

**SPEECH-LANGUAGE PATHOLOGISTS AND  
AUDIOLOGISTS BOARD LAWS  
AS OF THE 2019 LEGISLATIVE SESSION**

**TITLE 37, CHAPTER 15  
SPEECH-LANGUAGE PATHOLOGISTS AND  
AUDIOLOGISTS**

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## CHAPTER 15 SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

### Chapter Cross-References

Contracts by school districts for audiological services, 20-7-403(13).  
Speech-language pathologist-client and audiologist-client privilege, 26-1-806.  
Audiologist exempt from training period as hearing aid dispenser, 37-16-405.

### Chapter Administrative Rules

Title 24, chapter 222, ARM Board of Speech-Language Pathologists and Audiologists.

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## Part 1 General

**37-15-101. Purpose.** The legislature declares it to be a policy of this state that in order to safeguard the public health, safety, and welfare and to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons and to protect the public from unprofessional conduct by qualified speech-language pathologists and audiologists and to help ensure the availability of the highest possible quality speech-language pathology and audiology services to the people of this state with communicative disorders, it is necessary to provide regulatory authority over persons offering speech-language pathology or audiology services to the public.

**History:** En. 66-3901 by Sec. 1, Ch. 543, L. 1975; R.C.M. 1947, 66-3901; amd. Sec. 6, Ch. 413, L. 1989; amd. Sec. 26, Ch. 472, L. 1997; amd. Sec. 1, Ch. 262, L. 2005.

### Compiler's Comments

*2005 Amendment:* Chapter 262 near end after "with communicative" substituted "disorders" for "disabilities". Amendment effective October 1, 2005.

*1997 Amendment:* Chapter 472 near end substituted "people of this state with communicative disabilities" for "communicatively handicapped people of this state"; and made minor changes in style.

*1989 Amendment:* Changed references to speech pathology and speech pathologist to references to speech-language pathology and speech-language pathologist.

**37-15-102. Definitions.** As used in this chapter, the following definitions apply:

(1) "Audiologist" means a person who practices audiology and who meets the qualifications set forth in this chapter. A person represents to the public that the person is an audiologist by incorporating in any title or description of services or functions that the person directly or indirectly performs the words "audiologist", "audiology", "audiometrist", "audiometry", "audiological", "audiometrics", "hearing clinician", "hearing clinic", "hearing therapist", "hearing therapy", "hearing center", "hearing aid audiologist", or any similar title or description of services.

(2) "Audiology aide or assistant" means any person meeting the minimum requirements established by the board of speech-language pathologists and audiologists who works directly under the supervision of a licensed audiologist.

(3) "Board" means the board of speech-language pathologists and audiologists provided for in 2-15-1739.

(4) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(5) "Facilitator" means a trained individual who is physically present with the patient and facilitates telepractice at the direction of an audiologist or speech-language pathologist. A facilitator may be but is not limited to an audiology or speech-language pathology aide or assistant.

(6) "Patient" means a consumer of services from an audiologist or speech-language pathologist, including a consumer of those services provided through telepractice.

(7) "Practice of audiology" means nonmedical diagnosis, assessment, and treatment services relating to auditory and vestibular disorders as provided by board rule and includes the selling, dispensing, and fitting of hearing aids.

(8) "Practice of speech-language pathology" means nonmedical diagnosis, assessment, and treatment services relating to speech-language pathology as provided by board rule.

(9) "Speech-language pathologist" means a person who practices speech-language pathology and who meets the qualifications set forth in this chapter. A person represents to the public that the person is a speech-language pathologist by incorporating in any title or description of services or functions that the person directly or indirectly performs the words "speech pathologist", "speech pathology", "speech correctionist", "speech corrections", "speech therapist", "speech therapy", "speech clinician", "speech clinic", "language pathologist", "language pathology", "voice therapist", "voice therapy", "voice pathologist", "voice pathology", "logopedist", "logopedics", "communicologist", "communicology", "aphasiologist", "aphasiology", "phoniatrist", "language therapist", "language clinician", or any similar title or description of services or functions.

(10) "Speech-language pathology aide or assistant" means a person meeting the minimum requirements established by the board who works directly under the supervision of a licensed speech-language pathologist.

(11) "Telepractice" means the practice of audiology or speech-language pathology by an audiologist or speech-language pathologist at a distance through any means, method, device, or instrumentality for the purposes of assessment, intervention, and consultation.

**History:** En. 66-3902 by Sec. 2, Ch. 543, L. 1975; R.C.M. 1947, 66-3902; amd. Sec. 11, Ch. 22, L. 1979; amd. Sec. 3, Ch. 274, L. 1981; amd. Sec. 2, Ch. 413, L. 1989; amd. Sec. 1, Ch. 93, L. 1993; amd. Sec. 56, Ch. 429, L. 1995; amd. Sec. 124, Ch. 483, L. 2001; amd. Sec. 2, Ch. 262, L. 2005; amd. Sec. 1, Ch. 342, L. 2011; amd. Sec. 1, Ch. 162, L. 2013.

