

45:3B-1 to 45:3B-24

LEGISLATIVE HISTORY CHECKLIST

NJSA: 45:3B-1 to 45:3B-24 (Audiologists and speech language pathologists)

LAWS OF: 1983

CHAPTER: 420

Bill No: S967

Sponsor(s): Feldman

Date Introduced: February 8, 1982

Committee: Assembly: Higher Education and Regulated Professions

Senate: Labor, Industry and Professions

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly: September 6, 1983

Senate: December 13, 1982

Date of Approval: January 5, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

See journal article by Becker, Nancy, "The quest for licensure: a legislative history", 5 Journal of NJSHA 10(1984) -- attached

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SENATE, No. 967

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Senator FELDMAN

Referred to Committee on Labor, Industry and Professions

AN ACT providing for the licensing of audiologists and speech-language pathologists by the Division of Consumer Affairs of the Department of Law and Public Safety, creating an Audiology and Speech-Language Pathology Advisory Committee thereunder, defining its powers and duties and prescribing penalties for violations of this act.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. The Legislature finds and declares that the practice of audio-  
2 logy and speech-language pathology needs to be regulated for the  
3 protection of the health, safety and welfare of the citizens of this  
4 State. The Legislature further finds and declares that peer regula-  
5 tion and the creation of a new board of examiners to carry out the  
6 provisions of this act are not in the public interest and it has  
7 devised a regulatory mechanism which is consonant with the licens-  
8 ing policies of this State.

1 2. As used in this act:

2 a. "Audiologist" means any individual who practices audiology  
3 and who represents himself to the public by title or by description  
4 of services, under any title incorporating such terms as "audio-  
5 logy," "audiologist," "audiological," "audiologic," "hearing clinic,"  
6 "hearing clinician," "hearing therapist," or any similar title or  
7 descriptions of services, provided that the individual has met the  
8 eligibility requirements contained in section 8 and has been duly  
9 licensed under this act.

10 b. "Committee" means the Audiology and Speech-Language  
11 Pathology Advisory Committee.

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted September 23, 1982.

12 c. "Person" means any individual, corporation, partnership,  
13 trust, association or other organization, except that only individuals  
14 may be licensed under this act.

15 d. "Practice of audiology" means the nonmedical and nonsurgical  
16 application of principles, methods, and procedures of measurement,  
17 testing, evaluation, consultation, counseling, instruction, and  
18 habilitation or rehabilitation related to hearing, its disorders and  
19 related communication impairments for the purpose of nonmedical  
20 diagnosis, prevention, identification, amelioration or modification  
21 of these disorders and conditions in individuals or groups of  
22 individuals with speech, language or hearing handicaps, or to  
23 individuals or groups of individuals for whom these handicapping  
24 conditions must be ruled out.

25 e. "Practice of speech-language pathology" means the nonmedi-  
26 cal and nonsurgical application of principles, methods and proce-  
27 dures of measurement, prediction, nonmedical diagnosis, testing,  
28 counseling, consultation, habilitation and rehabilitation and instruc-  
29 tion related to the development and disorders of speech, voice, and  
30 language for the purpose of preventing, ameliorating and modify-  
31 ing these disorders and conditions in individuals or groups of  
32 individuals with speech, language, or hearing handicaps, or to  
33 individuals or groups of individuals for whom these handicapping  
34 conditions must be ruled out.

35 f. "Speech-language pathologist" means an individual who prac-  
36 tices \***[spech]**\* \**speech*\*-language pathology and who represents  
37 himself to the public by title or by description of services under  
38 any title incorporating such terms as "speech-language pathol-  
39 ogy," "speech-language pathologist," "speech pathology,"  
40 "speech pathologist," "speech correction," "speech correction-  
41 ist," "speech therapy," "speech therapist," "speech clinic,"  
42 "speech clinician," "logopedist," "communicologist," "language  
43 therapist," "communication disorders specialist," "communica-  
44 tion therapist," or any similar titles of description of services,  
45 provided that the individual has met the eligibility requirements  
46 contained in section 8 and has been duly licensed under this act.

1 3. There is created in the Division of Consumer Affairs of the  
2 Department of Law and Public Safety an Audiology and Speech-  
3 Language Pathology Advisory Committee which shall serve as an  
4 advisory body to the Director of the Division of Consumer Affairs  
5 with respect to the licensure of audiologists and speech-language  
6 pathologists.

1 4. The committee shall consist of seven residents of this State  
2 who shall be appointed by the Governor. Three members shall be  
3 audiologists or speech-language pathologists who shall fulfill the

4 licensure requirements of this act, but not more than two of these  
5 members may represent the area of audiology or speech-language  
6 pathology. One member shall be a person who is licensed to practice  
7 medicine and surgery by this State and a diplomate of the American  
8 Board of Otolaryngology. Two members shall be public members  
9 and one member shall be a State representative.

1 5. Each member of the committee, except the members first  
2 appointed, shall serve for a term of 5 years and shall hold office  
3 until the appointment and qualification of his successor. The initial  
4 appointments to the committee shall be one member for a term of  
5 2 years, two members for terms of 3 years, two members for terms  
6 of 4 years and two members for terms of 5 years.

7 The audiologist and speech-language pathologist members of the  
8 first committee shall be deemed to be and shall become licensed  
9 practicing audiologists and speech-language pathologists imme-  
10 diately upon their appointment and qualification as members of the  
11 committee, provided that they have met the requirements for  
12 licensure under this act.

13 Vacancies shall be filled for the unexpired term only. No member  
14 may be appointed for more than two consecutive terms.

1 6. The members of the committee, before entering the discharge  
2 of their duties, and within 30 days after their appointment, shall  
3 take and subscribe to an oath before an officer authorized to admin-  
4 ister oaths in this State for the faithful performance of their duties  
5 and file the oath with the Secretary of State. The members of the  
6 committee shall annually elect from their number a chairman and a  
7 secretary-treasurer each of whom shall hold office for 1 year and  
8 until his successor shall have been elected and qualified.

9 Regular meetings of the committee shall be held at such times  
10 and places as it prescribes and special meetings may be held upon  
11 the call of the chairman or the director. At least one regular  
12 meeting shall be held each year.

1 7. The committee may have the following powers and duties as  
2 delegated by the director:

3 a. To determine and secure publication of education and con-  
4 tinuing education requirements for licensing as audiologists and  
5 speech-language pathologists;

6 b. To evaluate the qualifications of all applicants for licensing as  
7 audiologists and speech-language pathologists, supervise the  
8 examination of applicants and make recommendations to the di-  
9 rector concerning the licensure of qualified individuals;

10 c. To establish or recommend to the director standards of pro-  
11 fessional conduct for licensed audiologists and speech-language  
12 pathologists;

13 d. To do any and all other things which may be appropriate to  
14 achieve the objectives contemplated by this act, or which may be  
15 useful in executing any of the duties, powers, or functions of the  
16 committee.

1 8. To be eligible for a license to practice audiology or speech-  
2 language pathology, an applicant shall:

3 a. Possess at least a master's degree or its equivalent in the area  
4 of audiology or speech-language pathology from an accredited  
5 college or university acceptable to the Department of Higher  
6 Education;

7 b. Submit to the director transcripts from one or more accredited  
8 educational institutions evidencing the completion of specific re-  
9 quirements which shall be determined and published by the director  
10 in consultation with the committee and the Department of Higher  
11 Education. These requirements shall not be substantially incon-  
12 sistent with current nationally recognized professional standards  
13 and shall include both academic courses and clinical practica;

14 c. Submit to the director evidence of the completion of a clinical  
15 internship in the professional area for which the license is sought.  
16 The clinical internship shall not be substantially inconsistent with  
17 currently recognized national professional standards.

