Senate Engrossed House Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 127

HOUSE BILL 2439

AN ACT

AMENDING SECTIONS 36-1901, 36-1902, 36-1904, 36-1906, 36-1922, 36-1936, 36-1940, 36-1940.02 AND 36-1940.03, ARIZONA REVISED STATUTES; RELATING TO AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 36-1901, Arizona Revised Statutes, is amended to read:

36-1901. Definitions

In this chapter, unless the context otherwise requires:

1. "ACCREDITED PROGRAM" MEANS A PROGRAM LEADING TO THE AWARD OF A DEGREE IN AUDIOLOGY THAT IS ACCREDITED BY AN ORGANIZATION RECOGNIZED FOR THAT PURPOSE BY THE UNITED STATES DEPARTMENT OF EDUCATION.

~~1.~~ 2. "Approved training program" means a postsecondary speech-language pathology assistant training program that is approved by the director.

~~2.~~ 3. "Assistive listening device or system" means an amplification system that is specifically designed to improve the signal-to-noise ratio for the listener who is hearing impaired, reduce interference from noise in the background and enhance hearing levels at a distance by picking up sound from as close to the source as possible and sending it directly to the ear of the listener, excluding hearing aids.

4. "AUDIOLOGIST" MEANS A PERSON WHO ENGAGES IN THE PRACTICE OF AUDIOLOGY AND WHO MEETS THE REQUIREMENTS PRESCRIBED IN THIS CHAPTER.

~~3.~~ 5. "Audiology" means the nonmedical and nonsurgical application of principles, methods and procedures of measurement, testing, evaluation and prediction that are related to hearing, its disorders and related communication impairments for the purpose of nonmedical diagnosis, prevention, amelioration or modification of these disorders and conditions.

~~4.~~ 6. "Clinical interaction" means a fieldwork practicum in speech-language pathology that is supervised by a licensed speech-language pathologist.

~~5.~~ 7. "Department" means the department of health services.

~~6.~~ 8. "Direct supervision" means the on-site, in-view observation and guidance of a speech-language pathology assistant by a licensed speech-language pathologist while the speech-language pathology assistant performs an assigned clinical activity.

~~7.~~ 9. "Director" means the director of the department.

~~8.~~ 10. "Disorders of communication" means an organic or nonorganic condition that impedes the normal process of human communication and includes disorders of speech, articulation, fluency, voice, verbal and written language, auditory comprehension, cognition and communications and oral, pharyngeal and laryngeal sensorimotor competencies.

~~9.~~ 11. "Disorders of hearing" means an organic or nonorganic condition, whether peripheral or central, that impedes the normal process of human communication and includes disorders of auditory sensitivity, acuity, function or processing.

~~10.~~ 12. "Hearing aid" means any wearable instrument or device designed for or represented as aiding or improving human hearing or as aiding, improving or compensating for defective human hearing, and any parts,

attachments or accessories of the instrument or device, including ear molds, but excluding batteries and cords.

~~11.~~ 13. "Hearing aid dispenser" means any person who engages in the practice of fitting and dispensing hearing aids.

~~12.~~ 14. "Indirect supervision" means supervisory activities, other than direct supervision that are performed by a licensed speech-language pathologist and that may include consultation, record review and review and evaluation of audiotaped or videotaped sessions.

~~13.~~ 15. "Letter of concern" means an advisory letter to notify a licensee that, while there is insufficient evidence to support disciplinary action, the director believes the licensee should modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the director may result in action against the licensee.

~~14.~~ 16. "License" means a license issued by the director under this chapter and includes a temporary license.

~~15.~~ 17. "Nonmedical diagnosing" means the art or act of identifying a communication disorder from its signs and symptoms. Nonmedical diagnosing does not include diagnosing a medical disease.

~~16.~~ 18. "Practice of audiology" means:

(a) Rendering or offering to render to a person or persons who have or who are suspected of having disorders of hearing any service in audiology including prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction and research.

(b) Participating in hearing conservation, hearing aid and assistive listening device evaluation and hearing aid prescription preparation, fitting, dispensing and orientation.

(c) Screening, identifying, assessing, nonmedical diagnosing, preventing and rehabilitating peripheral and central auditory system dysfunctions.

(d) Providing and interpreting behavioral and physiological measurements of auditory and vestibular functions.

