

ASSEMBLY BILL

No. 205

Introduced by Assembly Member Machado

February 4, 1997

An act to amend Sections 2530.2 and 2534.2 of, to amend and renumber Sections 2538 and 2539 of, and to add Article 7.5 (commencing with Section 2538) to Chapter 5.3 of Division 2 of, the Business and Professions Code, and to amend Section 56363 of the Education Code, relating to speech-language pathology, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 205, as introduced, Machado. Speech-language pathologist.

Existing law provides for the licensure of speech-language pathologists and prohibits the practice of speech-language pathology without a license. Existing law authorizes a speech-language pathology aide who meets the minimum requirements established by the Speech-Language Pathology and Audiology Examining Committee to work directly under the supervision of a speech-language pathologist who is responsible for the extent, kind, and quality of services performed by the aide, consistent with the committee's designated standards and requirements.

This bill would authorize a speech-language pathology assistant, as defined, to assist in the provision of speech-language pathology under the direction and supervision of a speech-language pathologist who shall be

responsible for the extent, kind, and quality of the services provided by the speech-language pathologist assistant.

Existing law requires a person engaging in the practice of speech-language pathology to pay a licensing fee, to be deposited in the Speech-Language Pathology and Audiology Examining Committee Fund, a continuously appropriated fund. Existing law provides that a violation of the provisions regulating a speech-language pathologist is subject to criminal sanction.

This bill would impose licensing fees upon a speech-language pathology assistant. By increasing the source of moneys in a continuously appropriated fund, this bill would make an appropriation. By expanding the class of persons subject to criminal sanction under these provisions, this bill would impose a state-mandated local program by changing the definition of a crime.

Existing law requires that a continuum of program options be available to meet the needs of individuals with exceptional needs. Existing law requires that designated instruction and services be available when necessary for the educational benefit of pupils with exceptional needs to be provided by specified individuals. The designated services include, but are not limited to, language and speech development and remediation.

This bill would provide that these language and speech development and remediation services may be provided by a speech-language pathologist assistant.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2530.2 of the Business and
2 Professions Code is amended to read:



1 2530.2. As used in this chapter, unless the context
2 otherwise requires:

3 (a) “Committee” means the Speech-Language
4 Pathology and Audiology Examining Committee.

5 (b) “Person” means any individual, organization, or
6 corporate body except that only individuals can be
7 licensed under this chapter.

8 (c) A “speech-language pathologist” is a person who
9 practices speech-language pathology.

10 (d) “The practice of speech-language pathology”
11 means the application of principles, methods, and
12 procedures for measurement, testing, identification,
13 prediction, counseling, or instruction related to the
14 development and disorders of speech, voice, or language
15 for the purpose of identifying, preventing, managing,
16 habilitating or rehabilitating, ameliorating, or modifying
17 those disorders and conditions in individuals or groups of
18 individuals; conducting hearing screenings; and the
19 planning, directing, conducting, and supervision of
20 programs for identification, evaluation, habilitation, and
21 rehabilitation of disorders of speech, voice, or language.

22 (e) “Speech-language pathology aide” means any
23 person meeting the minimum requirements established
24 by the committee, who works directly under the
25 supervision of a speech-language pathologist.

26 (f) “*Speech-language pathologist assistant*” means a
27 person who meets the academic and supervised training
28 requirements set forth by the committee and who is
29 approved by the committee to assist in the provision of
30 speech-language pathology under the direction and
31 supervision of a speech-language pathologist who shall be
32 responsible for the extent, kind, and quality of the
33 services provided by the speech-language pathologist
34 assistant.

35 (g) An “audiologist” is one who practices audiology.

36 ~~(g)~~
37 (h) “The practice of audiology” means the application
38 of principles, methods, and procedures of measurement,
39 testing, appraisal, prediction, consultation, counseling,
40 instruction related to auditory, vestibular, and related



1 functions and the modification of communicative
2 disorders involving speech, language, auditory behavior
3 or other aberrant behavior resulting from auditory
4 dysfunction; and the planning, directing, conducting,
5 supervising, or participating in programs of identification
6 of auditory disorders, hearing conservation, aural
7 habilitation, and rehabilitation, including, hearing aid
8 recommendation and evaluation procedures including,
9 but not limited to, specifying amplification requirements
10 and evaluation of the results thereof, auditory training,
11 and speech reading.

12 ~~(h)~~
13 (i) "Audiology aide" means any person, meeting the
14 minimum requirements established by the committee,
15 who works directly under the supervision of an
16 audiologist.

17 ~~(i)~~
18 (j) "Board" means the Medical Board of California or
19 a division of the board.

20 ~~(j)~~
21 (k) A "hearing screening" performed by a
22 speech-language pathologist means a binary puretone
23 screening at a preset intensity level for the purpose of
24 determining if the screened individuals are in need of
25 further medical or audiological evaluation.

26 SEC. 2. Section 2534.2 of the Business and Professions
27 Code is amended to read:

28 2534.2. The amount of the fees prescribed by this
29 chapter is that fixed by the following schedule:

30 ~~(1)~~
31 (a) The application fee and renewal fee shall be fixed
32 by the committee in an amount which does not exceed
33 one hundred fifty dollars (\$150) but is sufficient to
34 support the functions of the committee which relate to
35 the functions authorized by this chapter.

36 ~~(2)~~
37 (b) The delinquency fee shall be twenty-five dollars
38 (\$25).