18 Clinical internship shall be under the direct supervision of a  
19 person licensed to practice speech-language pathology or audio-  
20 logy, as appropriate, by this State or by another state which has  
21 standards substantially equivalent to those of this State; or a  
22 person in a state without licensure laws, provided that the super-  
23 visor shows evidence of credentials equivalent to the requirements  
24 for licensure under this act; or a person in this State practicing  
25 in an exempt setting, provided that the supervisor shows evidence  
26 of credentials equivalent to the requirements for licensure under  
27 this act.

28 d. Pass a written examination approved by the director in con-  
29 sultation with the committee. An examination shall be given at  
30 least once each year.

1 9. The director, in consultation with the committee, shall issue a  
2 license to practice audiology or speech-language pathology to all  
3 applicants who meet the established qualifications. Licenses shall  
4 be effective for a period not to exceed 2 years and may be renewed  
5 biennially.

6 Licensure shall be granted independently in audiology or speech-  
7 language pathology. A person may be licensed in both areas if he is  
8 qualified.

1 10. In lieu of the examination given to other applicants for  
2 licensure the director, in consultation with the committee, may

3 issue a license to an individual who presents bona fide proof to the  
4 director that he was actively engaged in the practice of audiology  
5 or speech-language pathology, or both, in this State for 3 of the  
6 last 5 years immediately preceding the enactment of this act, and  
7 has a master's degree or its equivalent in speech-language path-  
8 ology or audiology, and has passed the national examination in  
9 speech-language pathology or audiology, and meets the currently  
10 recognized national professional standards in speech-language  
11 pathology or audiology. The application shall be made to the  
12 director within 1 year of the enactment of this act.

1 11. In lieu of the examination given to all other applicants for  
2 licensure the director, in consultation with the committee, may issue  
3 a license to an individual who presents bona fide proof to the  
4 director that he was actively engaged in the practice of audiology  
5 or speech-language pathology, or both, prior to January 1, 1970,  
6 and who has practiced in this State for 3 of the 5 years immediately  
7 preceding the enactment of this act and meets the currently recog-  
8 nized national professional standards in speech-language pathology  
9 or audiology. The application shall be made to the director within  
10 1 year of the enactment of this act.

1 12. The director, in consultation with the committee, may issue a  
2 provisional license to any person who has received a Bachelor's  
3 degree from an accredited college or university acceptable to the  
4 Department of Higher Education and who presents bona fide proof  
5 that he was actively engaged in the practice of speech-language  
6 pathology or audiology or both, in this State for 3 of the last 5  
7 years immediately preceding the enactment of this act, and who is  
8 working toward fulfilling the requirements for licensure as an  
9 audiologist or speech-language pathologist. Provisional licensees  
10 shall work only under the supervision of a licensed audiologist or  
11 speech-language pathologist who shall be responsible for the actions  
12 of the provisional licensee. Provisional licenses shall be in effect  
13 for a period of 2 years and may be renewed once. No provisional  
14 licenses shall be issued after 5 years from the effective date of this  
15 act. The application shall be made to the director within 1 year of  
16 the enactment of this act.

1 13. The director, in consultation with the committee, shall accept  
2 in lieu of a written examination proof that an applicant for licens-  
3 ing holds a current license in a State which has standards sub-  
4 stantially equivalent to those of this State.

1 14. The director, in consultation with the committee, may issue  
2 a temporary license to any person who has recently become a  
3 resident of this State, who has applied for licensing as an audio-

4 logist or speech-language pathologist, or both, as the case may be,  
 5 and who has been licensed by the state of his former residence. The  
 6 temporary license shall be effective for a period not to exceed 1  
 7 year, and shall not be renewed.

1 15. No person shall practice or hold himself out as being able  
 2 to practice audiology or speech-language pathology in this State  
 3 unless he is licensed in accordance with the provisions of this act.

1 16. Nothing in this act shall prohibit any person from engaging  
 2 in the practice of audiology or speech-language pathology without  
 3 licensure if he employs licensed individuals in the direct practice  
 4 of audiology or of speech-language pathology. Such a person shall  
 5 file a statement with the director, on a form approved by the  
 6 director that he submits himself to the rules and regulations of the  
 7 director and the provisions of this act which are applicable to him.

1 17. The provisions of this act do not apply to:

2 a. The activities and services of any person who is licensed to  
 3 practice medicine and surgery by this State, or a person under  
 4 the direct supervision and control of a physician, engaged in his  
 5 practice, providing such a person is not referred to as an audiologist  
 6 or speech-language pathologist;

7 b. The activities, services, and use of an official title on the part  
 8 of a person in the employ of a federal agency, as such services  
 9 are part of the duties of his office or position with that agency;  
 9A *\*or any person certified by the State Board of Examiners as a*  
 9B *speech correctionist;\**

10 c. The activities and services of a student, fellow, trainee in  
 11 audiology or speech-language pathology pursuing a course of study  
 12 of an accredited university or college, or working in a recognized  
 13 training center, if these activities and services constitute a part of  
 14 his course of study under a supervisor licensed in audiology or  
 15 speech-language pathology;

16 d. The activities and services *\*within the scope of practice\** of  
 17 any person licensed by this State as a hearing aid dispenser pur-  
 18 suant to P. L. 1973, c. 19 (C. 45:9A-1 et seq.); **\*[any person**  
 19 **certified by the State Board of Examiners as a speech correc-**  
 20 **tionist;]\*** or any person who is registered, certified or licensed  
 21 in this State under any other law to engage in the profession or  
 22 occupation for which he is registered, certified or licensed;

23 e. No person shall be exempt under **\*[subsections]\*** *\*subsection\**

24 b. **\*[or d.]\*** of this section for that portion of his time spent as  
 25 a private practitioner of audiology or speech-language pathology.  
 26 If he does any work as an audiologist or speech-language patholo-  
 27 gist for which a fee may be paid by a recipient of the service or as

28 part of a private practice apart from his position with the  
29 government agency, he shall hold a valid and current license.

1 18. All applicants for license renewal shall submit to the director  
2 evidence of satisfactory completion of such continuing education  
3 requirements as are determined and published by the director.

4 The director shall notify each licensed individual of any failure  
5 to comply with this requirement, and shall further notify him that  
6 upon continued failure to comply within 3 months of the date of  
7 the notice, the director in consultation with the committee, may,  
8 in his discretion, take action, pursuant to section 20 of this act, to  
9 suspend or revoke the license.

1 19. Every licensed audiologist and speech-language pathologist  
2 commencing to practice in this State shall notify the director of his  
3 office address. Every licensed audiologist and speech-language path-  
4 ologist shall promptly notify the director of any change in his office  
5 address. The director shall annually publish complete lists of the  
6 names and office addresses of all audiologists and speech-language  
7 pathologists licensed and practicing in this State. The list shall  
8 be arranged alphabetically by name and also by the names of the  
9 municipalities in which the various offices are situated.

1 20. a. All applicants for licenses, temporary licenses or renewals  
2 under this act shall pay a fee for the issuance or renewal which  
3 shall be determined by the director in consultation with the com-  
4 mittee. The revenue generated from these fees shall not exceed  
5 the operating costs of the director and the committee under this act.

6 b. All fees and any fines imposed by the director shall be for-  
7 warded to the State Treasurer and shall be deposited in the General  
8 Fund. All expenditures deemed necessary to carry out the pro-  
9 visions of this act shall be paid by the State Treasurer from the  
10 funds collected and forwarded by the director subject to, and within  
11 the limits of, appropriation made pursuant to law, but expendi-  
12 tures shall not exceed revenues from the operation of this act  
13 during any fiscal year.

