

department on forms provided by the department stating the date of the filing of the election not to issue bonds as provided under section 25, paragraph (c), of the Internal Revenue Code and the amount of allocation authority to be used under the program.

A mortgage credit certificate program for which a certificate notice is not provided to the department within five days of the date of the filing of the election not to issue bonds or before the last Monday in December, whichever occurs first, is considered not to have received an allocation under this law or under federal tax law. Within 30 days after receipt of a certificate notice the department shall refund a portion of the application deposit equal to one percent of the amount of the bonding authority to be used for the mortgage credit certificate program.

Sec. 14. Minnesota Statutes 1994, section 474A.14, is amended to read:

474A.14 NOTICE OF AVAILABLE AUTHORITY.

The department shall publish in the State Register a notice of the amount of bonding authority in the housing, small issue, and public facilities pools as soon after January 1 as possible. The department shall publish in the State Register a notice of the amount of bonding authority available for allocation in the unified pool as soon after ~~September~~ August 1 as possible.

Sec. 15. EXCEPTION TO SINGLE-FAMILY MORTGAGE BOND ALLOCATION USAGE TEST.

Notwithstanding Minnesota Statutes, section 474A.061, subdivision 2a, paragraph (g), a city that received an allotment of bonding authority from the housing pool in 1995 and had not used at least 50 percent of its allotment by January 31, 1996, may apply to the housing pool for a single-family mortgage bond or mortgage credit certificate program allocation or receive an allotment from the housing pool in 1997. This section applies to each local government unit in a consortium which received an allotment in 1995 from the housing pool.

Sec. 16. EFFECTIVE DATE.

Sections 1 to 6 are effective the day following final enactment.

Presented to the governor March 19, 1996

Signed by the governor March 21, 1996, 2:18 p.m.

CHAPTER 363—H.F.No. 2340

An act relating to health professions; providing for the registration of speech-language pathologists and audiologists by the department of health; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Rules, parts 4750.0010;

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4750.0020; 4750.0030; 4750.0040; 4750.0050; 4750.0060; 4750.0070; 4750.0080; 4750.0090; 4750.0100; 4750.0200; 4750.0300; 4750.0400; 4750.0500; 4750.0600; and 4750.0700.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

Section 1. [148.511] SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS.

Sections 148.511 to 148.5196 apply only to persons who are applicants for registration, who are registered, who use protected titles, or who represent that they are registered. Sections 148.511 to 148.5196 do not apply to school personnel licensed by the board of teaching under Minnesota Rules, part 8700.5505, provided that school personnel practicing within the scope of their licensed occupation preface titles protected under section 148.513 with the words "school" or "educational."

Sec. 2. [148.512] DEFINITIONS.

Subdivision 1. SCOPE. For the purpose of sections 148.511 to 148.5196, the following terms have the meanings given to them.

Subd. 2. ACCREDITED EDUCATIONAL INSTITUTION. "Accredited educational institution" means a university, college, or other post-secondary educational institution that offers speech-language pathology or audiology training and that is accredited by the American Speech-Language-Hearing Association or the National Council for Accreditation of Teacher Education.

Subd. 3. ADVISORY COUNCIL. "Advisory council" means the Minnesota Speech-Language Pathologist and Audiologist Advisory Council established under section 214.13, subdivision 4.

Subd. 4. APPLICANT. "Applicant" means a person who applies to the commissioner for registration or registration renewal.

Subd. 5. APPROVED CONTINUING EDUCATION SPONSOR. "Approved continuing education sponsor" means an organization that offers a learning experience designed to promote continuing competency in the procedures and techniques of the practice of speech-language pathology or audiology and that meets the criteria in section 148.5193, subdivision 3, or is a preapproved sponsor listed in section 148.5193, subdivision 2.

Subd. 6. AUDIOLOGIST. "Audiologist" means a natural person who engages in the practice of audiology, meets the qualifications required by sections 148.511 to 148.5196, and registers as an audiologist with the commissioner. Audiologist also means a natural person using any descriptive word with the title audiologist.

Subd. 7. COMMISSIONER. "Commissioner" means the commissioner of the department of health or a designee.

Subd. 8. CONTACT HOUR. "Contact hour" means an instructional session of 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

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Subd. 9. **CONTINUING EDUCATION.** “Continuing education” is a planned learning experience in speech–language pathology or audiology not including the basic educational program leading to a degree if the education is used by the registrant for credit to achieve a baccalaureate or master’s degree in speech–language pathology or audiology.

Subd. 10. **CREDENTIAL.** “Credential” means a license, permit, certification, registration, or other evidence of qualification or authorization to engage in the practice of speech–language pathology or audiology issued by any authority.

Subd. 11. **INDIVIDUAL.** “Individual” means a person over whom the commissioner has jurisdiction under sections 148.511 to 148.5196. Individual includes an applicant, registrant, or person who uses any title protected under section 148.513, whether or not authorized to do so under sections 148.511 to 148.5196.