(e) Selecting, fitting and dispensing assistive listening and alerting devices and other systems and providing training in their use.

(f) Providing aural rehabilitation and related counseling services to hearing impaired persons and their families.

(g) Screening speech-language and other factors that affect communication function in order to conduct an audiologic evaluation and an initial identification of persons with other communications disorders and making the appropriate referral.

(h) Planning, directing, conducting or supervising services.

~~17.~~ 19. "Practice of fitting and dispensing hearing aids" means the measurement of human hearing by means of an audiometer or by any other means, solely for the purpose of making selections or adaptations of hearing aids, and the fitting, sale and servicing of hearing aids, including assistive listening devices and the making of impressions for ear molds and includes

identification, instruction, consultation, rehabilitation and hearing conservation as these relate only to hearing aids and related devices and, at the request of a physician or another licensed health care professional, the making of audiograms for the professional's use in consultation with the hearing impaired. The practice of fitting and dispensing hearing aids does not include formal auditory training programs, lip reading and speech conservation.

~~18.~~ 20. "Practice of speech-language pathology" means:

(a) Rendering or offering to render to an individual or groups of individuals who have or are suspected of having disorders of communication service in speech-language pathology including prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction and research.

(b) Screening, identifying, assessing, interpreting, nonmedical diagnosing and rehabilitating disorders of speech and language.

(c) Screening, identifying, assessing, interpreting, nonmedical diagnosing and rehabilitating disorders of oral-pharyngeal functions and related disorders.

(d) Screening, identifying, assessing, interpreting, nonmedical diagnosing and rehabilitating cognitive and communication disorders.

(e) Assessing, selecting and developing augmentative and alternative communication systems and providing training in the use of these systems and assistive listening devices.

(f) Providing aural rehabilitation and related counseling services to hearing impaired persons and their families.

(g) Enhancing speech-language proficiency and communication effectiveness.

(h) Screening hearing and other factors for speech-language evaluation and initially identifying persons with other communication disorders and making the appropriate referral.

~~19.~~ 21. "Regular license" means each type of license issued by the director, except a temporary license.

~~20.~~ 22. "Sell" or "sale" means a transfer of title or of the right to use by lease, bailment or any other contract, but does not include transfers at wholesale to distributors or dealers.

~~21.~~ 23. "Speech-language pathology" means the nonmedical and nonsurgical application of principles, methods and procedures of assessment, testing, evaluation and prediction related to speech and language and its disorders and related communication impairments for the nonmedical diagnosis, prevention, amelioration or modification of these disorders and conditions.

~~22.~~ 24. "Speech-language pathology assistant" means a person who provides services prescribed in section 36-1940.04 and under the direction and supervision of a speech-language pathologist licensed pursuant to this chapter.

~~23.~~ 25. "Sponsor" means a person who is licensed pursuant to this chapter and who agrees to train or directly supervise a temporary licensee in the same field of practice.

~~24.~~ 26. "Temporary licensee" means a person who is licensed under this chapter for a specified period of time under the sponsorship of a person licensed pursuant to this chapter.

~~25.~~ 27. "Unprofessional conduct" means:

(a) Obtaining any fee or making any sale by fraud or misrepresentation.

(b) Employing directly or indirectly any suspended or unlicensed person to perform any work covered by this chapter.

(c) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or other representation, however disseminated or published, that is misleading, deceiving, improbable or untruthful.

(d) Advertising for sale a particular model, type or kind of product when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the advertised model, type or kind if the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind than that advertised.

(e) Representing that the professional services or advice of a physician will be used or made available in the selling, fitting, adjustment, maintenance or repair of hearing aids if this is not true, or using the words "doctor", "clinic", "clinical" or like words, abbreviations or symbols ~~that~~ WHILE FAILING TO AFFIX THE WORD, TERM OR INITIALS "AUDIOLOGY", "AUDIOLOGIC", "AUDIOLOGIST", "DOCTOR OF AUDIOLOGY", "Au.D.", "Ph.D." OR "Sc.D" ~~tend to connote the medical profession services if this is not accurate~~.

(f) Defaming competitors by falsely imputing to them dishonorable conduct, inability to perform contracts or questionable credit standing or by other false representations, or falsely disparaging the products of competitors in any respect, or their business methods, selling prices, values, credit terms, policies or services.