1 21. The director, in consultation with the committee may, upon  
2 notice and opportunity for a hearing, revoke, suspend, or refuse  
3 to renew any license or temporary licenses, issued pursuant to this  
4 act upon a finding:

5 a. That the license was obtained by means of fraud, misrepre-  
6 sentation, or concealment of material facts;

7 b. Of fraud or deceit in connection with services rendered;

8 c. Of unprofessional conduct;

9 d. That the provisions of this act, or the rules or regulations  
10 promulgated pursuant to this act, have been violated.



1 22. A license may be restored after 1 year from the date of its  
2 revocation by the director, in consultation with the committee.

1 23. Any person who violates the provisions of this act shall be  
2 subject to a penalty of \$200.00 for the first offense and \$500.00 for  
3 each subsequent offense, to be sued for and recovered by and in the  
4 name of the director pursuant to the provisions of the "penalty  
5 enforcement law" (N. J. S. 2A:58-1 et seq.).

6 If any person practices without a valid license or holds himself  
7 out as being able to practice audiology or speech-language pathol-  
8 ogy in violation of section 15 of this act, each day during which the  
9 violation continues shall constitute an additional and separate and  
10 distinct offense for the purposes of this section.

1 24. The director shall adopt, amend or repeal such regulations,  
2 consistent with the policy and objectives of this act, as he may  
3 deem desirable or necessary for the public interest, provided that  
4 the regulations shall be adopted, amended and repealed in accord-  
5 ance with the provisions of the "Administrative Procedure Act,"  
6 P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

1 25. This act shall take effect immediately, but section 15 shall  
2 take effect on the first day of the nineteenth month after the  
3 effective date of this act.

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SENATE, No. 967

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Senator FELDMAN

Referred to Committee on Labor, Industry and Professions

AN ACT providing for the licensing of audiologists and speech-language pathologists by the Division of Consumer Affairs of the Department of Law and Public Safety, creating an Audiology and Speech-Language Pathology Advisory Committee thereunder, defining its powers and duties and prescribing penalties for violations of this act.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. The Legislature finds and declares that the practice of audio-  
2 logy and speech-language pathology needs to be regulated for the  
3 protection of the health, safety and welfare of the citizens of this  
4 State. The Legislature further finds and declares that peer regula-  
5 tion and the creation of a new board of examiners to carry out the  
6 provisions of this act are not in the public interest and it has  
7 devised a regulatory mechanism which is consonant with the licens-  
8 ing policies of this State.

1 2. As used in this act:

2 a. "Audiologist" means any individual who practices audiology  
3 and who represents himself to the public by title or by description  
4 of services, under any title incorporating such terms as "audio-  
5 logy," "audiologist," "audiological," "audiologic," "hearing clinic,"  
6 "hearing clinician," "hearing therapist," or any similar title or  
7 descriptions of services, provided that the individual has met the  
8 eligibility requirements contained in section 8 and has been duly  
9 licensed under this act.

10 b. "Committee" means the Audiology and Speech-Language  
11 Pathology Advisory Committee.

12 c. "Person" means any individual, corporation, partnership,  
13 trust, association or other organization, except that only individuals  
14 may be licensed under this act.

15 d. "Practice of audiology" means the nonmedical and nonsurgical  
16 application of principles, methods, and procedures of measurement,  
17 testing, evaluation, consultation, counseling, instruction, and  
18 habilitation or rehabilitation related to hearing, its disorders and  
19 related communication impairments for the purpose of nonmedical  
20 diagnosis, prevention, identification, amelioration or modification  
21 of these disorders and conditions in individuals or groups of  
22 individuals with speech, language or hearing handicaps, or to  
23 individuals or groups of individuals for whom these handicapping  
24 conditions must be ruled out.

25 e. "Practice of speech-language pathology" means the nonmedi-  
26 cal and nonsurgical application of principles, methods and proce-  
27 dures of measurement, prediction, nonmedical diagnosis, testing,  
28 counseling, consultation, habilitation and rehabilitation and instruc-  
29 tion related to the development and disorders of speech, voice, and  
30 language for the purpose of preventing, ameliorating and modify-  
31 ing these disorders and conditions in individuals or groups of  
32 individuals with speech, language, or hearing handicaps, or to  
33 individuals or groups of individuals for whom these handicapping  
34 conditions must be ruled out.

35 f. "Speech-language pathologist" means an individual who  
36 practices speech-language pathology and who represents himself  
37 to the public by title or by description of services under any title  
38 incorporating such terms as "speech-language pathology," "speech-  
39 language pathologist," "speech pathology," "speech pathologist,"  
40 "speech correction," "speech correctionist," "speech therapy,"  
41 "speech therapist," "speech clinic," "speech clinician," "logo-  
42 pedist," "communicologist," "language therapist," "communica-  
43 tion disorders specialist," "communication therapist," or any  
44 similar titles of description of services, provided that the individual  
45 has met the eligibility requirements contained in section 8 and has  
46 been duly licensed under this act.

1 3. There is created in the Division of Consumer Affairs of the  
2 Department of Law and Public Safety an Audiology and Speech-  
3 Language Pathology Advisory Committee which shall serve as an  
4 advisory body to the Director of the Division of Consumer Affairs  
5 with respect to the licensure of audiologists and speech-language  
6 pathologists.

1 4. The committee shall consist of seven residents of this State  
2 who shall be appointed by the Governor. Three members shall be  
3 audiologists or speech-language pathologists who shall fulfill the

4 licensure requirements of this act, but not more than two of these  
5 members may represent the area of audiology or speech-language  
6 pathology. One member shall be a person who is licensed to practice  
7 medicine and surgery by this State and a diplomate of the American  
8 Board of Otolaryngology. Two members shall be public members  
9 and one member shall be a State representative.

1 5. Each member of the committee, except the members first  
2 appointed, shall serve for a term of 5 years and shall hold office  
3 until the appointment and qualification of his successor. The initial  
4 appointments to the committee shall be one member for a term of  
5 2 years, two members for terms of 3 years, two members for terms  
6 of 4 years and two members for terms of 5 years.

7 The audiologist and speech-language pathologist members of the  
8 first committee shall be deemed to be and shall become licensed  
9 practicing audiologists and speech-language pathologists imme-  
10 diately upon their appointment and qualification as members of the  
11 committee, provided that they have met the requirements for  
12 licensure under this act.

13 Vacancies shall be filled for the unexpired term only. No member  
14 may be appointed for more than two consecutive terms.

1 6. The members of the committee, before entering the discharge  
2 of their duties, and within 30 days after their appointment, shall  
3 take and subscribe to an oath before an officer authorized to admin-  
4 ister oaths in this State for the faithful performance of their duties  
5 and file the oath with the Secretary of State. The members of the  
6 committee shall annually elect from their number a chairman and a  
7 secretary-treasurer each of whom shall hold office for 1 year and  
8 until his successor shall have been elected and qualified.

9 Regular meetings of the committee shall be held at such times  
10 and places as it prescribes and special meetings may be held upon  
11 the call of the chairman or the director. At least one regular  
12 meeting shall be held each year.

1 7. The committee may have the following powers and duties as  
2 delegated by the director:

3 a. To determine and secure publication of education and con-  
4 tinuing education requirements for licensing as audiologists and  
5 speech-language pathologists;

6 b. To evaluate the qualifications of all applicants for licensing as  
7 audiologists and speech-language pathologists, supervise the  
8 examination of applicants and make recommendations to the di-  
9 rector concerning the licensure of qualified individuals;

10 c. To establish or recommend to the director standards of pro-  
11 fessional conduct for licensed audiologists and speech-language  
12 pathologists;

13 d. To do any and all other things which may be appropriate to  
14 achieve the objectives contemplated by this act, or which may be  
15 useful in executing any of the duties, powers, or functions of the  
16 committee.