Subd. 12. **PRACTICE OF AUDIOLOGY.** The “practice of audiology” means:

(1) screening, identification, assessment, and interpretation, diagnosis, rehabilitation, and prevention of hearing disorders;

(2) conservation of the auditory system function; development and implementation of hearing conservation programs;

(3) measurement, assessment, and interpretation of auditory and vestibular function;

(4) selecting, fitting, and dispensing of assistive listening devices, alerting and amplification devices, and systems for personal and public use, including hearing aids and devices, and providing training in their use;

(5) aural habilitation and rehabilitation and related counseling for hearing impaired individuals and their families;

(6) screening of speech, language, voice, or fluency for the purposes of audiologic evaluation or identification of possible communication disorders; or

(7) teaching of, consultation or research about, or supervision of the functions in clauses (1) to (6).

Subd. 13. **REGISTER OR REGISTERED.** “Register” or “registered” means the act or status of a natural person who meets the requirements of sections 148.511 to 148.5196 and who is authorized by the commissioner to use the titles in section 148.513.

Subd. 14. **REGISTRANT.** “Registrant” means a person who meets the requirements of sections 148.511 to 148.5196 and is authorized by the commissioner to use the titles in section 148.513.

Subd. 15. **REGISTRATION.** “Registration” is the system of regulation defined in section 214.001, subdivision 3, paragraph (c), and is the process specified in sections 148.511 to 148.5196.

Subd. 16. **SPEECH–LANGUAGE PATHOLOGIST.** “Speech–language pathologist” means a person who practices speech–language pathology, meets the qualifications under sections 148.511 to 148.5196, and registers with the commissioner. Speech–language pathologist also means a natural person using, as an occupational title, a term identified in section 148.513.

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Subd. 17. **PRACTICE OF SPEECH-LANGUAGE PATHOLOGY.** The “practice of speech-language pathology” means:

(1) screening, identification, assessment and interpretation, diagnosis, habilitation, rehabilitation, treatment and prevention of disorders of speech, articulation, fluency, voice, and language;

(2) screening, identification, assessment, and interpretation, diagnosis, habilitation, and rehabilitation of disorders of oral-pharyngeal function and related disorders;

(3) screening, identification, assessment, and interpretation, diagnosis, habilitation, and rehabilitation of communication disorders associated with cognition;

(4) assessing, selecting, and developing augmentative and alternative communication systems and providing training in their use;

(5) aural habilitation and rehabilitation and related counseling for hearing impaired individuals and their families;

(6) enhancing speech-language proficiency and communication effectiveness;

(7) audiometric screening for the purposes of speech-language evaluation or for the identification of possible hearing disorders; or

(8) teaching of, consultation or research about, or supervision of the functions in clauses (1) to (7).

Subd. 18. **SUPERVISEE.** “Supervisee” means an individual who, under the direction or evaluation of a supervisor, is:

(1) engaging in the supervised practice of speech-language pathology or audiology;

(2) performing a function of supervised clinical training as a student of speech-language pathology or audiology; or

(3) performing a function of supervised postgraduate clinical experience in speech-language pathology or audiology.

Subd. 19. **SUPERVISION.** “Supervision” means the direct or indirect evaluation or direction of:

(1) a practitioner of speech-language pathology or audiology;

(2) a person performing a function of supervised clinical training as a student of speech-language pathology or audiology; or

(3) a person performing a function of supervised postgraduate clinical experience in speech-language pathology or audiology.

Subd. 20. **SUPERVISOR.** “Supervisor” means a person who has the authority to direct or evaluate a supervisee and who is:

(1) a registered speech-language pathologist or audiologist; or

(2) when the commissioner determines that supervision by a registered speech-language pathologist or audiologist as required in clause (1) is unobtainable, and in other situations considered appropriate by the commissioner, a person practicing speech-lan-

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guage pathology or audiology who holds a current certificate of clinical competence from the American Speech-Language-Hearing Association.

Sec. 3. [148.513] PROTECTED TITLES AND RESTRICTIONS ON USE.

(a) A person shall not use a title relating to speech-language pathology or audiology, except as provided in paragraphs (b) and (c).

(b) Use of the following terms or initials which represent the following terms, alone or in combination with any word or words, by any person to form an occupational title is prohibited unless that person is registered under sections 148.511 to 148.5196:

- (1) speech-language;
- (2) speech-language pathologist, S, SP, or SLP;
- (3) speech pathologist;
- (4) language pathologist;
- (5) audiologist, A, or AUD;
- (6) speech therapist; or
- (7) speech clinician.

(c) Use of the term "Minnesota registered" in conjunction with the titles protected under this section by any person is prohibited unless that person is registered under sections 148.511 to 148.5196.

Sec. 4. [148.514] GENERAL REGISTRATION REQUIREMENTS; PROCEDURES AND QUALIFICATIONS.

Subdivision 1. GENERAL REGISTRATION PROCEDURES. An applicant for registration must:

- (1) submit an application as required under section 148.519, subdivision 1; and
- (2) submit all fees required under section 148.5194.

