

2009

STATE OF NEBRASKA

**STATUTES RELATING TO
AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE ACT**



Department of Health and Human Services
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STATUTES PERTAINING TO THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE ACT

38-501. Act, how cited. Sections 38-501 to 38-527 shall be known and may be cited as the Audiology and Speech-Language Pathology Practice Act.

Source: Laws 2007, LB247, § 63; Laws 2007, LB463, § 187. Operative date December 1, 2008.

38-502. Definitions, where found. For purposes of the Audiology and Speech-Language Pathology Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-503 to 38-509 apply.

Source: Laws 1978, LB 406, § 13; Laws 1985, LB 129, § 14; Laws 1988, LB 1100, § 66; Laws 1999, LB 828, § 130; R.S.1943, (2003), § 71-1,186; Laws 2007, LB247, § 27; Laws 2007, LB247, § 64; Laws 2007, LB463, § 188. The changes made by LB 247 section 27, became operative June 1, 2007. The changes made by LB 247, section 64, and LB 463 became operative December 1, 2008.

38-503. Audiologist, defined. Audiologist means an individual who practices audiology and who presents himself or herself to the public by any title or description of services incorporating the words audiologist, hearing clinician, or hearing therapist or any similar title or description of services.

Source: Laws 2007, LB463, § 189. Operative date December 1, 2008.

38-504. Board, defined. Board means the Board of Audiology and Speech-Language Pathology.

Source: Laws 2007, LB463, § 190. Operative date December 1, 2008.

38-505. Audiology or speech-language pathology assistant, defined. Audiology or speech-language pathology assistant or any individual who presents himself or herself to the public by any title or description with the same duties means any person who, following specified training and receiving specified supervision, provides specified limited structured communication or swallowing services, which are developed and supervised by a licensed audiologist or licensed speech-language pathologist, in the areas in which the supervisor holds licenses.

Source: Laws 2007, LB247, § 65; Laws 2007, LB463, § 191. Operative date December 1, 2008.

38-506. Dysphagia, defined. Dysphagia means disorders of swallowing.

Source: Laws 2007, LB247, § 66. Operative date December 1, 2008.

38-507 Practice of audiology, defined. Practice of audiology means the application of evidence-based practice in clinical decisionmaking for the prevention, assessment, habilitation, rehabilitation, and maintenance of persons with hearing, auditory function, and vestibular function impairments and related impairments, including (1) cerumen removal from the cartilaginous outer one-third portion of the external auditory canal when the presence of cerumen may affect the accuracy of hearing evaluations or impressions of the ear canal for amplification devices and (2) evaluation, selection, fitting, and dispensing of hearing instruments, external processors of implantable hearing instruments, and assistive technology devices as part of a comprehensive audiological rehabilitation program. Practice of audiology does not include the practice of medical diagnosis, medical treatment, or surgery.

Source: Laws 2007, LB247, § 67; Laws 2007, LB463, § 192; Laws 2009, LB195, § 8. Effective Date: August 30, 2009.

38-508. Practice of speech-language pathology, defined. Practice of speech-language pathology means the application of principles and methods associated with the development and disorders of human communication skills and with dysphagia, which principles and methods include screening, assessment, evaluation, treatment, prevention, consultation, and restorative modalities for speech, voice, language, language-based learning, hearing, swallowing, or other upper aerodigestive functions for the purpose of improving quality of life by reducing impairments of body functions and structures, activity limitations, participation restrictions, and environmental barriers. Practice of speech-language pathology does not include the practice of medical diagnosis, medical treatment, or surgery.

Source: Laws 2007, LB247, § 68; Laws 2007, LB463, § 193. Operative date December 1, 2008.

38-509. Speech-language pathologist, defined. Speech-language pathologist means an individual who presents himself or herself to the public by any title or description of services incorporating the words speech-language pathologist, speech therapist, speech correctionist, speech clinician, language pathologist, language therapist, language clinician, logopedist, communicologist, aphasiologist, aphasia therapist, voice pathologist, voice therapist, voice clinician, phoniatrist, or any similar title, term, or description of services.

