

COMMITTEE ON HEALTH, HOSPITALS AND HUMAN
SERVICES

12/18/2024-SPECIAL ORDERED TO THE FLOOR

BILL NO. 35-0418

Thirty-Fifth Legislature of the Virgin Islands

December 10, 2024

An Act amending title 27 Virgin Islands Code, by adding chapter 1A relating to the practice of audiology and speech-language pathology; establishing qualifications for licensure as an audiologist and speech-language pathologist and establishing qualifications for certification as an audiology assistant and speech-language pathologist assistant, and for other related purposes

PROPOSED BY: Senator Diane T. Capehart

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 27 Virgin Islands Code is amended by adding the following chapter 1A:

“Chapter 1A. The practice of Speech-Language Pathology and Audiology

§ 168p. Definitions

As used in this chapter, unless otherwise provided or the context requires a different construction, application or meaning—

(a) “Audiologist” means any person who is licensed as an audiologist in the Virgin Islands and who engages in the practice of audiology.

(b) “Audiology” means the application of principles, methods and procedures of measurement, prediction, evaluation, testing, counseling, consultation, and remediation

1 related to the development and disorders of speech, language and learning for the purposes
2 of identifying, evaluating or modifying an individual's hearing and the planning, direction
3 or participation in identification and hearing conservation programs. Remediation
4 includes hearing aid evaluation, recommendation, fitting and dispensing and aural
5 habilitation or rehabilitation. Any representation to the public by title or by description
6 of services, methods or procedures for the evaluation, examination, counseling, or
7 remediation of persons suffering or suspected of suffering from conditions or disorders
8 affecting hearing is considered the practice of audiology.

9 (c) "Audiology assistant" means a person certified in accordance with this chapter
10 and who assists in the practice of audiology and who works under the supervision and
11 direction of a licensed audiologist.

12 (d) "Board" means the Virgin Islands Board of Speech-Language Pathology
13 and Audiology established in section 168q of this chapter.

14 (e) "Commissioner" means the Commissioner of the Virgin Islands
15 Department of Health.

16 (f) "Speech-language pathologist" means any person who is licensed as a speech-
17 language pathologist in the Virgin Islands and who engages in the practice of speech-
18 language pathology.

19 (g) "Speech-language pathology" means the application of principles, methods
20 and procedures of measurement, prediction, evaluation, testing, counseling, consultation,
21 and remediation related to the development and disorders of speech and language. Any
22 representation to the public by title or by description of services, methods or procedures
23 for the evaluation, examination, counseling, or remediation of persons suffering or

1 suspected of suffering from conditions or disorders affecting speech and language shall
2 be considered to be the practice of speech language pathology.

3 (h) “Speech-language pathology assistant” means any person certified in
4 accordance with this chapter and who assists in the practice of speech–language pathology
5 and who works under the supervision and direction of a licensed speech-language
6 pathologist.

7 **§ 168r. Powers and duties of the Board**

8 The Board has the following powers and duties:

9 (a) evaluate the qualifications of applicants, supervise examinations and grant
10 licenses to those persons who pass the examination and who are determined to be qualified
11 as a speech– language pathologist or audiologist;

12 (b) evaluate the qualifications of applicants and grant certificates to those persons
13 qualified as speech–language pathology assistants or audiology assistants;

14 (c) require applicants for license or certificate renewal to complete continuing
15 education requirements as determined and published by the Board;

16 (d) issue, suspend, revoke, and reinstate licenses or certificates in accordance
17 with this chapter;

18 (e) receive and investigate complaints relating to the practice of speech–language
19 pathology and audiology and may report the complaints to the proper prosecuting officers
20 where appropriate;

21 (f) issue subpoenas, compel the appearance of witnesses and administer oaths to
22 persons giving testimony at hearings;

23 (g) adopt an official seal for the handling of its matters;

(h) maintain and publish annually a list of the names, addresses, license or certification number and date of issuance, of persons who are licensed or certified to practice speech–language pathology or audiology; and

(i) submit an annual report to the Governor and the Legislature that provides the number of licenses and certificates issued, denied, cancelled, and suspended.