### **Compiler's Comments**

*2013 Amendment:* Chapter 162 deleted definition that read: "'Association" means the Montana speech-language and hearing association"; inserted definitions of facilitator, patient, and telepractice; and made minor changes in style. Amendment effective October 1, 2013.

*2011 Amendment:* Chapter 342 in definition of practice of audiology at end inserted "and includes the selling, dispensing, and fitting of hearing aids". Amendment effective October 1, 2011.

*2005 Amendment:* Chapter 262 deleted definition of ASHA that read: "'ASHA" means the American speech-language hearing association"; substituted audiology aide or assistant for audiology aide as defined term; substituted definition of practice of audiology for former definition that read: "'Practice of audiology" means rendering or offering to render a service in audiology to individuals or groups of individuals who have or are suspected of having hearing disorders. These services include:

(a) prevention, identification, measurement, testing, evaluation, prediction, consultation, habilitation, rehabilitation, instruction, and research;

(b) participating in hearing conservation and hearing aid and assistive listening device evaluation, prescription, preparation, dispensing, and orientation;

(c) fabricating ear molds;

(d) providing auditory training and speech reading;

(e) conducting tests of vestibular function;

(f) evaluating tinnitus;

(g) planning, directing, conducting, or supervising programs that render or offer to render a service in audiology; and

(h) speech or language screening, limited to a pass/fail determination"; substituted definition of practice of speech-language pathology for former definition that read: "'Practice of speech-language pathology" means rendering or offering to render a service in speech-language pathology to individuals or groups of individuals who have or are suspected of having communication disorders. These services include:

(a) prevention, identification, measurement, testing, evaluation, prediction, consultation, habilitation, and rehabilitation;

(b) determining the need for augmentative communication systems and providing training in the use of these systems;

(c) planning, directing, conducting, or supervising programs that render or offer to render a service in speech-language pathology;

(d) nondiagnostic pure-tone air conduction, tympanometry, and acoustic reflex screening, limited to a pass/fail determination;

(e) aural rehabilitation, which includes services and procedures for facilitating adequate receptive and expressive communication in individuals with hearing impairment;

(f) oral motor rehabilitation, which includes services and procedures for evaluating and facilitating face, lip, and tongue mobility and control;

(g) cognitive retraining, which includes services and procedures for evaluating and facilitating memory, attention, reasoning, processing, judgment, and other related areas in individuals with language impairment resulting from head injury, stroke, or other insult; and

(h) dysphagia therapy, which includes services and procedures for evaluating and facilitating swallowing and feeding in those individuals with swallowing disorders"; substituted speech-language pathology aide or assistant for speech-language pathology aide as defined term; and made minor changes in style. Amendment effective October 1, 2005.

*2001 Amendment:* Chapter 483 in definition of department substituted reference to department of labor and industry for reference to department of commerce and substituted "part 17" for "part 18". Amendment effective July 1, 2001.

*1995 Amendment:* Chapter 429 deleted definition of unethical conduct that read: "'Unethical conduct" means:

(a) the obtaining of a fee by fraud or misrepresentation;

(b) employing, directly or indirectly, any suspended or unlicensed person to perform any work covered by this chapter unless that person assumes the legal status of a supervised aide; or

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

*Severability:* Section 131, Ch. 429, L. 1995, was a severability clause.

*Saving Clause:* Section 132, Ch. 429, L. 1995, was a saving clause.

*Applicability:* Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

*1993 Amendment:* Chapter 93 in definition of practice of speech-language pathology inserted subsections referencing the services of oral motor rehabilitation, cognitive retraining, and dysphagia therapy; and made minor changes in style.

*1989 Amendment:* Throughout section changed "speech" to "speech-language"; in (3), at end of first sentence after "who", inserted clause relating to qualifications, at beginning of second sentence, before "presents", inserted clause relating to representing oneself as a speech-language pathologist, after "services" inserted "or functions that he directly or indirectly performs", and after "incorporating the words" substituted current list of services and functions for "'speech pathologist", "speech correctionist", "speech therapist", "speech clinician", "language pathologist", "language therapist", "language clinician", or any similar title or description of services"; in (5), at end of first sentence after "who", inserted clause relating to qualifications, at beginning of second sentence, before "presents", inserted clause relating to representing oneself as an audiologist, after "services" inserted "or functions that he directly or indirectly performs", and after "incorporating the words" substituted current list of services for "'audiologist", "hearing clinician", "hearing therapist" or any similar title or description of services"; in (7), after "'Practice of speech-language pathology" means", substituted language of first sentence relating to rendering of services to persons suspected of having communication disorders for "the application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, counseling, or instruction related to the development and disorders of speech, voice, or language for the purpose of evaluating, preventing, habilitating, rehabilitating, or modifying such disorders and conditions in individuals or groups of individuals" and inserted (7)(a) through (7)(e) listing services included in the practice of speech-language pathology; in (8), after "'Practice of audiology" means", substituted language of first sentence relating to rendering of services to persons suspected of having hearing disorders for "the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to hearing and hearing impairment for the purpose of modifying communicative disorders involving speech, language, or auditory function, including auditory

behavior related to hearing impairment" and inserted (8)(a) through (8)(h) listing services included in the practice of audiology; and deleted definition of provisionally licensed speech pathologist or audiologist.