1 8. To be eligible for a license to practice audiology or speech-  
2 language pathology, an applicant shall:

3 a. Possess at least a master's degree or its equivalent in the area  
4 of audiology or speech-language pathology from an accredited  
5 college or university acceptable to the Department of Higher  
6 Education;

7 b. Submit to the director transcripts from one or more accredited  
8 educational institutions evidencing the completion of specific re-  
9 quirements which shall be determined and published by the director  
10 in consultation with the committee and the Department of Higher  
11 Education. These requirements shall not be substantially incon-  
12 sistent with current nationally recognized professional standards  
13 and shall include both academic courses and clinical practica;

14 c. Submit to the director evidence of the completion of a clinical  
15 internship in the professional area for which the license is sought.  
16 The clinical internship shall not be substantially inconsistent with  
17 currently recognized national professional standards.

18 Clinical internship shall be under the direct supervision of a  
19 person licensed to practice speech-language pathology or audio-  
20 logy, as appropriate, by this State or by another state which has  
21 standards substantially equivalent to those of this State; or a  
22 person in a state without licensure laws, provided that the super-  
23 visor shows evidence of credentials equivalent to the requirements  
24 for licensure under this act; or a person in this State practicing  
25 in an exempt setting, provided that the supervisor shows evidence  
26 of credentials equivalent to the requirements for licensure under  
27 this act.

28 d. Pass a written examination approved by the director in con-  
29 sultation with the committee. An examination shall be given at  
30 least once each year.

1 9. The director, in consultation with the committee, shall issue a  
2 license to practice audiology or speech-language pathology to all  
3 applicants who meet the established qualifications. Licenses shall  
4 be effective for a period not to exceed 2 years and may be renewed  
5 biennially.

6 Licensure shall be granted independently in audiology or speech-  
7 language pathology. A person may be licensed in both areas if he is  
8 qualified.

1 10. In lieu of the examination given to other applicants for  
2 licensure the director, in consultation with the committee, may

3 issue a license to an individual who presents bona fide proof to the  
4 director that he was actively engaged in the practice of audiology  
5 or speech-language pathology, or both, in this State for 3 of the  
6 last 5 years immediately preceding the enactment of this act, and  
7 has a master's degree or its equivalent in speech-language path-  
8 ology or audiology, and has passed the national examination in  
9 speech-language pathology or audiology, and meets the currently  
10 recognized national professional standards in speech-language  
11 pathology or audiology. The application shall be made to the  
12 director within 1 year of the enactment of this act.

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2 licensure the director, in consultation with the committee, may issue  
3 a license to an individual who presents bona fide proof to the  
4 director that he was actively engaged in the practice of audiology  
5 or speech-language pathology, or both, prior to January 1, 1970,  
6 and who has practiced in this State for 3 of the 5 years immediately  
7 preceding the enactment of this act and meets the currently recog-  
8 nized national professional standards in speech-language pathology  
9 or audiology. The application shall be made to the director within  
10 1 year of the enactment of this act.

1 12. The director, in consultation with the committee, may issue a  
2 provisional license to any person who has received a Bachelor's  
3 degree from an accredited college or university acceptable to the  
4 Department of Higher Education and who presents bona fide proof  
5 that he was actively engaged in the practice of speech-language  
6 pathology or audiology or both, in this State for 3 of the last 5  
7 years immediately preceding the enactment of this act, and who is  
8 working toward fulfilling the requirements for licensure as an  
9 audiologist or speech-language pathologist. Provisional licensees  
10 shall work only under the supervision of a licensed audiologist or  
11 speech-language pathologist who shall be responsible for the actions  
12 of the provisional licensee. Provisional licenses shall be in effect  
13 for a period of 2 years and may be renewed once. No provisional  
14 licenses shall be issued after 5 years from the effective date of this  
15 act. The application shall be made to the director within 1 year of  
16 the enactment of this act.

1 13. The director, in consultation with the committee, shall accept  
2 in lieu of a written examination proof that an applicant for licens-  
3 ing holds a current license in a State which has standards sub-  
4 stantially equivalent to those of this State.

1 14. The director, in consultation with the committee, may issue  
2 a temporary license to any person who has recently become a  
3 resident of this State, who has applied for licensing as an audio-

4 logist or speech-language pathologist, or both, as the case may be,  
5 and who has been licensed by the state of his former residence. The  
6 temporary license shall be effective for a period not to exceed 1  
7 year, and shall not be renewed.

1 15. No person shall practice or hold himself out as being able  
2 to practice audiology or speech-language pathology in this State  
3 unless he is licensed in accordance with the provisions of this act.

1 16. Nothing in this act shall prohibit any person from engaging  
2 in the practice of audiology or speech-language pathology without  
3 licensure if he employs licensed individuals in the direct practice  
4 of audiology or of speech-language pathology. Such a person shall  
5 file a statement with the director, on a form approved by the  
6 director that he submits himself to the rules and regulations of the  
7 director and the provisions of this act which are applicable to him.

1 17. The provisions of this act do not apply to:

2 a. The activities and services of any person who is licensed to  
3 practice medicine and surgery by this State, or a person under  
4 the direct supervision and control of a physician, engaged in his  
5 practice, providing such a person is not referred to as an audiologist  
6 or speech-language pathologist;

7 b. The activities, services, and use of an official title on the part  
8 of a person in the employ of a federal agency, as such services  
9 are part of the duties of his office or position with that agency;

10 c. The activities and services of a student, fellow, trainee in  
11 audiology or speech-language pathology pursuing a course of study  
12 of an accredited university or college, or working in a recognized  
13 training center, if these activities and services constitute a part of  
14 his course of study under a supervisor licensed in audiology or  
15 speech-language pathology;

16 d. The activities and services of any person licensed by this State  
17 as a hearing aid dispenser pursuant to P. L. 1973, c. 19 (C. 45:9A-1  
18 et seq.); any person certified by the State Board of Examiners  
19 as a speech correctionist; or any person who is registered, certified  
20 or licensed in this State under any other law to engage in the  
21 profession or occupation for which he is registered, certified or  
22 licensed;

23 e. No person shall be exempt under subsections b. or d. of this  
24 section for that portion of his time spent as a private practitioner  
25 of audiology or speech-language pathology. If he does any work  
26 as an audiologist or speech-language pathologist for which a fee  
27 may be paid by a recipient of the service or as part of a private  
28 practice apart from his position with the government agency, he  
29 shall hold a valid and current license.

1 18. All applicants for license renewal shall submit to the director  
2 evidence of satisfactory completion of such continuing education  
3 requirements as are determined and published by the director.

4 The director shall notify each licensed individual of any failure  
5 to comply with this requirement, and shall further notify him that  
6 upon continued failure to comply within 3 months of the date of  
7 the notice, the director in consultation with the committee, may,  
8 in his discretion, take action, pursuant to section 20 of this act, to  
9 suspend or revoke the license.

1 19. Every licensed audiologist and speech-language pathologist  
2 commencing to practice in this State shall notify the director of his  
3 office address. Every licensed audiologist and speech-language path-  
4 ologist shall promptly notify the director of any change in his office  
5 address. The director shall annually publish complete lists of the  
6 names and office addresses of all audiologists and speech-language  
7 pathologists licensed and practicing in this State. The list shall  
8 be arranged alphabetically by name and also by the names of the  
9 municipalities in which the various offices are situated.

1 20. a. All applicants for licenses, temporary licenses or renewals  
2 under this act shall pay a fee for the issuance or renewal which  
3 shall be determined by the director in consultation with the com-  
4 mittee. The revenue generated from these fees shall not exceed  
5 the operating costs of the director and the committee under this act.