Subd. 2. GENERAL REGISTRATION QUALIFICATIONS. An applicant for registration must possess the qualifications required in one of the following clauses:

- (1) a person who applies for registration and does not meet the requirements in clause (2) or (3), must meet the requirements in section 148.515;
- (2) a person who applies for registration and who has a current certificate of clinical competence issued by the American Speech-Language-Hearing Association must meet the requirements of section 148.516; or
- (3) a person who applies for registration by reciprocity must meet the requirements under section 148.517.

Sec. 5. [148.515] QUALIFICATIONS FOR REGISTRATION.

Subdivision 1. APPLICABILITY. Except as provided in section 148.516 or 148.517, an applicant must meet the requirements in this section.

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Subd. 2. **MASTER'S OR DOCTORAL DEGREE REQUIRED.** (a) An applicant must possess a master's or doctoral degree that meets the requirements of paragraphs (b) to (h).

(b) All of the applicant's graduate coursework and clinical practicum required in the professional area for which registration is sought must have been initiated and completed at an institution whose program was accredited by the educational standards board of the American Speech-Language-Hearing Association in the area for which registration is sought.

(c) The master's degree training must include a minimum of 112.5 quarter credits or 75 semester credits or their equivalent of academic coursework that includes basic science coursework and professional coursework.

(d) Applicants for registration in either speech-language pathology or audiology must complete 40.5 quarter credits of the 112.5 quarter credits or 27 of the 75 semester credits or their equivalent in basic science coursework, distributed as follows:

(1) nine quarter credits or six semester credits or their equivalent must be in biological or physical sciences and mathematics;

(2) nine quarter credits or six semester credits or their equivalent must be in behavioral or social sciences, including normal aspects of human behavior and communication; and

(3) 22.5 quarter credits or 15 semester credits or their equivalent must be in basic human communication processes and must include coursework in each of the following three areas of speech, language, and hearing:

(i) the anatomic and physiologic bases;

(ii) the physical and psychophysical bases; and

(iii) the linguistic and psycholinguistic aspects.

(e) All applicants for registration must complete 54 quarter credits of the 112.5 quarter credits or 36 semester credits of the 75 semester credits or their equivalent in professional coursework. The coursework must include the nature, prevention, evaluation, and treatment of speech, language, and hearing disorders. The coursework must encompass courses in speech, language, and hearing that concern disorders primarily affecting children as well as disorders primarily affecting adults. A minimum of 45 of the 54 quarter credits or 30 of the 36 semester credits or their equivalent must be courses for which graduate credit was received. A minimum of 31.5 of the 45 quarter credits or 21 of the 30 semester credits must be in the professional area for which registration is sought.

(f) Applicants seeking registration as speech-language pathologists must complete the following professional coursework:

(1) 45 quarter credits of the 54 quarter credits of the professional coursework or 30 semester credits of the 36 semester credits of the professional coursework or their equivalent must be in courses pertaining to speech-language pathology and nine quarter credits of the 54 quarter credits or six semester credits of the 36 semester credits or their equivalent in courses in the area of audiology; and

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(2) the 45 quarter credits or 30 semester credits or their equivalent pertaining to speech-language pathology must include at least nine quarter credits or six semester credits or their equivalent in speech disorders and nine quarter credits or six semester credits or their equivalent in language disorders. The nine quarter credits or six semester credits or their equivalent in the area of audiology must include at least 4.5 quarter credits or three semester credits or their equivalent in hearing disorders and hearing evaluation and 4.5 quarter credits or three semester credits or their equivalent in habilitative and rehabilitative procedures.

(g) Applicants seeking registration as an audiologist must complete professional coursework as follows:

(1) 45 quarter credits of the 54 quarter credits or 30 semester credits of the 36 semester credits or their equivalent of coursework must be in audiology. At least nine quarter credits of the 45 quarter credits or six semester credits of the 30 semester credits in audiology must be in hearing disorders and hearing evaluation and at least nine quarter credits or six semester credits or their equivalent must be in habilitative or rehabilitative procedures with individuals who have hearing impairment; and

(2) nine quarter credits of the 54 quarter credits or six semester credits of the 36 semester credits or their equivalent in the area of speech-language pathology. At least 4.5 quarter credits of the nine quarter credits or three semester credits of the six semester credits must be in speech disorders and at least 4.5 quarter credits of the nine quarter credits or three semester credits of the six semester credits must be in language disorders. This coursework in speech-language pathology must concern the nature, prevention, evaluation, and treatment of speech and language disorders not associated with hearing impairment.

(h) Of the professional coursework required in paragraphs (f) and (g), no more than nine quarter credits or six semester credits or their equivalent associated with clinical training may be counted toward the minimum of 54 quarter credits or 36 semester credits or their equivalent of professional coursework. However, those hours may not be used to satisfy the minimum of nine quarter credits or six semester credit hours in hearing disorders or evaluation, nine quarter credits or six semester credits in habilitative or rehabilitative procedures, or nine quarter credits or six semester credits in speech-language pathology.