*1981 Amendment:* Substituted "department of commerce" for "department of professional and occupational licensing" in (2); changed internal references to the department and the board.

### **Administrative Rules**

ARM 24.222.301 Definitions.

Title 24, chapter 222, subchapter 7, ARM Speech pathology and audiology aides.

### **Attorney General's Opinions**

*Certified Hearing Aid Audiologist — Licensure Required:* By enacting a licensure act for audiologists and defining the term "audiologist" to include similar terms, the Legislature intended that anyone using the term "audiologist" in whatever manner as a professional title or description of services must be licensed by the Board of Speech Pathologists (now Speech-Language Pathologists) and Audiologists. 42 A.G. Op. 1 (1987).

*Rule Invalid — Direct Conflict With Definition — Board of Speech Pathologists (Now Speech-Language Pathologists) and Audiologists:* An administrative rule adopted by the Board of Speech Pathologists (now Speech-Language Pathologists) and Audiologists that was in direct conflict with the definition of "audiologist" in this section and that purported to authorize "certified hearing aid audiologists" is invalid. 42 A.G. Op. 1 (1987).

**37-15-103. Exemptions — rulemaking.** (1) This chapter does not prevent a person licensed in this state under any other law from engaging in the profession or business for which that person is licensed.

(2) This chapter does not restrict or prevent activities of a speech-language pathology or audiology nature or the use of the official title of the position for which the activities were performed on the part of a speech-language pathologist or audiologist employed by federal agencies.

(3) Those persons performing activities described in subsection (2) who are not licensed under this chapter may perform those activities only within the confines of or under the jurisdiction of the organization in which they are employed and may not offer speech-language pathology or audiology services to the public for compensation over and above the salary they receive for performance of their official duties with organizations by which they are employed. However, without obtaining a license under this chapter, these persons may consult or disseminate their research findings and scientific information to other accredited academic institutions or governmental agencies. They also may offer lectures to the public for a fee without being licensed under this chapter.

(4) This chapter does not restrict the activities and services of a student in speech-language pathology or audiology from pursuing a course of study in speech-language pathology or audiology at an accredited or approved college or university or an approved clinical training facility. However, these activities and services must constitute a part of a supervised course of study, and a fee may not accrue directly or indirectly to the student. These students must be designated by the title "speech-language pathology or audiology intern", "speech-language pathology or audiology trainee", or a title clearly indicating the training status appropriate to the level of training.

(5) This chapter does not restrict a person from another state from offering speech-language pathology or audiology services in this state if the services are performed for not more than 5 days in any calendar year and if the services are performed in cooperation with a speech-language pathologist or audiologist licensed under this chapter. However, by securing a temporary license from the board subject to limitations that the board may impose, a person not a resident of this state who is not licensed under this chapter but who is licensed under the law of another state that has established licensure requirements at least equivalent to those established by this chapter may offer speech-language pathology or audiology services in this state for not more than 30 days in any calendar year if the services are performed in cooperation with a speech-language pathologist or audiologist licensed under this chapter.

(6) This chapter does not restrict a person holding a class A certificate issued by the conference of executives of American schools of the deaf from performing the functions for which the person qualifies.

(7) This chapter does not restrict a person who is licensed in this state as a hearing aid dispenser from performing the functions for which the person qualifies and that are described in Title 37, chapter 16.

(8) (a) An audiologist who sells, dispenses, or fits hearing aids is exempt from the licensing requirements or other provisions of Title 37, chapter 16, except for the provisions of 37-16-304.

(b) The board may adopt rules pertaining to the selling, dispensing, and fitting of hearing aids and hearing aid parts, attachments, and accessories.

**History:** En. 66-3904 by Sec. 4, Ch. 543, L. 1975; R.C.M. 1947, 66-3904; amd. Sec. 3, Ch. 413, L. 1989; amd. Sec. 1, Ch. 367, L. 1999; amd. Sec. 3, Ch. 262, L. 2005; amd. Sec. 24, Ch. 19, L. 2011; amd. Sec. 2, Ch. 342, L. 2011.

### **Compiler's Comments**

*2011 Amendments — Composite Section:* Chapter 19 in (7) after "who" substituted "is licensed" for "holds a certificate of registration" and substituted "hearing aid dispenser" for "hearing aid dealer". Amendment effective October 1, 2011.

Chapter 342 in (8)(a) at beginning deleted "This chapter does not exempt", after "hearing aids" inserted "is exempt", and at end inserted exception clause; inserted (8)(b) relating to adopting rules; and made minor changes in style. Amendment effective October 1, 2011.

