

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AN ACT  
RELATING TO PROFESSIONAL LICENSES; AMENDING THE  
SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID  
DISPENSING PRACTICES ACT TO CLARIFY THE DEFINITION AND USE OF  
CERTAIN TERMS IN THE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-14B-2 NMSA 1978 (being Laws 1996,  
Chapter 57, Section 2, as amended) is amended to read:

"61-14B-2. DEFINITIONS.--As used in the Speech-Language  
Pathology, Audiology and Hearing Aid Dispensing Practices  
Act:

A. "apprentice" means a person working toward full  
licensure in speech-language pathology who meets the  
requirements for licensure as an apprentice in speech and  
language pursuant to the Speech-Language Pathology, Audiology  
and Hearing Aid Dispensing Practices Act;

B. "appropriate supervisor" means a person  
licensed pursuant to the provisions of the Speech-Language  
Pathology, Audiology and Hearing Aid Dispensing Practices Act  
who has a minimum of two years' experience as a speech-  
language pathologist after the clinical fellowship year;

C. "auditory trainer" means a custom-fitted FM  
amplifying instrument other than a hearing aid designed to  
enhance signal-to-noise ratios;

1           D. "audiologist" means a person who engages in the  
2 practice of audiology, who may or may not dispense hearing  
3 aids and who meets the qualifications set forth in the  
4 Speech-Language Pathology, Audiology and Hearing Aid  
5 Dispensing Practices Act;

6           E. "bilingual-multicultural endorsement" means an  
7 endorsement that is issued pursuant to the Speech-Language  
8 Pathology, Audiology and Hearing Aid Dispensing Practices Act  
9 to a qualified speech-language pathologist and that  
10 recognizes the licensee's or applicant's demonstrated  
11 proficiency in the use of languages other than English to  
12 provide speech-language pathology services;

13           F. "board" means the speech-language pathology,  
14 audiology and hearing aid dispensing practices board;

15           G. "business location" means a permanent physical  
16 business location in New Mexico where records can be examined  
17 and process served;

18           H. "certification by a national professional  
19 association" means certification issued by a board-approved  
20 national speech-language or hearing association;

21           I. "clinical fellow" means a person who has  
22 completed all academic course work and practicum requirements  
23 for a master's degree or the equivalent in speech-language  
24 pathology and engages in the practice of speech-language  
25 pathology as set forth in the provisions of the

1 Speech-Language Pathology, Audiology and Hearing Aid

2 Dispensing Practices Act;

3 J. "clinical fellowship year" or "CFY" means the  
4 time following the completion of all academic course work and  
5 practicum requirements for a master's degree in  
6 speech-language pathology and during which a clinical fellow  
7 is working toward certification by a national professional  
8 association;

9 K. "department" means the regulation and licensing  
10 department;

11 L. "hearing aid" means a wearable instrument or  
12 device designed or offered for the purpose of aiding or  
13 compensating for impaired human hearing and any parts,  
14 attachments or accessories, including earmolds but excluding  
15 batteries and cords;

16 M. "hearing aid dispenser" means a person other  
17 than an audiologist or an otolaryngologist who is licensed to  
18 sell, fit and service hearing aids pursuant to the  
19 Speech-Language Pathology, Audiology and Hearing Aid  
20 Dispensing Practices Act and maintains or occupies a  
21 permanent physical business location in New Mexico where  
22 records can be examined and process can be served;

23 N. "otolaryngologist" means a licensed physician  
24 who has completed a recognized residency in otolaryngology  
25 and is certified by the American board of otolaryngology;

1           O. "paraprofessional" means a person who provides  
2 adjunct speech-pathology or audiology services under the  
3 direct supervision of a licensed speech-language pathologist  
4 or audiologist;

5           P. "practice of audiology" means the application  
6 of principles, methods and procedures of measurement,  
7 testing, appraisal, prognostication, aural rehabilitation,  
8 aural habilitation, consultation, hearing aid selection and  
9 fitting, counseling, instruction and research related to  
10 hearing and disorders of hearing for the purpose of  
11 nonmedical diagnosis, prevention, identification,  
12 amelioration or the modification of communicative disorders  
13 involving speech, language auditory function or other  
14 aberrant behavior related to hearing disorders;

15           Q. "practice of hearing aid dispensing" means the  
16 behavioral measurement of human hearing for the purpose of  
17 the selection and fitting of hearing aids or other  
18 rehabilitative devices to ameliorate the dysfunction of  
19 hearing sensitivity; this may include otoscopic inspection of  
20 the ear, fabrication of ear impressions and earmolds,  
21 instruction, consultation and counseling on the use and care  
22 of these instruments, medical referral when appropriate and  
23 the analysis of function and servicing of these instruments  
24 involving their modification or adjustment;