Subd. 3. SUPERVISED CLINICAL TRAINING REQUIRED. (a) An applicant must complete at least 375 hours of supervised clinical training as a student that meets the requirements of paragraphs (b) to (f).

(b) The supervised clinical training must be provided by the educational institution or by one of its cooperating programs.

(c) The first 25 hours of the supervised clinical training must be spent in clinical observation. Those 25 hours must concern the evaluation and treatment of children and adults with disorders of speech, language, or hearing.

(d) All applicants must complete at least 350 hours of supervised clinical training that concern the evaluation and treatment of children and adults with disorders of speech, language, and hearing. At least 250 of the 350 hours must be at the graduate level in the area in which registration is sought. At least 50 hours must be spent in each of three types

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of clinical settings including, but not limited to, university clinics, hospitals, private clinics, and schools, including secondary and elementary.

(e) An applicant must:

(1) obtain 250 of the 350 supervised hours in speech-language pathology;

(2) complete a minimum of 20 hours of the 250 hours in each of the following eight categories:

(i) evaluation: speech disorders in children;

(ii) evaluation: speech disorders in adults;

(iii) evaluation: language disorders in children;

(iv) evaluation: language disorders in adults;

(v) treatment: speech disorders in children;

(vi) treatment: speech disorders in adults;

(vii) treatment: language disorders in children; and

(viii) treatment: language disorders in adults;

(3) complete a minimum of 35 hours in audiology including:

(i) 15 hours in the evaluation or screening of individuals with hearing disorders; and

(ii) 15 hours in habilitation or rehabilitation of individuals with hearing impairment;

and

(4) obtain no more than 20 hours in the major professional area that are in related disorders.

(f) An applicant seeking registration as an audiologist must:

(1) obtain 250 of the 350 hours in audiology;

(2) complete a minimum of 40 hours in each of the following four categories:

(i) evaluation: hearing in children;

(ii) evaluation: hearing in adults;

(iii) selection and use: amplification and assistive devices for children; and

(iv) selection and use: amplification and assistive devices for adults;

(3) complete a minimum of 20 hours in the category of the treatment of hearing disorders in children and adults;

(4) complete a minimum of 35 hours of the 350 hours in speech-language pathology unrelated to hearing impairment as follows:

(i) 15 hours in evaluation or screening; and

(ii) 15 hours in treatment; and

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(5) obtain no more than 20 hours in the major professional area that are in related disorders.

Subd. 4. SUPERVISED POSTGRADUATE CLINICAL EXPERIENCE REQUIRED. (a) An applicant must complete no less than nine months or its equivalent of full-time supervised postgraduate clinical experience according to paragraphs (b) to (h).

(b) Supervision in the postgraduate clinical experience includes both on-site observation and other monitoring activities. On-site observation must involve the supervisor, the supervisee, and the client receiving speech-language pathology or audiology services. On-site observation must include direct observation by the supervisor of treatment given by the supervisee. Other monitoring activities may be executed by correspondence and include, but are not limited to, conferences with the supervisee, evaluation of written reports, and evaluations by professional colleagues. Other monitoring activities do not include the client receiving speech-language pathology or audiology services but must involve direct or indirect evaluative contact by the supervisor of the supervisee.

(c) The applicant must, as part of the postgraduate clinical experience, be supervised by an individual who meets the definition of section 148.512, subdivision 20, and:

(1) when registration as a speech-language pathologist is sought, is a registered speech-language pathologist or hold a current certificate of clinical competence in speech-language pathology from the American Speech-Language-Hearing Association; and

(2) when registration as an audiologist is sought, is a registered audiologist or hold a current certificate of clinical competence in audiology from the American Speech-Language-Hearing Association.

(d) The applicant may not begin the postgraduate clinical experience until the applicant has completed the academic coursework and clinical training in subdivisions 2 and 3.

(e) To be considered full time, at least 30 hours per week must be spent over a nine-month period in clinical work. Equivalent time periods may include part-time professional employment as follows:

- (1) 12 months of at least 25 hours per week;
- (2) 15 months of at least 20 hours per week; or
- (3) 18 months of at least 15 hours per week.

(f) The applicant's postgraduate clinical experience must include direct clinical experience with patients, consultations, report writing, recordkeeping, or other duties relevant to clinical work. A minimum of 80 percent of the clinical experience must be in direct contact with persons who have communication handicaps. If the applicant uses part-time employment to fulfill the postgraduate clinical experience requirement, all of the minimum required hours of the part-time work week requirement must be spent in direct professional experience.

(g) The applicant must complete the postgraduate clinical experience within a maximum of 36 consecutive months and must be supervised in no less than 36 activities, including 18 one-hour on-site observations. A maximum of six hours can be accrued in

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one day. A minimum of six one-hour on-site observations must be accrued during each one-third of the experience.

(h) The applicant must complete 18 other monitored activities and complete at least one monitored activity each month of the postgraduate clinical experience. Alternatives to on-site observation and monitoring activities include activities supervised by correspondence, evaluation of written reports, and evaluations by professional colleagues.