6 b. All fees and any fines imposed by the director shall be for-  
7 warded to the State Treasurer and shall be deposited in the General  
8 Fund. All expenditures deemed necessary to carry out the pro-  
9 visions of this act shall be paid by the State Treasurer from the  
10 funds collected and forwarded by the director subject to, and within  
11 the limits of, appropriation made pursuant to law, but expendi-  
12 tures shall not exceed revenues from the operation of this act  
13 during any fiscal year.

1 21. The director, in consultation with the committee may, upon  
2 notice and opportunity for a hearing, revoke, suspend, or refuse  
3 to renew any license or temporary licenses, issued pursuant to this  
4 act upon a finding:

5 a. That the license was obtained by means of fraud, misrepre-  
6 sentation, or concealment of material facts;

7 b. Of fraud or deceit in connection with services rendered;

8 c. Of unprofessional conduct;

9 d. That the provisions of this act, or the rules or regulations  
10 promulgated pursuant to this act, have been violated.

1 22. A license may be restored after 1 year from the date of its  
2 revocation by the director, in consultation with the committee.



1 23. Any person who violates the provisions of this act shall be  
2 subject to a penalty of \$200.00 for the first offense and \$500.00 for  
3 each subsequent offense, to be sued for and recovered by and in the  
4 name of the director pursuant to the provisions of the "penalty  
5 enforcement law" (N. J. S. 2A :58-1 et seq.).

6 If any person practices without a valid license or holds himself  
7 out as being able to practice audiology or speech-language pathol-  
8 ogy in violation of section 15 of this act, each day during which the  
9 violation continues shall constitute an additional and separate and  
10 distinct offense for the purposes of this section.

1 24. The director shall adopt, amend or repeal such regulations,  
2 consistent with the policy and objectives of this act, as he may  
3 deem desirable or necessary for the public interest, provided that  
4 the regulations shall be adopted, amended and repealed in accord-  
5 ance with the provisions of the "Administrative Procedure Act,"  
6 P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

1 25. This act shall take effect immediately, but section 15 shall  
2 take effect on the first day of the nineteenth month after the  
3 effective date of this act.

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#### STATEMENT

This bill provides for the regulation and licensing of audiologists and speech-language pathologists by the Director of the Division of Consumer Affairs. An Audiology and Speech-Language Pathology Advisory Committee is created to advise the director in the licensure of audiologists and speech-language pathologists.

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ASSEMBLY HIGHER EDUCATION AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

**SENATE, No. 967**

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: JUNE 30, 1983

This bill provides for the regulation and licensing of audiologists and speech language pathologists by the director of the Division of Consumer Affairs. The bill creates a nine member Audiology and Speech Language Pathology Advisory Committee to which the director may delegate the following powers and duties:

- a. To establish education and continuing education requirements for licensure and renewal of licensure;
- b. To evaluate qualifications of applicants and to supervise examinations;
- c. To establish or recommend to the director standards of professional conduct;
- d. To perform other appropriate duties.

To be eligible for licensure as an audiologist or speech-language pathologist, an applicant would have to:

- a. Possess a master's degree in audiology or speech-language pathology from an accredited college or university acceptable to the Department of Higher Education;
- b. Submit transcripts documenting the completion of specific requirements to be determined by the director in consultation with the committee and the Department of Higher Education;
- c. Submit evidence of completion of a clinical internship; and,
- d. Pass a written examination.

Any individual who has been actively engaged in the practice of audiology or speech language pathology in the State of New Jersey for three of the last five years may be granted a license without examination if he has a master's degree, has passed the national examination in audiology or speech-language pathology and meets the currently recognized national professional standards.

The director may also issue a license without examination to individuals who were actively engaged in the practice of audiology or

speech-language pathology prior to January 1, 1970, have practiced three of the last five years and meet currently recognized national professional standards.

Application for licensure in both of the above cases would have to be made to the director within one year of enactment of the bill.

The bill also provides for licensure reciprocity with states that have substantially equivalent standards and for the temporary licensure of certain individuals.

This bill does not apply to doctors or students nor does it apply to hearing aid dispensers, speech correctionists or employees of federal agencies. However, if a speech correctionist or federal employee is receiving a fee as a private practitioner of audiology or speech language pathology, then he must of course be licensed.

The committee amended the bill to increase membership on the advisory committee to nine by the addition of a fourth audiologist or speech language pathologist and a diplomate of the American Osteopathic Board of Otolaryngology.

The committee also amended the bill to require that prior to licensure without examination under sections 10 and 11 of the bill, the director is to require that the applicant demonstrate satisfactory knowledge of current developments and procedures in his area of specialization.

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SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 967**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 23, 1982

This bill provides for the regulation and licensing of audiologists and speech-language pathologists by the Director of the Division of Consumer Affairs. An Audiology and Speech-Language Pathology Advisory Committee is created to advise the director in the licensure of audiologists and speech-language pathologists.

The committee would consist of seven members. Three members would be audiologists or speech-language pathologists but all three could not be either audiologists or speech-language pathologists. One member would be a person who is licensed to practice medicine and surgery in New Jersey and a board certified otolaryngologist. There would be two public members and one State representative. The director may delegate the following powers and duties to the committee:

- a. To establish and secure publication of education and continuing education requirements for licensure and renewal of licensure;
- b. To evaluate qualifications of all applicants and supervise examinations;
- c. To establish, or recommend to the director, standards of professional conduct for licensees; and
- d. To perform other duties appropriate to achieve the purposes of the bill.

To be eligible for a license to practice audiology or speech-language pathology, an applicant would have to:

- a. Possess at least a master's degree or its equivalent in audiology or speech-language pathology from an accredited college or university acceptable to the Department of Higher Education;
- b. Submit transcripts evidencing the completion of specific requirements to be determined by the director in consultation with the committee and the Department of Higher Education;
- c. Submit evidence of completion of a clinical internship in the area for which the license is sought; and,
- d. Pass a written examination.

Licenses would be effective for two years and would be granted independently in audiology or speech-language pathology. A person could be licensed in both areas if qualified. License fees would be established by the director.

Any individual who has been actively engaged in the practice of audiology or speech-language pathology in the State of New Jersey for three of the last five years may be granted a license by the director without an examination if he has a master's degree, has passed the national examination in audiology or speech-language pathology and meets the currently recognized national professional standards in audiology or speech-language pathology.

The director may also issue a license without an examination to individuals who were actively engaged in the practice of audiology or speech-language pathology prior to January 1, 1970, have practiced three of the last five years and meet the currently recognized national professional standards in audiology or speech-language pathology.

Application for licensure in both of the above cases would have to be made to the director within one year of enactment of the bill.

The director, in consultation with the committee, must accept, in lieu of a written examination, proof that an applicant holds a current license in a state which has standards substantially equivalent to those outlined in the bill. Temporary licenses are also provided for.

No person can practice or hold himself out to be able to practice audiology or speech-language pathology without a license.

A corporation, partnership, trust, association or other organization can engage in the practice of audiology or speech-language pathology without licensure if it employs licensed individuals in the direct practice of audiology or speech-language pathology.

The bill does not apply to doctors or students; nor does it apply to hearing aid dispensers practicing within the scope of their practice; nor does it apply to employees of federal agencies or school speech correctionists unless they are receiving a fee as a private practitioner of audiology or speech-language pathology.

The director, in consultation with the committee, would be empowered to revoke, suspend, or refuse to renew any license for reasons set forth in the bill.

Any person violating the act would be subject to a penalty of \$200.00 for the first offense and \$500.00 for each subsequent offense, to be sued for and recovered in the name of the director pursuant to the provisions of "the penalty enforcement law." Each day during which a person practices audiology or speech-language pathology without a license constitutes a separate and distinct violation of the bill.

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# The Quest for Licensure: A Legislative History

By Nancy Becker, Public Affairs Consultant

On January 5, 1984, New Jersey became the 35th state to license speech-language pathologists and audiologists when Governor Thomas H. Kean signed S-967 into law.