(g) Displaying competitive products in the licensee's show window, shop or advertising in such manner as to falsely disparage such products.

(h) Representing falsely that competitors are unreliable.

(i) Quoting prices of competitive products without disclosing that they are not the current prices, or showing, demonstrating or representing competitive models as being current models when they are not current models.

(j) Imitating or simulating the trademarks, trade names, brands or labels of competitors with the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(k) Using in the licensee's advertising the name, model name or trademark of a particular manufacturer of hearing aids in such a manner as to imply a relationship with the manufacturer that does not exist, or otherwise to mislead or deceive purchasers or prospective purchasers.

(l) Using any trade name, corporate name, trademark or other trade designation that has the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature or origin of any product of the industry, or of any material used in the product, or that is false, deceptive or misleading in any other material respect.

(m) Obtaining information concerning the business of a competitor by bribery of an employee or agent of that competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means.

(n) Giving directly or indirectly, offering to give, or permitting or causing to be given money or anything of value, except miscellaneous advertising items of nominal value, to any person who advises another in a professional capacity as an inducement to influence that person or have that person influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dispenser, or to influence persons to refrain from dealing in the products of competitors.

(o) Sharing any profits or sharing any percentage of a licensee's income with any person who advises another in a professional capacity as an inducement to influence that person or have that person influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dispenser or to dissuade persons from dealing in products of competitors.

(p) Failing to comply with existing federal regulations regarding the fitting and dispensing of a hearing aid.

(q) Conviction of a felony or a misdemeanor that involves moral turpitude.

(r) Fraudulently obtaining or attempting to obtain a license or a temporary license for the applicant, the licensee or another person.

(s) Aiding or abetting unlicensed practice.

(t) Wilfully making or filing a false audiology, speech-language pathology or hearing aid dispenser evaluation.

(u) The use of narcotics, alcohol or drugs to the extent that the performance of professional duties is impaired.

(v) Betraying a professional confidence.

(w) Any conduct, practice or condition that impairs the ability of the licensee to safely and competently engage in the practice of audiology, speech-language pathology or hearing aid dispensing.

(x) Providing services or promoting the sale of devices, appliances or products to a person who cannot reasonably be expected to benefit from these services, devices, appliances or products.

(y) Being ~~a licensee who is~~ disciplined by a licensing or disciplinary authority of any state, territory or district of this country for an act that is grounds for disciplinary action under this chapter.

(z) Violating any provision of this chapter or failing to comply with rules adopted pursuant to this chapter.

(aa) Failing to refer an individual for medical evaluation if a condition exists that is amenable to surgical or medical ~~treatments~~ INTERVENTION prescribed by the advisory committee and consistent with federal regulations.

(bb) Practicing in a field or area within that licensee's defined scope of practice in which the licensee has not either been tested, taken a course leading to a degree, received supervised training, taken a continuing education course or had adequate prior experience.

(cc) FAILING TO AFFIX THE WORD, TERM OR INITIALS "AUDIOLOGY", "AUDIOLOGIC", "AUDIOLOGIST", "DOCTOR OF AUDIOLOGY", "Au.D.", "Ph.D." OR "Sc.D." IN ANY SIGN, WRITTEN COMMUNICATION OR ADVERTISING MEDIA IN WHICH THE TERM "DOCTOR" OR THE ABBREVIATION "Dr." IS USED IN RELATION TO THE AUDIOLOGIST HOLDING A DOCTORAL DEGREE.

Sec. 2. Section 36-1902, Arizona Revised Statutes, is amended to read:

36-1902. Powers and duties of the director; advisory committee; examining committee

A. The director shall:

1. Appoint an advisory committee to COLLABORATE WITH AND assist the director and TO perform duties as ~~the director may delegate~~ PRESCRIBED BY THIS CHAPTER. THE DIRECTOR SHALL INFORM THE ADVISORY COMMITTEE REGARDING ALL DISCIPLINARY ACTIONS.

2. Supervise and administer qualifying examinations to test the knowledge and proficiency of applicants for a hearing aid dispenser's license.

3. Designate the time and place for holding examinations for a hearing aid dispenser's license.

4. License persons who apply for and pass the examination for a license, and possess all other qualifications required for the practice of fitting and dispensing hearing aids, the practice of audiology and the practice of speech-language pathology.