Subd. 5. **QUALIFYING EXAMINATION SCORE REQUIRED.** (a) An applicant must achieve a qualifying score on the National Examination in Speech-Language Pathology or Audiology (NESPA), administered by NTE Programs, Educational Testing Service.

(b) The commissioner shall determine the qualifying scores for both the speech-language pathology and audiology examinations based on guidelines provided by the advisory council or the American Speech-Language-Hearing Association.

(c) The applicant is responsible for:

(1) making arrangements to take the examination described in this subdivision;

(2) bearing all expenses associated with taking the examination;

(3) having the examination scores sent directly to the commissioner from the Educational Testing Service; and

(4) including a copy of the scores along with the original registration application.

(d) The applicant must receive a qualifying score on the examination within three years after the applicant applies for registration under section 148.519. If the applicant does not receive a qualifying score on the examination within three years after the applicant applies for registration, the applicant may apply to the commissioner in writing for consideration to submit a new application for registration under section 148.519.

Sec. 6. [148.516] REGISTRATION BY EQUIVALENCY.

An applicant who applies for registration by equivalency must show evidence of possessing a current certificate of clinical competence issued by the American Speech-Language-Hearing Association and must meet the requirements of section 148.514.

Sec. 7. [148.517] REGISTRATION BY RECIPROCITY.

Subdivision 1. **APPLICABILITY.** An applicant who applies for registration as a speech-language pathologist or audiologist by reciprocity must meet the requirements of subdivisions 2 and 3.

Subd. 2. **CURRENT CREDENTIALS REQUIRED.** An applicant applying for registration by reciprocity must provide evidence to the commissioner that the applicant holds a current and unrestricted credential for the practice of speech-language pathology or audiology in another jurisdiction that has requirements equivalent to or higher than those in effect for determining whether an applicant in this state is qualified to be registered as a speech-language pathologist or audiologist. An applicant who provides sufficient evidence need not meet the requirements of section 148.515, provided that the applicant otherwise meets all other requirements of section 148.514.

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Subd. 3. VERIFICATION OF CREDENTIALS REQUIRED. An applicant for registration by reciprocity under subdivision 2, must have the appropriate government body in each jurisdiction in which the applicant holds a credential submit letters of verification to the commissioner. Each letter must state the applicant's name, date of birth, credential number, date of issuance, a statement regarding disciplinary actions, if any, taken against the applicant, and the terms under which the credential was issued.

Sec. 8. [148.518] REGISTRATION FOLLOWING LAPSE OF REGISTERED STATUS.

Subdivision 1. LAPSE OF THREE YEARS OR LESS. For an applicant whose registered status has lapsed for three years or less, the applicant must:

(1) apply for registration renewal according to section 148.5191 and document compliance with the continuing education requirements of section 148.5193 since the applicant's registration lapsed; or

(2) fulfill the requirements of section 148.517.

Subd. 2. LAPSE OF MORE THAN THREE YEARS. For an applicant whose registered status has lapsed for more than three years, the applicant must:

(1) apply for registration renewal according to section 148.5191 and fulfill the requirements for registration under section 148.515, subdivisions 4 and 5. A qualifying score on the examination described in section 148.515, subdivision 5, must be obtained within one year of the application date for registration renewal; or

(2) fulfill the requirements of section 148.517.

Sec. 9. [148.519] REGISTRATION PROCEDURES.

Subdivision 1. APPLICATIONS FOR REGISTRATION. An applicant for registration must:

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

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

(3) submit documentation of the required hours of supervised clinical training meeting the requirements of section 148.515, subdivision 3;

(4) submit documentation of the postgraduate clinical experience meeting the requirements of section 148.515, subdivision 4;

(5) submit documentation of receiving a qualifying score on an examination meeting the requirements of section 148.515, subdivision 5;

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

(7) submit with the application all fees required by section 148.5194; and

(8) 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.

Subd. 2. ACTION ON APPLICATIONS FOR REGISTRATION. (a) The commissioner shall act on an application for registration according to paragraphs (b) to (d).

(b) The commissioner shall determine if the applicant meets the requirements for registration. The commissioner or advisory council may investigate information provided by an applicant to determine whether the information is accurate and complete.

(c) The commissioner shall notify an applicant of action taken on the application and of the grounds for denying registration if registration is denied.

(d) An applicant denied registration may make a written request to the commissioner, within 30 days of the date of notification to the applicant, to appear before the advisory council and for the advisory council to review the commissioner's decision to deny the applicant's registration. After reviewing the denial, the advisory council shall make a recommendation to the commissioner as to whether the denial should be affirmed. An applicant is allowed no more than one request for a review of denial of registration in any one registration renewal period.