This victory marked the culmination of an effort begun by the New Jersey Speech-Language-Hearing Association nearly 13 years ago.

S-967, or P.L. 1983, Chapter 420, is a practical and innovative approach to licensure. The law provides for direct licensure by the Division of Consumer Affairs. It also establishes an audiology and speech-language pathology advisory committee which will serve as an advisory body to the Director of the Division of Consumer Affairs.

## Advisory Committee

The advisory committee will be composed of 9 New Jersey residents appointed by the Governor consisting of: 4 audiologists or speech-language pathologists (no more than 3 of these appointees can be either audiologists or speech-language pathologists); 2 New Jersey licensed physicians (1 a diplomate of the American Board of Otolaryngology, 1 a diplomate of the American Osteopathic Board of Otolaryngology); 2 public members; and 1 state representative. All committee members will serve for 5 year terms, but initially these terms will be staggered by appointing 6 of the initial members for terms of from 2-4 years.

The committee will have the following delegated duties:

1. Determine and publish education and continuing education requirements for licensure;
2. Evaluate qualifications of all applicants for licensure, to the director concerning the licensure of qualified individuals;
3. Establish or recommend to the director standards of professional conduct.

## Qualifications for Licensure

To be eligible for a license, an applicant shall:

1. Possess at least a masters degree or its equivalent from an accredited college or university acceptable to the Department of Higher Education.
2. Submit transcripts in evidence of the completion of specific requirements which will be determined by the director in consultation with the committee and the Department of Higher Education. These requirements will include both academic courses and clinical practica and will be consistent with currently recognized national standards.
3. Submit evidence of completion of a clinical internship in either audiology or speech language pathology.
4. Pass an examination which shall be given at least once a year.

The director will issue licenses to all applicants meeting these requirements. Those licenses will be effective for 2 years and may be renewed biannually.

## Grandfather Provisions

Within one year of the enactment of this law, those individuals who have been practicing in New Jersey as speech-language pathologists and/or audiologists for 3 of the last 5 years, and who fulfill all of the educational and clinical internship requirements, and who have passed the ASHA examination may apply for licensure without taking a state test.

Those individuals practicing in New Jersey for 3 of the last 5 years and who have been actively engaged in the practice of speech-language-pathology and/or audiology prior to January 1, 1970 and who meet the currently recognized

national standards may also apply for licensure within 1 year of the enactment of this law without taking a test.

Prior to the licensure of those professionals already working in the field, the director will require that the applicant demonstrate satisfactory knowledge of current developments and procedures in his or her area of specialization.

## Provisional Licenses

Provisional licenses may be issued to those individuals with Bachelor's degrees who have been working in the field for 3 of the last 5 years, and who are working toward fulfilling the requirements for licensure. Provisional licenses shall be in effect for 2 years and may be renewed once. All applicants for a provisional license must also apply within 1 year of the enactment of the law.

## Interstate Licensure

Licenses from other states with comparable standards may submit their current license to the director in lieu of a written examination.

## Temporary Licensure

Temporary licenses will be issued for 1 year to a licensee from another state.

No person will be able to practice or hold himself/or herself out as being able to practice speech-language pathology or audiology in New Jersey unless he or she is licensed in accordance with this act.

## Exemptions

Certain exemptions to licensure are made for speech, correctionists certified by the State Board of Examiners, physicians, etc. However, this exemption is not valid for any individual who works as an audiologist or speech-language pathologist on a fee paid basis.

## Continuing Education

Evidence of completion of continuing education requirements must be submitted with all license renewal applicants.

## Notification

Every licensee will be required to notify the director of his or her office address. The director will publish annually a list of all individuals licensed to practice in New Jersey.

## Penalties

A license may be revoked for the following reasons:

1. The license was obtained by fraud, misrepresentation, or concealment of material facts;
2. Fraud or deceit in connection with services rendered;
3. Unprofessional conduct;
4. If the provisions of the act, or the rules or regulations promulgated pursuant to this act have been violated.

Any person who violates the provisions of this act will be subject to a penalty of \$200 for the first offense, and \$500 for each subsequent offense.

## Why Did Licensure Become a Reality?

During the 200th legislative session, which began with the inauguration of Governor Thomas Kean in January 1982, and ended in January 1984, many different elements united

professionals are vested by society. Such professionals are not normally supervised by other professionals, such as physicians, when performing their work. They are certified as fully competent and independent from the control and judgement of other professions.

Licensure will mean that the public is protected from in-

competent, unscrupulous and unauthorized practitioners. An advisory board which reviews the qualifications of would-be practitioners assures the availability of the highest possible quality speech pathology and audiology services to the communicatively handicapped of New Jersey. All will benefit from Licensure.

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## State Street Report Legislative Information

by Nancy Becker  
Public Affairs Consultant

The Legislature has recessed until April 30, 1984. During this hiatus, the Joint Appropriations Committee is holding hearings on the Fiscal Year 1985 budget. When the Legislature returns we expect them to meet very frequently during May and June.

Bills marked with \* are either mentioned for the first time on this report or reflect a change in status.

### SENATE BILL

**M S-13** - sponsored by Senator Van Wagner (D-Monmouth) establishes a comprehensive Home Care Services program for certain frail, elderly and disabled persons. This legislation is targeted to provide services for persons not eligible for Medicaid but are at risk of being placed in a nursing home or other long-term facility. Among the services eligible for reimbursement are speech and occupational therapy.

Status: Prefiled. 1-10-84 referred to the Senate Institutions, Health and Welfare Comm.

**M S-16** - sponsored by Senator Van Wagner (D-Monmouth) appropriates \$2.6 million for handicapped service aid to non-public school students.

Status: Prefiled. 1-10-84 referred to the Senate Revenue, Finance and Appropriations Comm.

**S-244** - sponsored by Senator Hagedorn (R-Bergen) authorized the State Board of Education to make recommendations for any revision in the schedule of additional cost factors for handicapped pupils. This is currently done by the Governor after consultation with the Department of Education.

Status: Prefiled. 1-10-84 referred to Senate Education Comm.

**S \*S-522** - sponsored by Senator Van Wagner (D-Monmouth) amends the method by which aid is calculated for non-public school services and payment of transportation support. The new method would calculate aid and the number of non-public school children needing services so that the count is based on actual numbers rather than an estimate. It would allow aid to be dispensed prior to the school year if the Board of Education requires funds to start-up purposes.

#### \*S-522:

Status: Prefiled. 1-10-84 referred to the Senate Education Comm. 3-1-84. Passed in Senate amended (29-1). 3-15-84 referred to the Assembly.

**S \*S-524** - sponsored by Senator Van Wagner (D-Monmouth) provides State aid to district boards of education for non-public school pupils receiving auxiliary services. The aid is to be calculated based on actual rather than estimated costs. A district could request advance funding for start-up costs and additional funds during the year if the Commissioner of Education approves the request and if funds are available.

Status: Prefiled. 1-10-84 referred to the Senate Education Comm. 3-1-84. Passed in Senate (34-0) 3-1-84 referred to the Assembly Education Committee.

**S \*525** - sponsored by Senator Van Wagner (D-Monmouth) provides that non-public schools located in a school district shall identify any child between the age of 5 and 21 who cannot be accommodated because of handicap. This represents a change in the statute so that only those districts in which participating non-public schools are located would be responsible for the provision of the services required.

Status: Prefiled. 1-10-84 referred to the Senate Education Comm. 3-1-84 passed in Senate (33-0). 3-15-84 received in Assembly Education Comm.