5. License persons who apply for a license and possess all other qualifications required for licensure as a speech-language pathology assistant.

6. Authorize all disbursements necessary to carry out ~~the provisions of~~ this chapter.

7. Ensure the public's health and safety by adopting and enforcing qualification standards for licensees and applicants for licensure under this chapter.

B. The director may:

1. Purchase and maintain, or rent, equipment and facilities necessary to carry out the examination of applicants for a license.

2. Issue and renew a license.

3. Deny, suspend, revoke or refuse renewal of a license or file a letter of concern, issue a decree of censure, prescribe probation, impose a civil penalty or restrict or limit the practice of a licensee pursuant to this chapter.

4. Appoint an examining committee to assist in the conduct of the examination of applicants for a hearing aid dispenser's license.

5. Make and publish rules that are not inconsistent with the laws of this state and that are necessary to carry out this chapter.

6. Require the periodic inspection of testing equipment and facilities of persons engaging in the practice of fitting and dispensing hearing aids, audiology and speech-language pathology.

7. Require a licensee to produce customer records of patients involved in complaints on file with the department.

C. The advisory committee appointed pursuant to subsection A, paragraph 1 ~~shall consist~~ CONSISTS of the director, two physicians licensed under title 32, chapter 13 or 17, one of whom is a specialist in otolaryngology, two licensed audiologists, one of whom dispenses hearing aids, two licensed speech-language pathologists, two public members, one of whom is hearing impaired, ONE MEMBER OF THE ARIZONA COMMISSION FOR THE DEAF AND THE HARD OF HEARING WHO IS NOT LICENSED PURSUANT TO THIS CHAPTER and two licensed hearing aid dispensers who are not licensed to practice audiology. Committee members who are licensed under this chapter shall have at least five years' experience immediately preceding the appointment in their field of practice in this state.

D. The examining committee authorized pursuant to subsection B, paragraph 4 ~~shall consist~~ CONSISTS of one otolaryngologist, two licensed dispensing audiologists and two licensed hearing aid dispensers. Committee members who are licensed under this chapter shall have at least five years' experience immediately preceding the appointment in their field of practice in this state. The findings of the examining committee shall be advisory to the director.

E. The director shall verify that the audiology licensee has passed ~~the~~ A NATIONALLY RECOGNIZED examination approved by the director.

F. The director shall verify that the speech-language pathology licensee has passed ~~the~~ A NATIONALLY RECOGNIZED examination approved by the director.

G. The director may recognize a nationally recognized speech-language hearing association OR AUDIOLOGY ASSOCIATION examination, OR BOTH, as an approved examination.

H. The advisory committee shall provide recommendations to the director in the following areas, on which the director shall act within a reasonable period of time:

1. Issuance and renewal of a license.

2. Prescribing disciplinary procedures.

3. Appointment of an examining committee to assist in the conduct of the examination of applicants for a hearing aid dispenser's license.

4. Adopting rules that are not inconsistent with the laws of this state and that are necessary to carry out this chapter.

5. Requiring the periodic inspection of testing equipment and facilities of persons engaging in the practice of fitting and dispensing hearing aids, audiology and speech-language pathology.

6. Requiring a licensee to produce customer records of patients involved in complaints on file with the department of health services.

Sec. 3. Section 36-1904, Arizona Revised Statutes, is amended to read:

36-1904. Issuance of license; renewal of license

A. The director shall issue a regular license to each applicant who meets the requirements of this chapter. A regular license is valid for one year.

B. A licensee shall renew a regular license annually on payment of the renewal fee prescribed in section 36-1908. There is a thirty day grace period after the expiration of a regular license. During this period the licensee may renew a regular license on payment of a late fee in addition to the renewal fee.

C. When renewing a regular license AS A HEARING AID DISPENSER, the licensee shall provide proof of having completed at least ~~eight~~ TWELVE hours of continuing education within the prior twelve months. COURSES SPONSORED BY A SINGLE MANUFACTURER OF HEARING AIDS MAY NOT SATISFY MORE THAN FOUR HOURS OF CONTINUING EDUCATION WITHIN THE PRIOR TWELVE MONTHS.

