFFECTIVE DATE.** This section is effective July 1, 2023.