**S-572** - sponsored by Senator Lipman (D-Essex) changes the composition of the board of teachers examiners. It provides for 10 of the members to be appointed by the Commissioner of Education and approved by the State Board of Education. Nominees are to be chosen from lists submitted by organizations in specific categories such as: N.J.E.A., N.J. Association of School Administrators, N.J. Principals and Supervisors Association. Under this bill the Board of Examiners would be empowered to:

- Issue appropriate certificates to teach, administer and supervise;
- Suspend, revoke and reinstate any credential under rules and regulations adopted by the State board; and

- Approve teacher preparation programs leading to the certification of teachers and other school personnel.

Status: Prefiled. 1-10-84 referred to the Senate Education Comm.

**M S-760** - sponsored by Senator Hirkala (D-Passaic) creates a commission to study the feasibility of providing "medicaid" assistance for certain handicapped children. If the commission affirms that such coverage is feasible, it will determine what classes of handicapped children should be covered, and what the eligibility requirements should be.

Status: Introduced 1-23-84 and referred to the Senate Institutions, Health and Welfare Comm.

**M S-792** - sponsored by Senator Orechi (D-Essex) establishes an Office of Child Development in the Governor's office. The purpose of this office is to advise and consult on programs and services for children and their families provided by State, local, or private agencies. It directs the office to:

- Develop a comprehensive master plan for coordinated programs and services to promote the health, welfare and education of children;
- Identify and review existing programs;
- Identify unmet service needs of children and their families;
- Develop guidelines for the improvement of programs and review new programs to avoid duplication of services.
- Provide assistance to public and private agencies;
- Provide assistance in obtaining access to programs.

Status: Introduced 1-23-84 and referred to the Senate Institutions, Health and Welfare Comm.

**M S-1121** - sponsored by Senator Hagedorn (R-Bergen) establishes the "Service Enhancement Fund Program" which will fund essential services not already included in the Community Care Program for the elderly and disabled in the Department of Human Services. See March 5 memo. The program would include assistance in the form of communication assistance for the deaf and hearing impaired.

Status: Introduced 1-30-84 and referred to the Senate Institutions, Health and Welfare Comm. 2-27-84 discussed in committee. Supported by the Commissioner of Human Services. Released for a vote by the full Senate.

**M SCR-11** - sponsored by Senator Hagedorn (R-Bergen) creates a commission of members of the Legislature to study the Diagnosis Related Groups method for setting hospital rates.

Status: Prefiled. 1-1-84 referred to the Senate Institutions, Health and Welfare Comm.

### ASSEMBLY BILLS:

**M A-503** - sponsored by Assemblyman Doyle (D-Ocean) requires a child study team to evaluate all handicapped children who are to be placed for adoption in this State by an out-of-State agency, person or couple.

Status: Prefiled. 1-10-84 referred to the Assembly Corrections, Health and Human Services Comm.

**M A-621** - sponsored by Assemblyman Deverin (D-Union) establishes a planning and referral process for handicapped children placed in State residential facilities who will require educational services after the age of 21.

Status: Prefiled. 1-10-84 referred to the Assembly Corrections Health & Human Services Comm.

**M A-636** - sponsored by Assemblyman Long (D-Union) establishes a comprehensive Home Care Services Program for certain frail, elderly and disabled persons. Identical to S-13.

Status: Prefiled. 1-10-84 referred to the Assembly Corrections, Health & Human Services Comm.

**S A-706** - sponsored by Assemblyman Hardwick (R-Union) creates a temporary committee to study the Diagnosis Related Group system for setting hospital rates; appropriates \$45,000.

Status: Prefiled. 1-10-84 referred to the Assembly Corrections Health and Human Services Comm.

**S A-812** - sponsored by Assemblyman Deverin (D-Union) changes the categories that are used to classify handicapped children to a system based on program needs rather than labels.

Status: Introduced 1-23-84 and referred to the Assembly Education Comm.

New Jersey Academy of Ophthalmology and Otolaryngology. Thus, he was able to easily coalesce these other groups in support of the hearing aid dealer's position.

In addition, the New Jersey Hospital Association and the New Jersey Nurses Association also opposed the bill, but their opposition declined substantially as we moved ahead. In fact, the New Jersey Nurses Association completely withdrew from the controversy once Joan Wright, Director of the New Jersey Division on Women, reminded them that they were opposing the advancement of a profession which, like their own, is substantially comprised of women.

Using spurious arguments, the opposition claimed that S-967 was unnecessary because similar bills had been vetoed by Governor Cahill in 1973, and Governor Byrne in 1976. The hearing aid dealers also claimed that the bill discriminated against young people entering the field because they would be required to pass an exam, while those individuals already practicing in the field could be licensed without one. They also asserted that consumer and taxpayer costs would increase while the availability of services would decrease. We were able to rebut all of these claims with convincing evidence to the contrary.

During Senate Committee consideration of the bill, Senator Gerald Cardinale attempted to weaken the bill by adding several amendments which reflected the views of the New Jersey Academy of Ophthalmology and Otolaryngology. Those amendments, which would have required direct physician supervision of an audiologist and/or speech-language pathologist, and would have omitted both grandfather clauses, were defeated in Committee before the bill was voted on by the Senate.

Overcoming the opposition and gaining legislative and gubernatorial support took an enormous amount of effort by the Association and its lobbyists.

Numerous calls for letterwriting were sent to the membership at every step of the political process. The members responded. In fact, we had in our files copies of replies to member's letters documenting positive commitments to support S-967 from 28 Assembly members and 12 Senators before the final vote in either house occurred.

Prior to S-967's introduction into the Senate, we were assured that New Jersey Speech-Language-Hearing Association's view would be seriously considered in the Governor's office because the newly appointed Counsel to the Governor, Cary Edwards, a former Assemblyman from Bergen County, had been a supporter of licensure in the Assembly. In addition, Governor Kean did not assert his own moratorium on licensing new health care providers when he was sworn into office.

### Why Did This Effort Take So Long?

In July, 1978 when I was first asked to consult on this issue by the New Jersey Speech-Language-Hearing Association's President Annette Zaner, I suggested that the Association drop its efforts for licensure and concentrate on alternative mechanisms for credentialing.

At that time S-99 had been vetoed by Governor Byrne on March 3, 1978 and A-1179 had been vetoed by Governor Cahill in 1973.

Since 1971, when Senator Bateman issued a report called, **Regulating Professions and Occupations**, New Jersey demonstrated a reluctance to license new health care professionals. Nationally, there was also a trend against licensure. Governments at the federal and state level began to assert the view that licensure protected the profession more than the consumer. In general, except when it was needed to protect the public from charlatans, licensure was regarded as an artificial barrier to employment, particularly for minorities, and an obstacle to career mobility since most licensing laws differed from state to state. In addition, it was believed that licensure was an artificial means of keeping prices high by limiting the numbers of practitioners in a field. Finally, because in most cases there were no requirements for re-

licensure, there was a common opinion that the public could not be assured that practitioners remained current in their fields.

The Bateman Commission Report came to embody New Jersey's negative attitude toward licensing new professionals. This attitude pervaded the thinking in the Governor's office for 12 years. In fact, during Governor Byrne's 8 years in office, there was a moratorium on licensing new health care professionals and not one new licensing law was enacted.

The first discussions of licensure for speech-language pathology and audiology in New Jersey occurred at an Executive Board meeting of the New Jersey Speech-Language-Hearing Association in March 1971. In September, 1971, Dr. Don Markle, Chairman of the licensure committee announced the support of the New Jersey Medical Society and the New Jersey Psychological Association for a licensure law. A-1179 was introduced into the Senate in April 1972, but was vetoed by Governor Cahill because many of the bill's provisions were inconsistent with the Bateman Commission Report. S-99 was the Association's second attempt at licensure, but that bill was also vetoed again because of provisions in it that violated the spirit of the Bateman Report.