§ 168s. License required, certification

No person may practice audiology or speech-language pathology as an audiologist or a speech-language pathologist unless that person obtains a license in accordance with the provisions of this chapter. No person may practice as an audiology assistant or a speech-language pathology assistant unless that person obtains a certification in accordance with the provisions of this chapter.

§ 168t. Application for license or certification

A person who desires to be licensed as a speech–language pathologist or audiologist or certified as a speech–language pathology assistant or audiology assistant shall apply to the Board in writing on an application form prescribed by the Board. At the time of filing the application, an applicant for licensure or certification shall pay an application fee to the Board.

§ 168u. Speech–language pathologist or audiologist-qualifications for Licensure

To be eligible for license by the Board as a speech–language pathologist or audiologist, an applicant shall:

(a) be at least 21 years of age;

(b) be of good moral character;

(c) hold a master’s or doctoral degree in speech-language pathology or audiology from an accredited educational institution which incorporates the academic course work

1 and the minimum hours of supervised clinical training required by the regulations adopted
2 by the Board;

3 (d) complete the period of supervised postgraduate professional practice in
4 speech-language pathology or audiology, as the case may be, as specified by the
5 regulations adopted by the Board;

6 (e) pass an examination approved by the Board except that such examination may
7 be waived by the Board for applicants who hold a current and valid certificate of clinical
8 competence in speech–language pathology or audiology from the national certifying body
9 for speech– language pathology and audiology.

10 **§ 168v. Speech–language pathology assistant or audiology assistant, qualification**
11 **for certification**

12 To be eligible for certification by the Board as a speech–language pathology assistant or
13 audiology assistant, an applicant shall:—

14 (a) be at least 18 years of age;

15 (b) be of good moral character;

16 (c) hold a bachelor’s degree in speech-language pathology or audiology from an
17 accredited institution or other degree provided for in regulations adopted by the Board;

18 (d) complete the clinical observation hours and supervised clinical assisting
19 experience hours required by the regulations adopted by the Board; and

20 (e) after a period of supervised practice by a licensed speech-language pathologist
21 or audiologist, successfully complete a competency skills checklist as provided for in
22 regulations adopted by the Board.

23 **§ 168w. Examination**

(a) Applicants for licensure as a speech-language pathologist or an audiologist shall be examined at a time and place and under such supervision as the Board may determine.

(b) At least two examinations for each discipline shall be held in each calendar year. The examinations shall be offered in English and Spanish.

(c) The Board may examine in the theoretical or applied fields of speech-language pathology or audiology it considers appropriate and may examine with regard to a person's professional skills and judgment in the utilization of speech-language pathology or audiology techniques and methods.

(d) The Board shall maintain a record of all examination scores and determine the passing scores for examinations.

(e) An applicant who fails the examination shall be allowed to take the examination two additional times. Fourth and subsequent examinations shall be at the discretion of the Board. The Board shall adopt regulations that allows an applicant who fails an examination to: (1) request a review of his examination; (2) receive a score breakdown; and (3) request that his examination grade be reconsidered.

§ 168x. Issuance of license

The Board shall issue a license as a speech-language pathologist or audiologist or a certification as a speech-language pathology assistant or audiology assistant to each applicant who meets the requirements of this chapter.

§ 168y. License, certificate-renewal

The license or certification of every person licensed or certified under the provisions of this chapter shall be renewed every two years in the licensee or certification holder's birth month.

§ 168z. Provisional license

(a) The Board may grant a provisional license to an applicant who:

(1) is licensed in good standing as a speech-language pathologist or an audiologist in another state that has licensing requirements that are substantially equivalent to the requirements of this chapter;

(2) has passed a national or other examination recognized by the Board relating to speech-language pathology or audiology; and

(3) is sponsored by a licensed speech-language pathologist or an audiologist with whom the provisional license holder may practice under this section.

(b) A provisional license is valid for one year and may be renewed a maximum of four times.

§ 168aa. Refusal, suspension or revocation of licenses Disciplinary proceedings

(a) The Board may, after due notice and hearing, refuse to issue a license or certification to any person who:

(1) attempts to obtain a license or certification by means of fraud or deceit;

(2) does not meet the requirements to obtain a license or certification as established in this chapter;

(3) has been declared mentally unfit by a competent court or whose unfitness has been established by medical experts before the Board; or

(4) is a drug addict or habitual drunkard.