*2005 Amendment:* Chapter 262 in (2) near middle after "position for which" substituted "the activities were performed" for "they were employed"; in (5) in second sentence near end after "established by this chapter" deleted "or who is the holder of the ASHA certificate of clinical competency in speech-language pathology or audiology or its equivalent"; and made minor changes in style. Amendment effective October 1, 2005.

*1999 Amendment:* Chapter 367 inserted (2)(b) providing that nothing in this chapter restricts a cooperative from hiring on an annual basis a person to provide speech-language pathology-related services who does not meet this chapter's licensing requirements if the cooperative has tried to hire appropriately trained personnel, has hired the most qualified unlicensed person and the person has completed at least a 4-year program in speech-language pathology or communication disorders and can prove ongoing study to meet licensing requirements within 3 years after being hired, and has contracted with a licensed person to provide the unlicensed hired person consultation and training; inserted (2)(c) stating when an ongoing, good faith effort to recruit and hire appropriately and adequately trained personnel is presumed to be met; inserted (2)(d) providing that a cooperative hiring an unlicensed person shall try to hire a licensed person each year and comply with subsection (2) each year and providing that an unlicensed person may be employed under subsection (2)(b) for no more than 3 years after the hiring date; and made minor changes in style. Amendment effective April 20, 1999, and terminates June 30, 2003.

*Retroactive Applicability:* Section 6, Ch. 367, L. 1999, provided: "[This act] applies retroactively, within the meaning of 1-2-109, to January 1, 1998."

*1989 Amendment:* Throughout section changed "speech" to "speech-language"; inserted (8) regarding nonexemption from provisions relating to hearing aid dispensers; and made minor changes in phraseology.

### **Cross-References**

Recognition of out-of-state licenses during disaster or emergency, 10-3-204.

Regulation of hearing aid dispensers, Title 37, ch. 16.

### **Attorney General's Opinions**

*Audiologist as Agent for Hearing Aid Dispenser:* There is nothing in the law to prohibit a licensed audiologist from acting as an "agent" for a hearing aid dispenser if he chooses to do so. Since an audiologist who is an employee of a charitable or nonprofit organization primarily supported by voluntary contributions is entitled to fit and dispense hearing aids, either the audiologist or the hearing aid dispenser may complete the final fitting and delivery. 38 A.G. Op. 42 (1979). (See 1985 amendment to 37-16-103.)

*Selection of Best Hearing Aid for Client:* No person may select a particular hearing aid for any other person and force the hearing aid dispenser from whom the hearing aid is purchased to abide by that decision. When a licensed hearing aid dispenser sells a hearing aid he is entitled, if not obligated, to use his training and judgment to select the best hearing aid for that client. 38 A.G. Op. 42 (1979). (See 1985 amendment to 37-16-103.)

*When Hearing Aid Dispenser's License Not Required:* A licensed audiologist who is an employee of a charitable or nonprofit organization primarily supported by voluntary contributions may fit a hearing aid, whether permanently or for a trial period, without a dispenser's license. 38 A.G. Op. 42 (1979). (See 1985 amendment to 37-16-103.)

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## Part 2

### Board of Speech-Language Pathologists and Audiologists

#### Part Cross-References

Right to know, Art. II, sec. 9, Mont. Const.  
Seal defined, 1-4-201.  
Manner of making seal, 1-4-202.  
Open meetings, Title 2, ch. 3, part 2.  
Meeting defined, 2-3-202.  
Adoption and publication of rules, Title 2, ch. 4, part 3.  
Public records, Title 2, ch. 6.  
Allocation of boards for administrative purposes, 2-15-121.  
Quasi-judicial boards, 2-15-124.  
Board established, 2-15-1739.  
Duties of Department, Director, and boards, Title 37, ch. 1, part 1.  
Biennial report to Governor and Legislature, 37-1-106.  
Disrupting meeting as disorderly conduct, 45-8-101.

#### Part Administrative Rules

Title 24, chapter 222, subchapter 1, ARM Organizational rule.  
Title 24, chapter 222, subchapter 2, ARM Procedural rules.  
Title 24, chapter 222, subchapter 21, ARM Continuing education rules.

**37-15-201. Meetings.** (1) The board shall meet at least once a year at a place, day, and hour determined by the board. The board shall also meet at other times and places as the bylaws of the board may provide or by call of the presiding officer or a majority of the members of the board. A meeting of three board members who are exclusively speech-language pathologists or exclusively audiologists may not be considered a quorum.

(2) All meetings of the board for the consideration of and action on matters coming before the board are open to the public except:

- (a) when matters involving the management of internal affairs of the board may be considered and acted upon by the board in executive meetings under rules prescribed by the board;
- (b) sessions to prepare, approve, grade, or administer examinations;
- (c) upon request of a person who has failed the licensing examinations and who is appearing to appeal the failure.

**History:** En. 66-3905 by Sec. 6, Ch. 543, L. 1975; amd. Sec. 14, Ch. 453, L. 1977; amd. Sec. 5, Ch. 531, L. 1977; R.C.M. 1947, 66-3905(1), (4); amd. Sec. 6, Ch. 413, L. 1989; amd. Sec. 21, Ch. 492, L. 2001.