Source: Laws 2007, LB463, § 194. Operative date December 1, 2008.

38-510. Membership on board; qualifications. Membership on the board shall consist of four professional members

and one public member appointed pursuant to section 38-158. The members shall meet the requirements of sections 38-164 and 38-165. Two of the professional members shall be audiologists, and two of the professional members shall be speech-language pathologists.

Source: Laws 2007, LB463, § 195. Operative date December 1, 2008.

38-511 Practice of audiology or speech-language pathology; act, how construed. Nothing in the Audiology and Speech-Language Pathology Practice Act shall be construed to prevent or restrict:

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

(2) A physician from engaging in the practice of medicine and surgery or any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery under the supervision of a physician;

(3) A person licensed as a hearing instrument specialist in this state from engaging in the fitting, selling, and servicing of hearing instruments or performing such other duties as defined in the Hearing Instrument Specialists Practice Act;

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

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

(6) The utilization of a speech aide or other personnel employed by a public school, educational service unit, or other private or public educational institution working under the direct supervision of a credentialed speech-language pathologist.

Source: Laws 1978, LB 406, § 14; Laws 1985, LB 129, § 15; Laws 1990, LB 828, § 1; Laws 2001, LB 209, § 11; R.S.1943, (2003), § 71-1,187; Laws 2007, LB247, § 28; Laws 2007, LB463, § 196; Laws 2009, LB195, § 9. Effective Date: August 30, 2009.

38-512 Sale of hearing instruments; audiologist; applicability of act. Any audiologist who engages in the sale of hearing instruments shall not be exempt from the Hearing Instrument Specialists Practice Act.

Source: Laws 1978, LB 406, § 23; R.S.1943, (2003), § 71-1,196; Laws 2007, LB463, § 197; Laws 2009, LB195, § 10. Effective Date: August 30, 2009.

38-513. Licensed professional; nonresident; practice of audiology or speech-language pathology; act, how construed. Nothing in the Audiology and Speech-Language Pathology Practice Act shall be construed to prevent or restrict

(1) a qualified person licensed in this state from engaging in the profession for which he or she is licensed if he or she does not present himself or herself to be an audiologist or speech-language pathologist or (2) the performance of audiology or speech-language pathology services in this state by any person not a resident of this state who is not licensed under the act, if such services are performed for not more than thirty days in any calendar year, if such person meets the qualifications and requirements for application for licensure under the act, if such person is working under the supervision of a person licensed to practice speech-language pathology or audiology, and if such person registers with the board prior to initiation of professional services.

Source: Laws 1978, LB 406, § 15; Laws 1985, LB 129, § 16; Laws 1990, LB 828, § 2; R.S.1943, (2003), § 71-1,188; Laws 2007, LB463, § 198. Operative date December 1, 2008.

38-514. Audiologist; initiate aural rehabilitation; when. Before any audiologist initiates any aural rehabilitation for an individual, the audiologist shall have in his or her possession evidence of a current otologic examination performed by a physician or the audiologist shall issue a written statement that the individual has been informed that he or she may have a medically or surgically remediable hearing loss and should seek the advice of a physician. The audiologist and the individual receiving aural rehabilitation shall sign the statement and a copy of the statement shall be provided to the individual. All vestibular testing performed by an audiologist shall be done at the referral of a physician and, whenever possible, at the referral of an otolaryngologist or neurologist.

Source: Laws 1978, LB 406, § 16; Laws 1985, LB 129, § 17; R.S.1943, (2003), § 71-1,189; Laws 2007, LB463, § 199. Operative date December 1, 2008.

38-515. Practice of audiology or speech-language pathology; license; applicant; requirements. (1) Every applicant for a license to practice audiology shall (a)(i) for applicants graduating prior to September 1, 2007, present proof of a master's degree, a doctoral degree, or the equivalent of a master's degree or doctoral degree in audiology from an academic program

approved by the board, and (ii) for applicants graduating on or after September 1, 2007, present proof of a doctoral degree or its equivalent in audiology, (b) present proof of no less than thirty-six weeks of full-time professional experience or equivalent half-time professional experience in audiology, supervised in the area in which licensure is sought, and (c) successfully complete an examination approved by the board.