(b) The Board may, after due notice and hearing, suspend or revoke a license or certification to any person who:

(1) has been declared mentally unfit by a competent court or whose unfitness has been established by medical experts before the Board;

(2) is a drug addict or habitual drunkard;

(3) has been convicted of a felony or any other offense which implies moral turpitude;

(4) has, in the judgment of the Board, committed negligence or a violation of the code of ethics of the profession;

(5) has obtained a license or certification by means of fraud or deceit;

(6) holds a certification as a speech– language pathology assistant or audiology assistant and exercises the duties of a speech-language pathologist or audiologist;

(7) holds a certification as a speech– language pathology assistant or audiology assistant and practices as such without being supervised by a licensed speech-language pathologist or audiologist;

(8) gives false testimony in any investigation of complaints presented before the Board for violations of the provisions of this chapter and its regulations;

(9) alters or falsifies any document or material with the malicious intent of deceiving the members of the Board in the performance of their official duties; or

(10) does not comply with the continuing education requirements of the Board.

(c) Any applicant declared unfit under subsection (a)(3) and (4) may reapply when declared fit. Any licensee or certificate holder declared unfit under subsection (b)(1) and (2) may request reinstatement when the person is declared fit.

§ 168bb. Unauthorized practice, penalty

(a) No person shall hold himself out as a speech-language pathologist or audiologist or practice speech-language pathology or audiology unless he is licensed or certified in accordance with this chapter. No person shall use the title speech-language pathologist, audiologist, audiology assistant, or speech-language pathology assistant or any other similar title or

description in connection with his name or place of business unless that person is so licensed or certified in accordance with this chapter.

(b) Any person who violates subsection (a) is guilty of a misdemeanor, punishable by a fine of not less than \$500 and not more than \$1,000 or a term of imprisonment of not less than one month and not more than six months, or by both fine and imprisonment.

§ 168cc. False statements on application-penalty

Any person who deliberately makes a false statement on his application for license or certification is guilty of a misdemeanor, punishable by a fine of not less than \$500 and not more than \$1,000 or a term of imprisonment of not less than one month and not more than 12 months, or by both fine and imprisonment.

§ 168dd. Fee schedule

(a) The following non-refundable fees shall be paid to the Board:

(1) Audiologist and speech-language pathologist:

(A) Application fee-\$30

(B) License/renewal fee-\$30

(C) Provisional license-\$50

(D) Examination fee-\$25

(E) Re-take examination fee-\$20

(F) Duplicate or misplaced license-\$25

(2) Audiology assistant and speech-language pathology assistant:

(A) Application fee-\$25

(B) Certification/renewal fee-\$25

(C) Duplicate or misplaced certification-\$25

(b) The fees collected under subsection (a) shall be deposited into the Health Revolving Fund for exclusive use by the Office of Professional Licensure and Health Planning of the Department of Health.

1 **§ 168ee. Regulations**

2 The Commissioner shall, pursuant to Title 3 Virgin Islands Code, chapter 35, promulgate
3 regulations to implement and carry out the purposes of this chapter.”

4 **SECTION 2.** Any person holding a license as a speech-language pathologist or
5 audiologist or is certified as a speech-language pathology assistant or an audiology assistant on
6 the effective date of this act, upon renewal of the license or certificate, shall comply with section
7 1 of this act.

8 **BILL SUMMARY**

9 This bill amends title 27 Virgin Islands Code, by adding chapter 1A relating to the
10 practice of audiology and speech-language pathology by: establishing the powers and duties of
11 the Virgin Islands Board of Speech-Language Pathology and Audiology which board regulates
12 the practice of audiology and speech-language pathology; establishes the qualifications for
13 licensure as an audiologist and speech-language pathologist and for certification as an audiology
14 assistant and a speech-language pathologist assistant; and matters related matters thereto.

15 **BR24-1211A/December 9, 2024/GC**

16 **DRAFTER’S NOTE**

17 This bill is a companion bill to BR24-1211B. Both bill requests should go through the
18 pro-forma process together and be heard in committee together.