#### Compiler's Comments

*2001 Amendment:* Chapter 492 in third sentence at beginning deleted "A quorum of the board shall consist of the majority of its members"; and made minor changes in style. Amendment effective October 1, 2001.

*1989 Amendment:* Changed reference to speech pathologist to reference to speech-language pathologist.

- 37-15-202. Powers and duties of board and department.** (1) The board shall:
- (a) administer, coordinate, and enforce the provisions of this chapter;
  - (b) evaluate the qualifications of each applicant for a license as issued under this chapter and supervise the examination of applicants;
  - (c) conduct hearings and keep records and minutes as the board considers necessary to an orderly dispatch of business;
  - (d) adopt rules, including but not limited to those governing ethical standards of practice or standards for telepractice under this chapter;

(e) make recommendations to the governor and other state officials regarding new and revised programs and legislation related to speech-language pathology or audiology which could be beneficial to the citizens of the state of Montana;

(f) cause the prosecution and joinder of all persons violating this chapter, by the complaints of its secretary filed with the county attorney in the county where the violation took place, and incur necessary expenses for the prosecution;

(g) adopt a seal by which the board shall authenticate its proceedings.

(2) Copies of the proceedings, records, and acts of the board, signed by the presiding officer or secretary of the board and stamped with the seal, are prima facie evidence of the validity of the documents.

(3) The board may make rules that are reasonable or necessary for the proper performance of its duties and for the regulation of proceedings before it.

(4) The department may employ persons it considers necessary to carry out the provisions of this chapter.

(5) The department shall prepare a report to the governor as required by law.

**History:** En. 66-3905 by Sec. 6, Ch. 543, L. 1975; amd. Sec. 14, Ch. 453, L. 1977; amd. Sec. 5, Ch. 531, L. 1977; R.C.M. 1947, 66-3905(3), (5) thru (7); amd. Sec. 6, Ch. 413, L. 1989; amd. Sec. 57, Ch. 429, L. 1995; amd. Sec. 2, Ch. 162, L. 2013.

### **Compiler's Comments**

*2013 Amendment:* Chapter 162 in (1)(d) after "practice" inserted "or standards for telepractice"; and made minor changes in style. Amendment effective October 1, 2013.

*1995 Amendment:* Chapter 429 deleted former (1)(c) that required Board to investigate persons engaging in practices that allegedly violate the provisions of this chapter; and made minor changes in style.

*Severability:* Section 131, Ch. 429, L. 1995, was a severability clause.

*Saving Clause:* Section 132, Ch. 429, L. 1995, was a saving clause.

*Applicability:* Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

*1989 Amendment:* Changed "speech pathology" to "speech-language pathology".

### **Administrative Rules**

Title 24, chapter 222, ARM Board of Speech-Language Pathologists and Audiologists.

### **Attorney General's Opinions**

*Rule Invalid — Direct Conflict With Definition — Board of Speech Pathologists (Now Speech-Language Pathologists) and Audiologists:* An administrative rule adopted by the Board of Speech Pathologists (now Speech-Language Pathologists) and Audiologists that was in direct conflict with the definition of "audiologist" in 37-15-102 and that purported to authorize "certified hearing aid audiologists" is invalid. 42 A.G. Op. 1 (1987).

**37-15-203. Compensation and expenses.** Each board member shall receive compensation and travel expenses as provided for in 37-1-133.

**History:** En. 66-3905 by Sec. 6, Ch. 543, L. 1975; amd. Sec. 14, Ch. 453, L. 1977; amd. Sec. 5, Ch. 531, L. 1977; R.C.M. 1947, 66-3905(2); amd. Sec. 19, Ch. 474, L. 1981.

### **Compiler's Comments**

*1981 Amendment:* After "receive" substituted language providing that Board members receive compensation and travel expenses as provided in 37-1-133 for "travel expenses and mileage incidental to board meetings and business, as provided for in 2-18-501 through 2-18-503, as amended. Compensation may be paid each board member not otherwise compensated in the amount of \$25 per day when attending board meetings".

*Board Compensation and Travel Expenses — Preamble:* The preamble of SB 463 (Ch. 474, L. 1981), which provided for uniform compensation and travel expenses for Board members, is located in the compiler's comments under 37-1-133.



# Licensing

## Part Cross-References

- Right to know, Art. II, sec. 9, Mont. Const.
- Licensing to follow contested case procedure, 2-4-631.
- Public records, Title 2, ch. 6.
- Duties of Department — standardized forms, 37-1-101.
- Duty of Board to adopt and enforce licensing and certification rules, 37-1-131.
- Licensing boards to establish fees commensurate with costs, 37-1-134.
- Licensing investigation and review — record access, 37-1-135.
- Grounds for disciplinary action as grounds for license denial — conditions to new licenses, 37-1-137.
- Licensure of criminal offenders, Title 37, ch. 1, part 2.
- Nondiscrimination in licensing, 49-3-204.