25           R. "practice of speech-language pathology" means

1 the rendering or offering to render to individuals, groups,  
2 organizations or the public any service in speech or language  
3 pathology involving the nonmedical application of principles,  
4 methods and procedures for the measurement, testing,  
5 diagnosis, prognostication, counseling and instruction  
6 related to the development and disorders of communications,  
7 speech, fluency, voice, verbal and written language, auditory  
8 comprehension, cognition, dysphagia, oral pharyngeal or  
9 laryngeal sensorimotor competencies and treatment of persons  
10 requiring use of an augmentative communication device for the  
11 purpose of nonmedical diagnosing, preventing, treating and  
12 ameliorating such disorders and conditions in individuals and  
13 groups of individuals;

14 S. "screening" means a pass-fail procedure to  
15 identify individuals who may require further assessment in  
16 the areas of speech-language pathology, audiology or hearing  
17 aid dispensing;

18 T. "speech-language pathologist" means a person  
19 who engages in the practice of speech-language pathology and  
20 who meets the qualifications set forth in the Speech-Language  
21 Pathology, Audiology and Hearing Aid Dispensing Practices  
22 Act;

23 U. "sponsor" means a licensed hearing aid  
24 dispenser, audiologist or otolaryngologist who has an  
25 endorsement to dispense hearing aids and:

1 (1) is employed in the same business  
2 location where the trainee is being trained; and

3 (2) has been actively engaged in the  
4 dispensing of hearing aids during three of the past five  
5 years;

6 V. "student" means a person who is a full- or  
7 part-time student enrolled in an accredited college or  
8 university program in speech-language pathology, audiology or  
9 communicative disorders;

10 W. "supervisor" means a speech-language  
11 pathologist or audiologist licensed pursuant to the  
12 provisions of the Speech-Language Pathology, Audiology and  
13 Hearing Aid Dispensing Practices Act who provides supervision  
14 in the area of speech-language pathology or audiology; and

15 X. "trainee" means a person working toward full  
16 licensure as a hearing aid dispenser under the direct  
17 supervision of a sponsor."

18 SECTION 2. Section 61-14B-12 NMSA 1978 (being Laws  
19 1996, Chapter 57, Section 12, as amended) is amended to read:

20 "61-14B-12. REQUIREMENTS FOR LICENSURE--SPEECH-LANGUAGE  
21 PATHOLOGIST.--A license to practice as a speech-language  
22 pathologist shall be issued to a person who files a completed  
23 application, accompanied by the required fees and  
24 documentation; certifies that the applicant is not guilty of  
25 any of the activities listed in Section 61-14B-21 NMSA 1978;

1 and submits satisfactory evidence that the applicant:

2 A. holds at least a master's degree in speech  
3 pathology, speech-language pathology or communication  
4 disorders or an equivalent degree regardless of degree name  
5 and meets the academic requirements for certification by a  
6 national professional association; and either

7 B. currently holds certification by a national  
8 professional association in the area for which the applicant  
9 is seeking licensure; or

10 C. has completed the current academic, practicum  
11 and employment experience requirements for certification by a  
12 national professional association in the area for which the  
13 applicant is applying for license and has passed a recognized  
14 standard national examination in speech-language pathology."

15 SECTION 3. Section 61-14B-12.1 NMSA 1978 (being Laws  
16 2005, Chapter 250, Section 3, as amended) is amended to read:

17 "61-14B-12.1. REQUIREMENTS FOR LICENSURE--  
18 AUDIOLOGIST.--

19 A. A license to practice as an audiologist shall  
20 be issued to any person who:

21 (1) files a completed application,  
22 accompanied by the required fees and documentation;

23 (2) certifies that the applicant is not  
24 guilty of any of the activities listed in Section 61-14B-21  
25 NMSA 1978; and

1 (3) submits satisfactory evidence that the  
2 applicant:

3 (a) holds a doctor of audiology degree  
4 or an equivalent degree regardless of degree name and meets  
5 the academic requirements for certification by a national  
6 professional association, as determined by the board by rule;

7 (b) has passed a nationally recognized  
8 standard examination in audiology, if required by rule; and

9 (c) has earned certification by a  
10 national professional association as evidence that the  
11 applicant meets the clinical experience and examination  
12 requirements of the Speech-Language Pathology, Audiology and  
13 Hearing Aid Dispensing Practices Act.