(2) Every applicant for a license to practice speech-language pathology shall (a) present proof of a master's degree, a doctoral degree, or the equivalent of a master's degree or doctoral degree in speech-language pathology from an academic program approved by the board, (b) present proof of no less than thirty-six weeks of full-time professional experience or equivalent half-time professional experience in speech-language pathology, supervised in the area in which licensure is sought, and (c) successfully complete an examination approved by the board.

(3) Presentation of official documentation of certification by a nationwide professional accrediting organization approved by the board shall be deemed equivalent to the requirements of this section.

Source: Laws 1978, LB 406, § 17; Laws 1985, LB 129, § 18; Laws 1988, LB 1100, § 67; R.S.1943, (2003), § 71-1,190; Laws 2007, LB463, § 200; Laws 2007, LB463, § 1178. The changes made by LB 463, section 1178, became operative September 1, 2007. The changes made by LB 463, section 200, became operative December 1, 2008.

38-516. Continuing competency requirements. An applicant for licensure to practice audiology or speech-language pathology who has met the education, professional experience, and examination requirements in section 38-515, who passed the examination more than three years prior to the time of application for licensure, and who is not practicing at the time of application for licensure shall present proof satisfactory to the department that he or she has within the three years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 38-145.

Source: Laws 2007, LB463, § 201. Operative date December 1, 2008.

38-517. Reciprocity; continuing competency requirements. An applicant for licensure to practice audiology or speech-language pathology who has met the standards set by the board pursuant to section 38-126 for a license based on licensure in another jurisdiction but is not practicing at the time of application for licensure shall present proof satisfactory to the department that he or she has within the three years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 38-145.

Source: Laws 2007, LB463, § 202. Operative date December 1, 2008.

38-518. Practice of audiology or speech-language pathology; temporary license; granted; when. A temporary license to practice audiology or speech-language pathology may be granted to persons who establish residence in Nebraska and (1) who meet all the requirements for a license except passage of the examination required by section 38-515, which temporary license shall be valid only until the date on which the results of the next licensure examination are available to the department and shall not be renewed, or (2) who meet all the requirements for a license except completion of the professional experience required by section 38-515, which temporary license shall be valid only until the sooner of completion of such professional experience or eighteen months and shall not be renewed.

Source: Laws 1978, LB 406, § 21; Laws 1985, LB 129, § 22; Laws 1988, LB 1100, § 68; Laws 1991, LB 456, § 28; Laws 2001, LB 209, § 12; Laws 2003, LB 242, § 59; R.S.1943, (2003), § 71-1,194; Laws 2007, LB463, § 203. Operative date December 1, 2008.

38-519. Audiology or speech-language pathology assistant; registration; requirements. (1) Upon application and payment of the registration fee, the department shall register to practice as an audiology or speech-language pathology assistant any person who:

(a)(i) Holds a bachelor's degree or its equivalent in communication disorders, (ii) holds an associate degree or its equivalent in communication disorders from an accredited training program, or (iii) between the period of June 1, 2005, and June 1, 2007, was registered as and practiced as a communication assistant for at least thirty hours per week for a minimum of nine months per year;

(b) Has successfully completed all required training pursuant to sections 38-521 and 38-522 and any inservice training required pursuant to section 38-526; and

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

(2) Such registration shall be valid for one year from the date of issuance.

Source: Laws 1985, LB 129, § 23; Laws 1988, LB 1100, § 69; Laws 2002, LB 1021, § 27; Laws 2003, LB 242, § 60; R.S.1943, (2003), § 71-1,195.01; Laws 2007, LB247, § 29; Laws 2007, LB463, § 204. The changes made by LB 247 became operative June 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-520. Audiologist or speech-language pathology assistant; supervision; termination. (1) The department, with the recommendation of the board, shall approve an application submitted by an audiologist or speech-language pathologist for

supervision of an audiology or speech-language pathology assistant when:

(a) The audiology or speech-language pathology assistant meets the requirements for registration pursuant to section 38-519;

(b) The audiologist or speech-language pathologist has a valid Nebraska license; and

(c) The audiologist or speech-language pathologist practices in Nebraska.