## Part Administrative Rules

Title 24, chapter 222, subchapter 5, ARM Licensing and scope of practice.

**37-15-301. License required.** (1) A license must be issued to qualified persons either in speech-language pathology or audiology. A person may be licensed in both areas if the person meets the respective qualifications, and in those instances, the license fee must be as though for one license.

(2) A person may not practice or represent to the public that the person is a speech-language pathologist or audiologist in this state unless the person is licensed in accordance with the provisions of this chapter.

(3) The board may issue a limited license to qualified individuals engaged in supervised professional experience, as defined by board rule.

**History:** En. 66-3903 by Sec. 3, Ch. 543, L. 1975; R.C.M. 1947, 66-3903; amd. Sec. 6, Ch. 413, L. 1989; amd. Sec. 2, Ch. 367, L. 1999; amd. Sec. 1377, Ch. 56, L. 2009; amd. Sec. 1, Ch. 90, L. 2017.

## Compiler's Comments

*2017 Amendment:* Chapter 90 inserted (3) concerning limited licenses issued to qualified individuals engaged in supervised professional experience. Amendment effective March 23, 2017.

*2009 Amendment:* Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

*1999 Amendment:* Chapter 367 in (2) inserted exception clause; and made minor changes in style. Amendment effective April 20, 1999, and terminates June 30, 2003.

*Retroactive Applicability:* Section 6, Ch. 367, L. 1999, provided: "[This act] applies retroactively, within the meaning of 1-2-109, to January 1, 1998."

*1989 Amendment:* Changed references to speech pathology and speech pathologist to references to speech-language pathology and speech-language pathologist.

**37-15-302. Application forms.** An application for examination for licensing a speech-language pathologist or audiologist must be made upon forms prescribed by the department.

**History:** En. 66-3908 by Sec. 9, Ch. 543, L. 1975; R.C.M. 1947, 66-3908(1); amd. Sec. 6, Ch. 413, L. 1989; amd. Sec. 16, Ch. 502, L. 2007.

## Compiler's Comments

*2007 Amendment:* Chapter 502 at end after "prescribed by the" substituted "department" for "board"; and made minor changes in style. Amendment effective October 1, 2007.

*Saving Clause:* Section 52, Ch. 502, L. 2007, was a saving clause.

*1989 Amendment:* Changed reference to speech pathologist to reference to speech-language pathologist.

*Subsections Not Codified:* Subsections (2), (4), and (5) of section 66-3908, R.C.M. 1947, dealing with licensure prior to July 1, 1976, and waiver of required examinations, were temporary law and have not been codified in the MCA. These portions of section 66-3908, R.C.M. 1947, have not been repealed and are still valid law. Citation may be made to the same subsections of sec. 9, Ch. 543, L. 1975.

**37-15-303. Qualifications.** (1) To be eligible for licensing by the board as a speech-language pathologist or audiologist, the applicant:

- (a) must meet the current academic, supervised clinical practicum, and supervised professional experience requirements as defined by board rule;
  - (b) shall pass an examination approved by the board.
- (2) The board shall determine the subject and scope of the examination.
- (3) The standards defined by the board must be equal to or greater than the standards generally accepted as the national norm.

**History:** En. 66-3906 by Sec. 7, Ch. 543, L. 1975; amd. Sec. 34, Ch. 101, L. 1977; R.C.M. 1947, 66-3906(part); amd. Sec. 6, Ch. 413, L. 1989; amd. Sec. 4, Ch. 262, L. 2005; amd. Sec. 2, Ch. 90, L. 2017.

#### **Compiler's Comments**

*2017 Amendment:* Chapter 90 in (1)(a) substituted "supervised professional experience" for "postclassroom sponsored employment". Amendment effective March 23, 2017.

*2005 Amendment:* Chapter 262 in (1)(a) at end after "employment requirements" substituted "as defined by board rule" for "of the ASHA"; inserted (3) regarding standards defined by the board; and made minor changes in style. Amendment effective October 1, 2005.

*1989 Amendment:* Changed reference to speech pathologist to reference to speech-language pathologist.

#### **Administrative Rules**

ARM 24.222.502 Qualifications for licensure.

**37-15-304. Repealed.** Sec. 127, Ch. 467, L. 2005.

**History:** (1) thru (6)En. 66-3909 by Sec. 10, Ch. 543, L. 1975; Sec. 66-3909, R.C.M. 1947; (7)En. 66-3906 by Sec. 7, Ch. 543, L. 1975; amd. Sec. 34, Ch. 101, L. 1977; Sec. 66-3906, R.C.M. 1947; R.C.M. 1947, 66-3906(part), 66-3909(1) thru (6); amd. Sec. 6, Ch. 413, L. 1989.

**37-15-305. Repealed.** Sec. 128, Ch. 429, L. 1995.

**History:** En. 66-3908, 66-3909 by Secs. 9, 10, Ch. 543, L. 1975; R.C.M. 1947, 66-3908(3), (6) thru (8), 66-3909(7); amd. Sec. 4, Ch. 413, L. 1989.