Sec. 10. [148.5191] **REGISTRATION RENEWAL.**

Subdivision 1. RENEWAL REQUIREMENTS. To renew registration, an applicant must:

(1) annually complete a renewal application on a form provided by the commissioner and submit the annual renewal fee;

(2) meet the continuing education requirements of section 148.5193 and submit evidence of attending continuing education courses, as required in section 148.5193, subdivision 6; and

(3) submit additional information if requested by the commissioner to clarify information presented in the renewal application. The information must be submitted within 30 days after the commissioner's request.

Subd. 2. LATE FEE. An application submitted after the renewal deadline date must be accompanied by a late fee as provided in section 148.5194, subdivision 4.

Subd. 3. REGISTRATION RENEWAL NOTICE. Registration renewal is on an annual basis. At least 30 days before the registration renewal date in subdivision 4, the commissioner shall send out a renewal notice to the registrant's last known address. The notice shall include a renewal application and notice of fees required for renewal. If the registrant does not receive the renewal notice, the registrant is still required to meet the deadline for renewal to qualify for continuous registered status.

Subd. 4. RENEWAL DEADLINE. The renewal application and fee must be post-marked on or before the date registration must be renewed according to clauses (1) to (5). Registration must be renewed according to the following schedule:

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- (1) for registrants whose last name begins with the letters A to E, February 1;
- (2) for registrants whose last name begins with the letters F to L, April 1;
- (3) for registrants whose last name begins with the letters M to P, June 1;
- (4) for registrants whose last name begins with the letters Q to U, August 1; and
- (5) for registrants whose last name begins with the letters V to Z, October 1.

Sec. 11. [148.5193] CONTINUING EDUCATION REQUIREMENTS.

Subdivision 1. NUMBER OF CONTACT HOURS REQUIRED. (a) An applicant for registration renewal must meet the requirements for continuing education according to paragraphs (b) to (e).

(b) An applicant for registration 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 offered by an approved continuing education sponsor within the two years immediately preceding registration renewal. A minimum of 20 contact hours of continuing education must be directly related to the registrant's area of registration. Ten contact hours of continuing education may be in areas generally related to the registrant's area of registration.

(c) An applicant for registration 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 an approved continuing education sponsor within the two years immediately preceding registration 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 registrant's areas of registration.

(d) If the registrant is licensed by the board of teaching:

(1) activities that are approved in the categories of Minnesota Rules, part 8700.1000, subpart 3, items A and B, and that relate to speech-language pathology, shall be considered:

- (i) offered by an approved sponsor of continuing education; and
- (ii) directly related to speech-language pathology;

(2) activities that are approved in the categories of Minnesota Rules, part 8700.1000, subpart 3, shall be considered:

- (i) offered by an approved sponsor of continuing education; and
- (ii) generally related to speech-language pathology; and

(3) one clock hour as defined in Minnesota Rules, part 8700.1000, subpart 1, is equivalent to 1.2 contact hours of continuing education.

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

Subd. 2. PREAPPROVED CONTINUING EDUCATION SPONSORS. The commissioner will accept continuing education approved or sponsored by the Minnesota

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department of health, the Minnesota Speech–Language–Hearing Association, the American Speech–Language–Hearing Association, the American Academy of Audiology, the Minnesota Academy of Audiology, the Academy of Rehabilitative Audiologists, the Acoustical Society of America, Twin Cities Clinical Speech–Language Pathologists, Minnesota Foundation for Acoustical Education and Research, or universities accredited by the American Speech–Language–Hearing Association.

Subd. 3. APPROVAL OF CONTINUING EDUCATION SPONSORS. (a) Continuing education sponsors, unless preapproved under subdivision 2, must be approved by the commissioner according to paragraphs (b) to (e).

(b) Applications for approval must be submitted to the commissioner at least 60 days before the date of the first continuing education activity. Applications must be made in writing by the person or officer of the organization sponsoring the program. On receiving the commissioner's approval, continuing education activities of the sponsor related to speech–language pathology or audiology are approved for two years following the date of the commissioner's approval. To obtain approval, continuing education sponsors must submit the information described in clauses (1) to (5) on an application provided by the commissioner:

(1) The continuing education sponsor must describe the content of courses to be offered. The course content must contribute directly to the professional competency of the speech–language pathologist or audiologist, must be beyond the basic educational program leading to a degree in speech–language pathology or audiology, and must include subject matter related to current developments in speech–language pathology and audiology.

(2) The continuing education sponsor must describe the method of instruction for each course offered. The continuing education sponsor must describe for each course offered the teaching methods to be used, such as lecture, seminar, audiovisual, or simulation.

(3) The continuing education sponsor must outline specific written objectives that describe expected outcomes for the participants.

(4) The continuing education sponsor must state the number of contact hours of continuing education which may be obtained by completing a specified course, which must be a minimum of one hour.

(5) The continuing education sponsor must provide a resume of each instructor's qualifications with the application for approval by the commissioner. Instructors must be qualified to teach the specified course content based on their prior education, training, or experience.

(c) The continuing education sponsor must report to the commissioner, on a timely basis, any change in the course content or instructor.

(d) Continuing education sponsors must maintain, for a minimum of three years, a record of attendance for each course offered.