(2) Any audiologist or speech-language pathologist seeking approval for supervision of an audiology or speech-language pathology assistant shall submit an application which is signed by the audiology or speech-language pathology assistant and the audiologist or speech-language pathologist with whom he or she is associated. Such application shall (a) identify the settings within which the audiology or speech-language pathology assistant is authorized to practice, (b) describe the agreed-upon functions that the audiology or speech-language pathology assistant may perform as provided in section 38-523, and (c) describe the provision for supervision by an alternate audiologist or speech-language pathologist when necessary.

(3) If the supervision of an audiology or speech-language pathology assistant is terminated by the audiologist, speech-language pathologist, or audiology or speech-language pathology assistant, the audiologist or speech-language pathologist shall notify the department of such termination. An audiologist or speech-language pathologist who thereafter assumes the responsibility for such supervision shall obtain a certificate of approval to supervise an audiology or speech-language pathology assistant from the department prior to the use of the audiology or speech-language pathology assistant in the practice of audiology or speech-language pathology.

Source: Laws 1985, LB 129, § 24; Laws 1987, LB 473, § 30; Laws 1988, LB 1100, § 70; R.S.1943, (2003), § 71-1,195.02; Laws 2007, LB247, § 30; Laws 2007, LB463, § 205. The changes made by LB 247 became operative June 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-521. Audiology or speech-language pathology assistant; initial training. Initial training for an audiology or speech-language pathology assistant shall consist of graduation from an accredited program with a focus on communication disorders which shall include:

(1) An overview of speech, language, and dysphagia and the practice of audiology and speech-language pathology;

(2) Ethical and legal responsibilities;

(3) Normal language, speech, and hearing functions and swallowing physiology;

(4) Observing and recording patient progress;

(5) Behavior management and modification; and

(6) Record keeping.

Source: Laws 1985, LB 129, § 26; Laws 1988, LB 1100, § 72; R.S.1943, (2003), § 71-1,195.04; Laws 2007, LB247, § 32; Laws 2007, LB463, § 206. The changes made by LB 247 became operative June 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-522. Audiology or speech-language pathology assistant; aural rehabilitation programs; training. In addition to the initial training required by section 38-521, an audiology or speech-language pathology assistant assigned to provide aural rehabilitation programs shall have additional training which shall include, but not be limited to:

(1) Information concerning the nature of hearing loss;

(2) Purposes and principles of auditory and visual training;

(3) Maintenance and use of amplification devices; and

(4) Such other subjects as the department may deem appropriate.

Source: Laws 1985, LB 129, § 27; Laws 1988, LB 1100, § 73; R.S.1943, (2003), § 71-1,195.05; Laws 2007, LB247, § 33; Laws 2007, LB463, § 207. The changes made by LB 247 became operative June 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-523. Audiology or speech-language assistant; duties and activities. An audiology or speech-language pathology assistant may, under the supervision of a licensed audiologist or speech-language pathologist, perform the following duties and activities:

(1) Implement programs and procedures designed by a licensed audiologist or speech-language pathologist;

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

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

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

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

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

Source: Laws 1985, LB 129, § 28; Laws 1988, LB 1100, § 74; R.S.1943, (2003), § 71-1,195.06; Laws 2007, LB247, § 34; Laws 2007, LB463, § 208. The changes made by LB 247 became operative June 1, 2007. The changes made by LB 463

became operative December 1, 2008.