D. WHEN RENEWING A REGULAR LICENSE IN AUDIOLOGY OR IN SPEECH-LANGUAGE PATHOLOGY, THE LICENSEE SHALL PROVIDE PROOF OF HAVING COMPLETED AT LEAST TEN HOURS OF CONTINUING EDUCATION WITHIN THE PRIOR TWELVE MONTHS. COURSES SPONSORED BY A SINGLE MANUFACTURER OF HEARING AIDS MAY NOT SATISFY MORE THAN FOUR HOURS OF CONTINUING EDUCATION WITHIN THE PRIOR TWELVE MONTHS FOR PERSONS WITH A LICENSE IN AUDIOLOGY.

E. The director by rule shall provide standards for continuing education courses required by this ~~subsection~~ SECTION.

~~D.~~ F. The director may refuse to renew a regular license for any cause provided in section 36-1934.

~~E.~~ G. A person who does not renew a regular license as prescribed by this section shall apply for a new license pursuant to the requirements of this chapter. If an application is received by the director within one year of the expiration date of the license, the applicant is not required to take an examination.

H. A PERSON WHO REAPPLIES FOR A REGULAR LICENSE ISSUED PURSUANT TO THIS CHAPTER MUST PROVIDE PROOF OF COMPLETION OF THE CONTINUING EDUCATION HOURS PRESCRIBED BY SUBSECTION C OR D OF THIS SECTION WITHIN THE PREVIOUS TWELVE MONTHS BEFORE THE DATE OF REAPPLICATION.

Sec. 4. Section 36-1906, Arizona Revised Statutes, is amended to read:

36-1906. Registering place of business with director

A. A person who holds a license shall notify the director in writing of the address of the place or places where ~~he~~ THE PERSON engages in the practice of fitting and dispensing hearing aids, AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY and any change of address.

B. The director shall keep a record of the places of practice of persons who hold licenses. Any notice required to be given by the director to a person who holds a license may be given by mailing it to ~~him~~ THAT PERSON at the address given by ~~him~~ THAT PERSON to the director.

Sec. 5. Section 36-1922, Arizona Revised Statutes, is amended to read:

36-1922. Reciprocity

A. The director may issue a license to a person who is currently licensed in another state or jurisdiction that the director determines meets the minimum licensure requirements of this chapter. The person shall apply for licensure and pay all applicable fees as prescribed by this chapter ~~but is not required to take an examination~~ AND SHALL PASS AN EXAMINATION APPROVED BY THE DIRECTOR IN JURISPRUDENCE AND ETHICS RELATED TO THIS CHAPTER WITHIN SIX MONTHS AFTER INITIAL LICENSURE. THE DIRECTOR SHALL OFFER THE EXAMINATION AT LEAST FOUR TIMES EACH CALENDAR YEAR.

B. The applicant shall provide information the director determines is necessary to investigate the status of the applicant's current license.

Sec. 6. Section 36-1936, Arizona Revised Statutes, is amended to read:

36-1936. Unlawful acts

~~No~~ A person may NOT:

1. Sell, barter, or offer to sell or barter, a license.

2. Purchase or procure by barter a license with intent to use it as evidence of the holder's qualification to engage in the practice of fitting and dispensing hearing aids.

3. Alter materially a license with fraudulent intent.

4. Use or attempt to use as a valid license one which has been purchased, fraudulently obtained, counterfeited or materially altered.

5. Wilfully make a false, material statement in an application OR RELATED DOCUMENT for a license or for renewal of a license.

Sec. 7. Section 36-1940, Arizona Revised Statutes, is amended to read:

36-1940. Audiology; licensure requirements

A. A person who wishes to be licensed as an audiologist shall:

1. Submit a nonrefundable application fee as prescribed by section 36-1908.

2. Submit evidence satisfactory to the director that the applicant has:

(a) A ~~master's~~ DOCTORAL degree WITH AN EMPHASIS in audiology ~~or the equivalent~~ from a nationally or regionally accredited college or university in ~~a~~ AN ACCREDITED program consistent with the standards of this state's universities.

(b) Completed ~~a~~ supervised clinical ~~practicum~~ ROTATIONS in audiology from a nationally or regionally accredited college or university in ~~a~~ AN ACCREDITED program consistent with the standards of this state's universities.