(e) To maintain approval as a continuing education sponsor, a continuing education sponsor must continue to comply with this section.

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Subd. 4. EARNING CONTINUING EDUCATION CONTACT HOURS THROUGH CONTACT HOUR EQUIVALENTS. (a) A registrant who teaches continuing education courses may obtain contact hour equivalents according to paragraphs (b) to (d).

(b) The sponsor of the course must be approved by the commissioner.

(c) A registrant may not obtain more than six contact hours in any two-year continuing education period by teaching continuing education courses.

(d) A registrant may obtain two contact hours for each hour spent teaching a course if the course is sponsored by an approved continuing education sponsor. Contact hours may be claimed only once for teaching the same course in any two-year continuing education period.

Subd. 5. CONTINUING EDUCATION ACTIVITIES OFFERED BY A SPONSOR NOT APPROVED BY THE COMMISSIONER. (a) A registrant may seek approval of a continuing education activity offered by a sponsor who is not approved by the commissioner. The registrant must seek approval according to paragraphs (b) and (c).

(b) The registrant's request for approval must be made in writing to the commissioner, on forms available from the commissioner. A request for approval before the continuing education activity is attended must be made a minimum of 45 days before the first day of the continuing education activity. A request for approval after the continuing education activity is attended must be made within 45 days of the last day of the continuing education activity and must include verification of attendance. A registrant not complying with this subdivision will not receive approval for the continuing education activity.

(c) A registrant denied approval of a continuing education activity may make a written request to the commissioner, within 30 days of the commissioner's decision, that the advisory council review the commissioner's decision to deny the registrant's request for approval of continuing education. After reviewing a denial, the advisory council shall submit its recommendation to the commissioner.

Subd. 6. EVIDENCE OF ATTENDANCE. A registrant must maintain records of attending the continuing education contact hours required for registration renewal. An applicant for registration renewal must submit the following information on a form provided by the commissioner: the sponsoring organization, the dates of the course, the course name, the number of contact hours completed, and the name and signature of the registrant. The form must be submitted with the renewal application under section 148.5191, subdivision 1.

Subd. 7. VERIFICATION OF CONTINUING EDUCATION REPORTS. The commissioner may request a registrant or continuing education sponsor to verify the continuing education to which the registrant attested. Documentation may come directly from the registrant, the continuing education sponsor, or from a national accrediting or certifying organization which maintains the records.

Subd. 8. WAIVER OF CONTINUING EDUCATION REQUIREMENTS. The commissioner may grant a waiver of the requirements of this section in cases where the requirements would impose an undue burden on the registrant. A registrant must request in writing a waiver of the requirements of this section. The request for a waiver must cite

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this section, the reasons for requesting the waiver, the period of time the registrant wishes to have the continuing education requirement waived, and the alternative measures that will be taken if a waiver is granted. The commissioner shall set forth, in writing, the reasons for granting or denying the waiver. Waivers granted by the commissioner shall specify in writing the time limitation and required alternative measures to be taken by the registrant.

Sec. 12. [148.5194] FEES.

Subdivision 1. FIRST TIME REGISTRANTS AND APPLICANTS FOR REGISTRATION RENEWAL. The commissioner shall prorate the registration fee for first time registrants and applicants for registration renewal according to the number of months that have elapsed between the date registration is issued and the date registration must be renewed under section 148.5191, subdivision 4.

Subd. 2. ANNUAL REGISTRATION FEE. The fee for initial registration and annual registration renewal is \$80.

Subd. 3. ANNUAL REGISTRATION FEE FOR DUAL REGISTRATION AS A SPEECH-LANGUAGE PATHOLOGIST AND AUDIOLOGIST. The fee for initial registration and annual registration renewal is \$80.

Subd. 4. PENALTY FEE FOR LATE RENEWALS. The penalty fee for late submission of a renewal application is \$15.

Subd. 5. NONREFUNDABLE FEES. All fees are nonrefundable.

Sec. 13. [148.5195] INVESTIGATION PROCESS AND GROUNDS FOR DISCIPLINARY ACTION.

Subdivision 1. INVESTIGATIONS OF COMPLAINTS. The commissioner or advisory council may initiate an investigation upon receiving a signed complaint or other signed written communication that alleges or implies that an individual has violated sections 148.511 to 148.5196. According to section 214.13, subdivision 6, in the receipt, investigation, and hearing of a complaint that alleges or implies an individual has violated sections 148.511 to 148.5196, the commissioner shall follow the procedures in section 214.10.

Subd. 2. RIGHTS OF APPLICANTS AND REGISTRANTS. The rights of an applicant denied registration are stated in section 148.519, subdivision 2, paragraph (d). A registrant shall not be subjected to disciplinary action under this section without first having an opportunity for a contested case hearing under chapter 14.