38-524 Audiology or speech-language pathology assistant; acts prohibited. An audiology or speech-language pathology assistant shall not:

- (1) Evaluate or diagnose any type of communication disorder;
- (2) Evaluate or diagnose any type of dysphagia;
- (3) Interpret evaluation results or treatment progress;
- (4) Consult or counsel, independent of the licensed audiologist or speech-language pathologist, with a patient, a patient's family, or staff regarding the nature or degree of communication disorders or dysphagia;
- (5) Plan patient treatment programs;
- (6) Represent himself or herself as an audiologist or speech-language pathologist or as a provider of speech, language, swallowing, or hearing treatment or assessment services;
- (7) Independently initiate, modify, or terminate any treatment program; or
- (8) Fit or dispense hearing instruments.

Source: Laws 1985, LB 129, § 29; Laws 1988, LB 1100, § 75; R.S.1943, (2003), § 71-1,195.07; Laws 2007, LB247, § 35; Laws 2007, LB463, § 209; Laws 2009, LB195, § 11. Effective Date: August 30, 2009.

38-525. Audiology or speech-language pathology assistant; supervisor; duties. (1) When supervising an audiology or speech-language pathology assistant, the supervising audiologist or speech-language pathologist shall:

- (a) Provide supervision for no more than two audiology or speech-language pathology assistants at one time;
- (b) Provide direct onsite supervision for the first two treatment sessions of each patient's care;
- (c) Provide direct onsite supervision of at least twenty percent of all subsequent treatment sessions per quarter;
- (d) Provide at least ten hours of inservice training per registration period, either formal or informal, which is directly related to the particular services provided by the audiology or speech-language pathology assistant; and
- (e) Prepare semiannual performance evaluations of the audiology or speech-language pathology assistant to be reviewed with the audiology or speech-language pathology assistant on a one-to-one basis.

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

Source: Laws 1985, LB 129, § 30; Laws 1988, LB 1100, § 76; R.S.1943, (2003), § 71-1,195.08; Laws 2007, LB247, § 36; Laws 2007, LB463, § 210. The changes made by LB 247 became operative June 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-526. Audiology or speech-language pathology assistant; evaluation, supervision, training; supervisor; report required. The supervising audiologist or speech-language pathologist shall provide annual reports to the department verifying that evaluation, supervision, and training required by section 38-525 has been completed. The audiologist or speech-language pathologist shall keep accurate records of such evaluation, supervision, and training.

Source: Laws 1985, LB 129, § 31; Laws 1988, LB 1100, § 77; R.S.1943, (2003), § 71-1,195.09; Laws 2007, LB247, § 37; Laws 2007, LB247, § 69; Laws 2007, LB463, § 211. The changes made by LB 247, section 37, became operative June 1, 2007. The changes made by LB 247, section 69, and LB 463 became operative December 1, 2008.

38-527. Fees. The department shall establish and collect fees for initial licensure and registration and renewal of licensure and registration under the Audiology and Speech-Language Pathology Practice Act as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB463, § 212. Operative date December 1, 2008.

71-1,186. Transferred to section 38-502.

71-1,186.01. Repealed. Laws 2007, LB 247, § 92.

71-1,187. Transferred to section 38-511.

71-1,188. Transferred to section 38-513.

71-1,189. Transferred to section 38-514.

71-1,190. Transferred to section 38-515.

71-1,190.01. Repealed. Laws 2007, LB 247, § 92.

71-1,191. Repealed. Laws 2007, LB 463, § 1319.

71-1,192. Repealed. Laws 2007, LB 247, § 92.

71-1,193. Repealed. Laws 2007, LB 463, § 1319.

71-1,194. Transferred to section 38-518.

71-1,195. Repealed. Laws 1985, LB 129, §36.

71-1,195.01. Transferred to section 38-519.

71-1,195.02. Transferred to section 38-520.

71-1,195.03. Repealed. Laws 2007, LB 463, § 1319.

71-1,195.04. Transferred to section 38-521.
71-1,195.05. Transferred to section 38-522.
71-1,195.06. Transferred to section 38-523.
71-1,195.07. Transferred to section 38-524.
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71-1,195.09. Transferred to section 38-526.
71-1,196. Transferred to section 38-512.
71-1,197. Repealed. Laws 1985, LB 129, §36.
71-1,197.01. Repealed. Laws 1988, LB 1100, §185.