~~(c) Completed postgraduate professional experience in the field of audiology approved by the director.~~

3. Pass an examination pursuant to section 36-1902, subsection G. THE APPLICANT MUST HAVE COMPLETED THE EXAMINATION WITHIN THREE YEARS BEFORE THE DATE OF APPLICATION FOR LICENSURE PURSUANT TO THIS ARTICLE.

4. Be of good moral character.

5. Not have had a license revoked or suspended by a state within the past two years and not be presently ineligible for licensure in any state because of a prior revocation or suspension.

B. A person WHO HAS A DOCTORAL DEGREE IN AUDIOLOGY AND who wishes to be licensed as an audiologist to fit and dispense hearing aids shall:

1. Submit a nonrefundable application fee as prescribed by section 36-1908.

2. Submit evidence satisfactory to the director that the applicant has:

(a) A ~~master's~~ DOCTORAL degree WITH AN EMPHASIS in audiology ~~or the equivalent~~ from a nationally or regionally accredited college or university in a program consistent with the standards of this state's universities.

(b) Completed ~~a~~ supervised clinical ~~practicum~~ ROTATIONS in audiology from a nationally or regionally accredited college or a university in ~~a~~ AN ACCREDITED program that is consistent with the standards of this state's universities.

~~(c) Completed postgraduate professional experience in the field of audiology as approved by the director.~~

3. Pass an examination pursuant to section 36-1902, subsection G. THE APPLICANT MUST HAVE COMPLETED THE EXAMINATION WITHIN THREE YEARS BEFORE THE DATE OF APPLICATION FOR LICENSURE PURSUANT TO THIS ARTICLE.

~~4. Pass the hearing aid dispenser's examination pursuant to section 36-1924.~~

4. PASS AN EXAMINATION APPROVED BY THE DIRECTOR IN JURISPRUDENCE AND ETHICS RELATED TO THIS CHAPTER WITHIN SIX MONTHS AFTER INITIAL LICENSURE. THE DIRECTOR SHALL OFFER THE EXAMINATION AT LEAST FOUR TIMES EACH CALENDAR YEAR.

5. Be of good moral character.

6. Not have had a license revoked or suspended by a state within the past two years and not be presently ineligible for licensure in any state because of a prior revocation or suspension.

C. A PERSON WHO WISHES TO BE LICENSED AS AN AUDIOLOGIST TO FIT AND DISPENSE HEARING AIDS AND WHO WAS AWARDED A MASTER'S DEGREE IN AUDIOLOGY BEFORE DECEMBER 31, 2007 MUST:

1. SUBMIT A NONREFUNDABLE APPLICATION FEE AS PRESCRIBED PURSUANT TO SECTION 36-1908.

2. SUBMIT EVIDENCE SATISFACTORY TO THE DIRECTOR THAT THE APPLICANT MEETS THE REQUIREMENTS PRESCRIBED IN SECTION 36-1940.02, SUBSECTION C FOR A WAIVER OF THE EDUCATIONAL AND CLINICAL ROTATION REQUIREMENTS OF THIS ARTICLE.

3. PASS AN AUDIOLOGY EXAMINATION PURSUANT TO SECTION 36-1902, SUBSECTION E. THE APPLICANT MUST HAVE COMPLETED THE EXAMINATION WITHIN THREE YEARS BEFORE THE DATE OF APPLICATION FOR LICENSURE PURSUANT TO THIS ARTICLE UNLESS THE APPLICANT IS CURRENTLY PRACTICING AUDIOLOGY AND MEETS THE AUDIOLOGY EXAMINATION WAIVER REQUIREMENTS OF SECTION 36-1940.02, SUBSECTION D.

4. PASS THE HEARING AID DISPENSER'S EXAMINATION PURSUANT TO SECTION 36-1924.

5. BE OF GOOD MORAL CHARACTER.

6. NOT HAVE HAD A LICENSE TO PRACTICE AS AN AUDIOLOGIST OR HEARING AID DISPENSER REVOKED OR SUSPENDED BY ANOTHER STATE WITHIN THE PAST TWO YEARS AND NOT CURRENTLY BE INELIGIBLE FOR LICENSURE IN ANY STATE BECAUSE OF A PRIOR REVOCATION OR SUSPENSION.

~~C.~~ D. The director shall adopt rules prescribing criteria for approved postgraduate professional experience.