In 1979, however, the New Jersey Speech-Language-Hearing Association believed that it was worthwhile to develop a piece of legislation that responded to the criticisms levied against licensure to see if such a bill would be acceptable to the Association's members and to the Governor.

In the fall of that year I met with Deputy Director of Consumer Affairs, Gus Lembo to discuss the issue. Mr. Lembo outlined the problems in S-99 and suggested that they be addressed in any new legislation. We then proceeded to draft a new bill which complied with the spirit of the Bateman Commission Report by including; direct licensure by the Director of the Division of Consumer Affairs, no inter-state barriers to licensure mandatory continuing education courses for re-licensure, no wholesale grandfathering, no set fee schedule, and approval of educational programs by the Department of Higher Education.

From late fall of 1979 through Spring of 1980 we worked on drafting this bill. Mr. Lembo suggested certain changes in the original draft which were incorporated into the bill, and he also indicated that he would write a favorable memo on the bill. Based on his position, we moved ahead and asked Senator Matthew Feldman to once again sponsor a speech-language pathology and audiology licensing bill. In May 1980, S-1293 was introduced into the Senate. But it did not begin its process through the legislature until November and was not voted on in the Senate until February 1981. Once the bill was sent to the Assembly Commerce, Industry and Professions Committee, it did not receive consideration until June, 1981. Election time was upon us, but we persevered hoping we could convince Governor Byrne to sign this version of the bill. Unfortunately, during the Fall of 1981, we were informed by the Counsel's office that despite the changes we had made, Governor Byrne did not intend to sully his record against licensure and thus would not sign S-1293. As a result of the Governor's position it was decided not to push the bill any further but instead to wait until a new Governor had been elected before we again fought for licensure. Thus, S-967, signed into law by Governor Kean is in fact the great-granddaughter (son) of A-1179.

### What Does Licensure Mean to Your Profession?

Perhaps one of the most important things licensure means for you is professional independence and what that implies for relationships with other professions. With standards rigorously enforced by the state, the status, respectability and legitimacy of speech-language pathologists and audiologists is symbolically and actually enhanced. Licensure is a form of official recognition as well as an indication of the high degree of responsibility and trust with which licensed



to make enactment of a licensure law a reachable goal. These elements included:

- A new Governor who had not stated his outright opposition to all new licensing laws;
- An increasing visibility for speech-language pathologists and audiologists as a profession, and for the services they provide;
- A growing feminist consciousness which helped highlight the struggle of predominantly female health care professionals to gain equitable treatment as health care providers;
- A sympathetic Counsel to the Governor;
- A politically mature and sophisticated Association willing to commit its members, its time and its money into seeing licensure become a reality.

S-967 was introduced in the New Jersey Senate on February 8, 1982 and was referred to the Labor, Industry and Professions Committee. But, because of various problems; including the indictment of the committee's chairman, the legislature's budget recess, the loss of a Democratic majority on the committee, and delaying tactics of the opposition; the committee did not consider S-967 until September 16, 1982. After a great deal of heated debate and a tremendous amount of support from the committee's new chairman Senator James Bornheimer, the bill was released by a vote of 3-1. We lobbied for a vote in the Senate, but that did not occur until December 13, 1982, when S-967 passed by a vote of 29-0.

S-967 was then sent to the Assembly where it was referred to the Assembly Higher Education and Professions Committee chaired by Assemblyman Joseph Doria. However, as a result of opposition from the hearing aid dealers, consideration of S-967 was delayed until June 30, 1983.

Subsequent to impassioned argument, the bill was amended slightly and released from committee by a vote of 3-0. We then began lobbying to have the bill voted on in the Assembly before the summer recess. Despite the enormous effort waged by New Jersey Speech-Language-Hearing Association and the presence of approximately 25 speech-pathologists and audiologists in the Assembly gallery on July 11, the Speaker did not call S-967 for a vote. Notwithstanding our tremendous frustration, everyone persevered and the bill finally came to a vote in the Assembly on September 6, 1983, where it passed overwhelmingly (62-0).

However, because the bill had been amended in the Assembly Committee, it had to be voted on again by the entire Senate before proceeding to the Governor. Unfortunately, Fall 1983 was election time and legislative sessions were few and sporadic. Thus, final Senate approval did not occur until December 12, 1983, when the bill was again approved, this time by a vote of 33-3.

Once the bill was delivered to the Governor's office, we were able to brief several attorneys in the Counsel's office and present them with a folder of materials which buttressed our arguments for licensure. The New Jersey Speech-Language-Hearing Association ultimately prevailed and licensure for speech-language pathologists and audiologists became law when the Governor signed S-967 on January 5, 1984.

In its presentation before the legislature and the Governor's office, the Association argued that since 1977 there has been a significant expansion of health and education services provided for the communication handicapped. Five state laws calling for the specific intervention of a speech-language pathologist and/or audiologists had been enacted including mandatory evaluation of newborns with hearing impairments and pre-school education for the handicapped. Of course, the most significant piece of Federal legislation recognizing the profession was the passage of PL 94-142, the Education of All Handicapped Children Law, signed in 1975.

Yet, in New Jersey there was no mechanism to regulate or control the quality of the individuals practicing speech-

language pathology or audiology or of the services they rendered.

Although we were able to document some abuses occurring in the field, this was not an easy task because of the absence of an official state reporting mechanism, and because of the reluctance of individuals to report specific incidences.

We were able, however, to gain the support of many institutions, parents groups, and other powerful interest groups. These organizations were tremendously supportive of New Jersey Speech-Language-Hearing Association's goal, and were more than willing to write letters, make phone calls and/or testify on behalf of this law. Parent groups were particularly effective and deserve a great deal of gratitude for their help.

Supporters of S-967 included:

Catholic Community Services  
The Mt. Carmel Guild  
The New Jersey Cancer Society  
The N.J. League for Hearing Handicapped  
The N.J. Association for Children with Hearing Impairment  
The Hearing Aid Dispensers Examining Committee  
The New Jersey Catholic Conference  
Marie H. Katzenbach School for the Deaf  
Special Needs Infant Program  
Lions Club of Atlantic City  
Muhlenberg Hospital  
Burlington County Memorial Hospital  
Kessler Institute of Rehabilitation  
Middlesex Hospital  
Monmouth Center for Vocational Rehabilitation  
MCOSS Nursing Services, Red Bank  
Christ Hospital, Jersey City  
St. Claire's Hospital, Denville  
Alexian Brothers Hospital, Newark  
N.J. Rehabilitation Hospital, E. Orange  
Pascack Valley Hospital  
Somerset Medical Center  
Russell G. Layden, Superintendent, Special Services School, District of Bergen County  
Coalition of New Jersey Infant Program Administrators  
Atrium Hearing & Speech Center, Inc.  
Cerebral Palsy Center  
Early Intervention Program, Inc.  
National Council of State Boards of Examiners for Speech-Language-Pathology and Audiology  
Parents for Deaf Awareness  
International Foundation for Stutterers  
N.J. Association for Children and Adults with Learning Disabilities  
N.J. Association of Osteopathic Physicians and Surgeons  
N.J. Dental Association

During the past four years as the New Jersey Speech-Language-Hearing Association's lobbyist and political consultant, I have watched the association become an effective grassroots advocacy organization. Under the new governance structure, clearer lines of communication were established, a newly organized telephone network was put into practice, and increased involvement from greater numbers of members resulted in providing our office with the network of support which proved to be crucial for victory.

The "grassroots" which mounted by the New Jersey Speech-Language-Hearing Association was spectacular. It was clear from the beginning that the opposition to S-967's enactment had to be outmaneuvered and overpowered. The hearing aid dealers, though small in number, were represented by one of New Jersey's most powerful lobbyists who also represented the New Jersey Medical Society and the