39 ~~(3)~~



1 (c) The reexamination fee shall be fixed by the
2 committee in an amount which does not exceed
3 seventy-five dollars (\$75).

4 ~~(4)~~

5 (d) The fee for registration of an aide shall be fixed by
6 the committee in an amount which does not exceed thirty
7 dollars (\$30).

8 ~~(5)~~

9 (e) *A fee to be set by the committee of not more than*
10 *one hundred dollars (\$100) shall be charged for each*
11 *application for approval as a speech-language pathology*
12 *assistant.*

13 (f) *A fee of one hundred fifty dollars (\$150) shall be*
14 *charged for the issuance of and for the renewal of each*
15 *approval as a speech-language pathology assistant, unless*
16 *a lower fee is established by the committee.*

17 (g) The duplicate wall certificate fee is twenty-five
18 dollars (\$25).

19 ~~(6)~~

20 (h) The duplicate renewal receipt fee is twenty-five
21 dollars (\$25).

22 SEC. 3. Section 2538 of the Business and Professions
23 Code is amended and renumbered to read:

24 ~~2538.~~

25 2537.4. (a) The name of a speech-language pathology
26 corporation under which it may render professional
27 services shall include one of the words specified in
28 subdivision (a) of Section 2530.3 and the word
29 “corporation” or wording or abbreviations denoting
30 corporate existence.

31 (b) The name of an audiology corporation under
32 which it may render professional services shall include
33 one of the words specified in subdivision (b) of Section
34 2530.3 and the word “corporation” or wording or
35 abbreviations denoting corporate existence.

36 SEC. 4. Article 7.5 (commencing with Section 2538)
37 is added to Chapter 5.3 of Division 2 of the Business and
38 Professions Code, to read:

39



1 Article 7.5. Speech-Language Pathology Assistant

2
3 2538. A person seeking approval as a speech-language
4 pathology assistant shall make application to the
5 committee for that approval.

6 2538.1. (a) The committee shall adopt regulations
7 that set forth standards and requirements for the
8 adequate supervision of speech-language pathology
9 assistants.

10 (b) The committee shall adopt regulations as
11 reasonably necessary to carry out the purposes of this
12 article.

13 SEC. 5. Section 2539 of the Business and Professions
14 Code is amended and renumbered to read:

15 ~~2539.—~~

16 2537.5. The committee may adopt and enforce
17 regulations to carry out the purposes and objectives of this
18 article, and the Moscone-Knox Professional Corporation
19 Act, including regulations requiring ~~(a) that~~ any of the
20 following:

21 (a) That the bylaws of a speech-language pathology
22 corporation or an audiology corporation shall include a
23 provision whereby the capital stock of the corporation
24 owned by a disqualified person as defined in Section 13401
25 of the Corporations Code, or a deceased person shall be
26 sold to the corporation or to the remaining shareholders
27 of the corporation within such time as the regulations
28 may provide, and ~~(b) that~~ provide.

29 (b) That a speech-language pathology corporation or
30 an audiology corporation shall provide adequate security
31 by insurance or otherwise for claims against it by its
32 patients arising out of the rendering of professional
33 services.

34 SEC. 6. Section 56363 of the Education Code is
35 amended to read:

36 56363. (a) Designated instruction and services as
37 specified in the individualized education program shall
38 be available when the instruction and services are
39 necessary for the pupil to benefit educationally from his
40 or her instructional program. The instruction and



1 services shall be provided by the regular class teacher, the
2 special class teacher, or the resource specialist if the
3 teacher or specialist is competent to provide ~~such~~ *the*
4 instruction and services and if the provision of ~~such~~ *the*
5 instruction and services by the teacher or specialist is
6 feasible. If not, the appropriate designated instruction
7 and services specialist shall provide ~~such~~ *the* instruction
8 and services. Designated instruction and services shall
9 meet standards adopted by the board.

10 (b) These services may include, but are not limited to,
11 the following:

12 (1) Language and speech development and
13 remediation. *These services may be provided by a*
14 *speech-language pathologist assistant as defined in*
15 *subdivision (f) of Section 2530.2.*

16 (2) Audiological services.

17 (3) Orientation and mobility instruction.

18 (4) Instruction in the home or hospital.

19 (5) Adapted physical education.

20 (6) Physical and occupational therapy.

21 (7) Vision services.

22 (8) Specialized driver training instruction.

23 (9) Counseling and guidance.

24 (10) Psychological services other than assessment and
25 development of the individualized education program.

26 (11) Parent counseling and training.

27 (12) Health and nursing services.

28 (13) Social worker services.

29 (14) Specially designed vocational education and
30 career development.

31 (15) Recreation services.

32 (16) Specialized services for low-incidence disabilities,
33 such as readers, transcribers, and vision and hearing
34 services.

35 SEC. 7. No reimbursement is required by this act
36 pursuant to Section 6 of Article XIII B of the California
37 Constitution because the only costs that may be incurred
38 by a local agency or school district will be incurred
39 because this act creates a new crime or infraction,
40 eliminates a crime or infraction, or changes the penalty



1 for a crime or infraction, within the meaning of Section
2 17556 of the Government Code, or changes the definition
3 of a crime within the meaning of Section 6 of Article
4 XIII B of the California Constitution.

5 Notwithstanding Section 17580 of the Government
6 Code, unless otherwise specified, the provisions of this act
7 shall become operative on the same date that the act
8 takes effect pursuant to the California Constitution.

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