Sec. 8. Section 36-1940.02, Arizona Revised Statutes, is amended to read:

36-1940.02. Waiver of licensure requirements; audiology and speech-language pathology

A. The advisory committee appointed under section 36-1902 may recommend to the director a waiver of the educational requirements of sections 36-1940 and 36-1940.01 if an applicant submits proof satisfactory to the department that the applicant received professional education in another country equivalent to the education and practicum requirements of this article.

B. The department shall waive the examination requirements of ~~sections 36-1940 and~~ SECTION 36-1940.01 under either of the following conditions:

1. The applicant presents proof satisfactory to the department that the applicant is currently licensed in a state, district or territory of this country that has standards that are at least equivalent to those of this state.

2. The applicant holds a certificate of clinical competence in ~~audiology or in~~ speech-language pathology from a nationally recognized speech-language hearing association approved by the department in the field for which the applicant is applying for licensure.

C. THE DEPARTMENT SHALL WAIVE THE EDUCATION AND CLINICAL ROTATION REQUIREMENTS OF SECTION 36-1940 IF AN APPLICANT SUBMITS PROOF SATISFACTORY TO THE DIRECTOR THAT THE APPLICANT EITHER:

1. IS CURRENTLY LICENSED IN A STATE THAT HAS STANDARDS THAT ARE AT LEAST EQUIVALENT TO THOSE OF THIS STATE.

2. HAS A MASTER'S DEGREE IN AUDIOLOGY THAT WAS AWARDED BY AN ACCREDITED PROGRAM BEFORE DECEMBER 31, 2007 AND HAS COMPLETED POSTGRADUATE PROFESSIONAL EXPERIENCE IN AUDIOLOGY AS APPROVED BY THE DIRECTOR.

D. THE DEPARTMENT SHALL WAIVE THE AUDIOLOGY EXAMINATION REQUIREMENTS OF SECTION 36-1940 IF EITHER:

1. THE APPLICANT PRESENTS PROOF SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT IS CURRENTLY LICENSED AND PRACTICING AUDIOLOGY IN THIS STATE OR IN ANOTHER STATE THAT HAS STANDARDS THAT ARE AT LEAST EQUIVALENT TO THOSE OF THIS STATE.

2. THE APPLICANT PRESENTS PROOF SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT IS CURRENTLY PRACTICING AUDIOLOGY UNDER THE AUTHORITY AND SUPERVISION OF AN AGENCY OF THE UNITED STATES GOVERNMENT OR OF ANOTHER BOARD, AGENCY OR DEPARTMENT OF ANOTHER STATE AND HOLDS A CERTIFICATE IN AUDIOLOGY FROM A RECOGNIZED CREDENTIALING BODY APPROVED BY THE DIRECTOR.

E. THE DEPARTMENT SHALL WAIVE THE HEARING AID DISPENSING EXAMINATION REQUIREMENTS OF SECTION 36-1940 IF:

1. THE APPLICANT PRESENTS PROOF SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT HOLDS A CURRENT LICENSE THAT INCLUDES DISPENSING AND THAT IS ISSUED BY ANOTHER STATE THAT HAS STANDARDS THAT ARE AT LEAST EQUIVALENT TO THOSE OF THIS STATE.

2. THE APPLICANT PASSES AN EXAMINATION APPROVED BY THE DIRECTOR IN JURISPRUDENCE AND ETHICS RELATED TO THIS CHAPTER WITHIN SIX MONTHS AFTER INITIAL LICENSURE. THE DIRECTOR SHALL OFFER THE EXAMINATION AT LEAST FOUR TIMES EACH CALENDAR YEAR.

Sec. 9. Section 36-1940.03, Arizona Revised Statutes, is amended to read:

36-1940.03. Temporary licenses

A. The department shall issue a TEMPORARY license to a person who does not meet the professional experience requirement of section ~~36-1940 or~~ 36-1940.01 if the applicant meets the other requirements of ~~those sections~~ THAT SECTION and:

1. Includes with the application a plan for meeting the postgraduate professional experience.

2. Submits a fee prescribed by section 36-1908.

B. A person may renew a temporary license only once.

C. A person issued a temporary license shall practice only under the supervision of a person who is fully licensed by this state.

APPROVED BY THE GOVERNOR APRIL 24, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2007.