**37-15-306. Repealed.** Sec. 127, Ch. 467, L. 2005.

**History:** En. 66-3907 by Sec. 8, Ch. 543, L. 1975; R.C.M. 1947, 66-3907(1) thru (3).

**37-15-307. Application and examination fee — license fee — registration fee.** The board shall determine the amount of fees, which may be adjusted annually by rule, that are necessary to meet costs and projected expenditures for:

- (1) a renewed license as a speech-language pathologist or audiologist;
- (2) a limited license for a person engaged in supervised professional experience;
- (3) an initial application for a license or registration;
- (4) examinations; and
- (5) registration as a speech-language pathology aide or assistant or audiology aide or assistant.

**History:** En. 66-3910 by Sec. 11, Ch. 543, L. 1975; R.C.M. 1947, 66-3910(1); amd. Sec. 39, Ch. 345, L. 1981; amd. Sec. 1, Ch. 368, L. 1985; amd. Sec. 6, Ch. 413, L. 1989; amd. Sec. 6, Ch. 262, L. 2005; amd. Sec. 3, Ch. 90, L. 2017.

#### **Compiler's Comments**

*2017 Amendment:* Chapter 90 substituted text relating to board-determined fees for former text that read: "The amount of fees prescribed in connection with a license as a speech-language pathologist or audiologist and with registration as a speech-language pathology aide or assistant or audiology aide or assistant must be determined by the board each year based on costs and predicted expenditures." Amendment effective March 23, 2017.

*2005 Amendment:* Chapter 262 after "pathology aide or" inserted "assistant or" and after "audiology aide" inserted "or assistant"; and made minor changes in style. Amendment effective October 1, 2005.

*1989 Amendment:* Changed references to speech pathology and speech pathologist to references to speech-language pathology and speech-language pathologist.

*1985 Amendment:* Near middle of section after "audiologist", inserted "and with registration as a speech pathology aide or audiology aide".

*1981 Amendment:* Deleted "as follows, the exact fee to be" after "or audiologist shall be" in the middle of the first sentence of the section; and deleted ": (1) application and examination fee for a license, no less than \$50 or more than \$100; (2) license fee and renewal thereof, no less than \$25 or more than \$100" after "based on costs and predicted expenditures" at the end of the section.

*Fees Prescribed by Board — Statement of Intent and Preamble:* Chapter 345, L. 1981 (SB 412), which amended this section relating to the Board prescribing fees, contained a statement of intent and a preamble. For the texts see compiler's comments at 37-1-134.

### **Administrative Rules**

ARM 24.222.401 Fees.

**37-15-308. Repealed.** Sec. 127, Ch. 467, L. 2005.

*History:* En. 66-3907, 66-3910 by Secs. 8, 11, Ch. 543, L. 1975; R.C.M. 1947, 66-3907(4) thru (7), 66-3910(3) thru (7); amd. Sec. 2, Ch. 368, L. 1985; amd. Sec. 5, Ch. 413, L. 1989; amd. Sec. 58, Ch. 429, L. 1995; amd. Sec. 22, Ch. 271, L. 2003.

**37-15-309. Repealed.** Sec. 128, Ch. 429, L. 1995.

*History:* En. 66-3907 by Sec. 8, Ch. 543, L. 1975; R.C.M. 1947, 66-3907(9).

**37-15-310. Deposit of moneys received.** All moneys received by the department shall be deposited in the state treasury to the credit of the state special revenue fund for the use of the board and subject to 37-1-101(6).

*History:* En. 66-3910 by Sec. 11, Ch. 543, L. 1975; R.C.M. 1947, 66-3910(2); amd. Sec. 1, Ch. 277, L. 1983.

### **Compiler's Comments**

*1983 Amendment:* Substituted reference to state special revenue fund for reference to earmarked revenue fund.

**37-15-311. Municipal tax prohibited.** No license tax shall be imposed upon speech-language pathologists or audiologists by a municipality or any other subdivision of the state.

*History:* En. 66-3910 by Sec. 11, Ch. 543, L. 1975; R.C.M. 1947, 66-3910(8); amd. Sec. 6, Ch. 413, L. 1989.

### **Compiler's Comments**

*1989 Amendment:* Changed reference to speech pathologist to reference to speech-language pathologist.

### **Attorney General's Opinions**

*Self-Government Powers — Professional Licensing — Conflict With State Statutes:* The city of Helena, operating under a home rule charter, passed an ordinance requiring a license fee of all city businesses. State statutes that prohibit municipalities from imposing license fees on certain professions did not apply because the statutes were not made specifically applicable to self-government units. Home rule governments have all powers not specifically denied by the Montana Constitution, law, or charter. 39 A.G. Op. 60 (1982).

**37-15-312. Repealed.** Sec. 127, Ch. 467, L. 2005.

*History:* En. 66-3907 by Sec. 8, Ch. 543, L. 1975; R.C.M. 1947, 66-3907(8); amd. Sec. 3, Ch. 368, L. 1985.