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 in an incompetent or negligent manner;

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(4) violated sections 148.511 to 148.5196;

(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. Conviction for violating any state or federal law which relates to speech-language pathology or audiology is necessarily considered to constitute a violation, except as provided in chapter 364;

(7) aided or abetted another person in violating any provision of sections 148.511 to 148.5196;

(8) been or is being disciplined by another jurisdiction, if any of the grounds for the discipline is the same or substantially equivalent to those under sections 148.511 to 148.5196;

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

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

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

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

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

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

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

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

(17) if the individual is a dispenser of hearing instruments as defined by section 153A.13, subdivision 5, had the certification required by chapter 153A, denied, suspended, or revoked according to chapter 153A.

Subd. 4. **DISCIPLINARY ACTIONS.** If the commissioner finds that an individual should be disciplined according to subdivision 3, the commissioner may take any one or more of the following actions:

(1) refuse to grant or renew registration;

(2) suspend registration for a period not exceeding one year;

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(3) revoke registration; or

(4) take any reasonable lesser action against an individual upon proof that the individual has violated sections 148.511 to 148.5196.

Subd. 5. CONSEQUENCES OF DISCIPLINARY ACTIONS. Upon the suspension or revocation of registration, the speech-language pathologist or audiologist shall cease to use titles protected under sections 148.511 to 148.5196 and shall cease to represent to the public that the speech-language pathologist or audiologist is registered by the commissioner.

Subd. 6. REINSTATEMENT REQUIREMENTS AFTER DISCIPLINARY ACTION. A speech-language pathologist or audiologist who has had registration suspended may petition on forms provided by the commissioner for reinstatement following the period of suspension specified by the commissioner. The requirements of section 148.5191 for renewing registration must be met before registration may be reinstated.

Sec. 14. [148.5196] SPEECH-LANGUAGE PATHOLOGIST AND AUDIOLOGIST ADVISORY COUNCIL.

Subdivision 1. MEMBERSHIP. The commissioner shall appoint seven persons to a speech-language pathologist and audiologist advisory council. The seven persons must include:

(1) two public members, as defined in section 214.02. The public members shall be either persons receiving services of a speech-language pathologist or audiologist, or family members of or caregivers to such persons;

(2) two speech-language pathologists registered under sections 148.511 to 148.5196, one of whom is currently and has been, for the five years immediately preceding the appointment, engaged in the practice of speech-language pathology in Minnesota and each of whom is employed in a different employment setting including, but not limited to, private practice, hospitals, rehabilitation settings, educational settings, and government agencies;

(3) one speech-language pathologist registered under sections 148.511 to 148.5196, who is currently and has been, for the five years immediately preceding the appointment, employed by a Minnesota public school district or a Minnesota public school district consortium that is authorized by Minnesota Statutes and who is licensed in communication disorders by the Minnesota board of teaching; and

(4) two audiologists registered under sections 148.511 to 148.5196, one of whom is currently and has been, for the five years immediately preceding the appointment, engaged in the practice of audiology in Minnesota and each of whom is employed in a different employment setting including, but not limited to, private practice, hospitals, rehabilitation settings, educational settings, industry, and government agencies.

Subd. 2. ORGANIZATION. The advisory council shall be organized and administered under section 15.059.

Subd. 3. DUTIES. The advisory council shall:

(1) advise the commissioner regarding speech-language pathologist and audiologist registration standards;

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(2) advise the commissioner on enforcement of sections 148.511 to 148.5196;

(3) provide for distribution of information regarding speech-language pathologist and audiologist registration standards;

(4) review applications and make recommendations to the commissioner on granting or denying registration or registration renewal;

(5) review reports of investigations relating to individuals and make recommendations to the commissioner as to whether registration should be denied or disciplinary action taken against the individual;

(6) advise the commissioner regarding approval of continuing education sponsors using the criteria in section 148.5193, subdivision 3; and

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

Sec. 15. REVISOR INSTRUCTION.

The revisor of statutes shall correct references to Minnesota Rules, chapter 4750, in Minnesota Rules, part 4668.0080.

Sec. 16. REPEALER.

Minnesota Rules, parts 4750.0010; 4750.0020; 4750.0030; 4750.0040; 4750.0050; 4750.0060; 4750.0070; 4750.0080; 4750.0090; 4750.0100; 4750.0200; 4750.0300; 4750.0400; 4750.0500; 4750.0600; and 4750.0700, are repealed.

Presented to the governor March 19, 1996

Signed by the governor March 21, 1996, 2:25 p.m.

CHAPTER 364—S.F.No. 1775

An act relating to game and fish; requiring a turkey stamp; setting a fee; directing use of proceeds; amending Minnesota Statutes 1994, sections 97A.055, subdivisions 4 and 4a; 97A.075, by adding a subdivision; 97A.475, subdivision 5; 97B.603; and 97B.721.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1994, section 97A.055, subdivision 4, is amended to read:

Subd. 4. **ANNUAL REPORTS.** (a) By November 15 each year, the commissioner shall submit to the legislative committees having jurisdiction over appropriations and the environment and natural resources reports on each of the following:

(1) the amount of revenue from the following and purposes for which expenditures were made:

(i) the small game license surcharge under section 97A.475, subdivision 4;

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