**37-15-313. Registration of aides or assistants.** Each licensed speech-language pathologist and audiologist shall annually, on or before October 31, register with the board on forms provided by the board all speech-language pathology aides or assistants and audiology aides or assistants working directly under the supervision of the licensee.

**History:** En. Sec. 4, Ch. 368, L. 1985; amd. Sec. 6, Ch. 413, L. 1989; amd. Sec. 3, Ch. 367, L. 1999; amd. Sec. 7, Ch. 262, L. 2005.

#### **Compiler's Comments**

*2005 Amendment:* Chapter 262 after "pathology aides" and after "audiology aides" inserted "or assistants"; and made minor changes in style. Amendment effective October 1, 2005.

*1999 Amendment:* Chapter 367 inserted (2) requiring the school superintendent or the chief administrative officer of a special education cooperative to register unlicensed persons with the board; and made minor changes in style. Amendment effective April 20, 1999, and terminates June 30, 2003.

*Retroactive Applicability:* Section 6, Ch. 367, L. 1999, provided: "[This act] applies retroactively, within the meaning of 1-2-109, to January 1, 1998."

*1989 Amendment:* Changed references to speech pathology and speech pathologist to references to speech-language pathology and speech-language pathologist.

#### **Administrative Rules**

Title 24, chapter 222, subchapter 7, ARM Speech pathology and audiology aides.

**37-15-314. Telepractice — authorization — licensure.** (1) An audiologist or speech-language pathologist who is licensed under and meets the requirements of this chapter may engage in telepractice in Montana without obtaining a separate or additional license from the board.

(2) Except as provided in 37-15-103, an audiologist or speech-language pathologist who is not a resident of Montana and who is not licensed under this chapter may not provide services to patients in Montana through telepractice without first obtaining a license from the board in accordance with this part.

(3) An audiology aide or assistant or a speech-language pathology aide or assistant may not engage in telepractice. This section does not prohibit an audiology aide or assistant or a speech-language pathology aide or assistant from serving as a facilitator.

**History:** En. Sec. 3, Ch. 162, L. 2013.

#### **Compiler's Comments**

*Effective Date:* This section is effective October 1, 2013.

**37-15-315. Scope of telepractice — requirements.** (1) The quality of services provided through telepractice must be equivalent to the quality of audiology or speech-language pathology services that are provided in person and must conform to all existing state, federal, and institutional professional standards, policies, and requirements for audiologists and speech-language pathologists.

(2) Technology used to provide telepractice, including but not limited to equipment, connectivity, software, hardware, and network compatibility, must be appropriate for the service being delivered and must address the unique needs of each patient. Audio and video quality utilized in telepractice must be sufficient to deliver services that are equivalent to services that are provided in person. A person providing telepractice services is responsible for calibrating clinical instruments in accordance with standard operating procedures and the manufacturer's specifications.

(3) A person providing telepractice services shall comply with all state and federal laws, rules, and regulations governing the maintenance of patient records, including maintaining patient confidentiality and protecting sensitive patient data.

(4) A person providing telepractice services shall conduct an initial assessment of each patient's candidacy for telepractice, including the patient's behavioral, physical, and cognitive abilities to participate in services provided through telepractice. Telepractice may not be provided only through written correspondence.

(5) At a minimum, a person providing telepractice services shall provide a notice of telepractice services to each patient and, if applicable, the patient's guardian, caregiver, or multidisciplinary team. The notification must provide that a patient has the right to refuse telepractice services and has options for service delivery and must include instructions on filing and resolving complaints.

**History:** En. Sec. 4, Ch. 162, L. 2013.

### **Compiler's Comments**

*Effective Date:* This section is effective October 1, 2013.

**37-15-316 through 37-15-320 reserved.**

**37-15-321. Repealed.** Sec. 128, Ch. 429, L. 1995.

**History:** En. 66-3911 by Sec. 12, Ch. 543, L. 1975; R.C.M. 1947, 66-3911.

**37-15-322. Penalty.** A person convicted of violating this chapter shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

**History:** En. 66-3912 by Sec. 13, Ch. 543, L. 1975; R.C.M. 1947, 66-3912.

### **Cross-References**

Prosecutorial duties of County Attorney, 7-4-2712.

Duties of County Attorney relating to state matters, 7-4-2716.

**37-15-323. Injunction of unlawful practice.** The practice of speech-language pathology or audiology in any way other than as defined in this chapter may be enjoined by the district court on petition by the board.

**History:** En. 66-3913 by Sec. 14, Ch. 543, L. 1975; R.C.M. 1947, 66-3913; amd. Sec. 6, Ch. 413, L. 1989.

### **Compiler's Comments**

*1989 Amendment:* Changed "speech pathology" to "speech-language pathology".

### **Cross-References**

Issuance of injunctions on nonjudicial days, 3-1-302, 3-5-302.

Contempts, Title 3, ch. 1, part 5.

Affidavits, Title 26, ch. 1, part 10.

Injunctions, Title 27, ch. 19.

Disciplinary authority of boards — injunctions, 37-1-136.