14 B. A license to practice as an audiologist shall  
15 be issued to a person who:

16 (1) files a completed application,  
17 accompanied by the required fees and documentation;

18 (2) certifies that the applicant is not  
19 guilty of any of the activities listed in Section 61-14B-21  
20 NMSA 1978;

21 (3) submits satisfactory evidence that the  
22 applicant:

23 (a) holds a master's degree in  
24 audiology or communication disorders or an equivalent degree  
25 in audiology or communication disorders or an equivalent



1 degree awarded prior to January 1, 2007; has met the academic  
2 requirements for certification by a national professional  
3 association; and has earned certification by a national  
4 professional association in the area in which the applicant  
5 is seeking licensure; or

6 (b) has completed the current academic,  
7 practicum and employment experience requirements for  
8 certification by a national professional association and has  
9 passed a nationally recognized standard examination in  
10 audiology; and

11 (4) provides evidence satisfactory to the  
12 board of at least six months' experience in the dispensing of  
13 hearing aids through practical examination or other methods  
14 as determined by the board in either a graduate training  
15 program or in a work or training experience."

16 SECTION 4. Section 61-14B-13 NMSA 1978 (being Laws  
17 1996, Chapter 57, Section 13, as amended) is amended to read:

18 "61-14B-13. REQUIREMENTS FOR ENDORSEMENT TO DISPENSE  
19 HEARING AIDS AS AN OTOLARYNGOLOGIST.--An endorsement to  
20 practice hearing aid dispensing shall be issued to a licensed  
21 otolaryngologist who files a completed application  
22 accompanied by the required fees and documentation and who:

23 A. provides evidence satisfactory to the board of  
24 at least six months' experience in the dispensing of hearing  
25 aids through practical examination or other methods as

1 determined by the board in either a graduate training program  
2 or in a work or training experience;

3 B. maintains or occupies a business location,  
4 hospital, clinical medical practice or other facility where  
5 hearing aids are regularly dispensed;

6 C. passes the jurisprudence examination given by  
7 the board; and

8 D. certifies that the otolaryngologist is not  
9 guilty of any activities listed in Section 61-14B-21 NMSA  
10 1978."

11 SECTION 5. Section 61-14B-13.1 NMSA 1978 (being Laws  
12 2013, Chapter 110, Section 16) is amended to read:

13 "61-14B-13.1. REQUIREMENTS FOR BILINGUAL-MULTICULTURAL  
14 ENDORSEMENT.--A bilingual-multicultural endorsement shall be  
15 issued to any person who:

16 A. files a completed application, accompanied by  
17 the required fees and documentation; certifies that the  
18 applicant is not guilty of any of the activities listed in  
19 Section 61-14B-21 NMSA 1978; and submits satisfactory  
20 evidence that the applicant:

21 (1) is eligible for and in the process of  
22 obtaining a license to practice as a speech-language  
23 pathologist;

24 (2) has completed the required education as  
25 determined by rule;

1 (3) has met experience requirements approved  
2 by the board; and

3 (4) has demonstrated proficiency in the  
4 specified language as determined by the board; or

5 B. files a completed application accompanied by  
6 the required fees and documentation; certifies that the  
7 applicant is not guilty of any of the activities listed in  
8 Section 61-14B-21 NMSA 1978; and submits satisfactory  
9 evidence that the applicant:

10 (1) has an active license in good standing  
11 in the state of New Mexico as a speech-language pathologist;

12 (2) has a current bilingual endorsement from  
13 the public education department; or

14 (3) has a minimum of five years practicing  
15 with clients who utilize a language other than English and  
16 has demonstrated proficiency in the specified language as  
17 determined by the board; or

18 C. files a completed application, accompanied by  
19 the required fees and documentation; certifies that the  
20 applicant is not guilty of any of the activities listed in  
21 Section 61-14B-21 NMSA 1978; and submits satisfactory  
22 evidence that the applicant:

23 (1) has a license in good standing in  
24 another state or country as a speech-language pathologist;

25 (2) has a minimum of five years practicing

1 with clients who utilize a language other than English; and

2 (3) has demonstrated proficiency in the  
3 specified language as determined by the board."

4 SECTION 6. Section 61-14B-15 NMSA 1978 (being Laws  
5 1996, Chapter 57, Section 15, as amended) is amended to read:

6 "61-14B-15. REQUIREMENTS FOR LICENSURE--CLINICAL FELLOW  
7 OF SPEECH-LANGUAGE PATHOLOGY.--A license to practice as a  
8 clinical fellow of speech-language pathology shall be issued  
9 to a person who files a completed application, pays the  
10 required fees, provides documentation and submits  
11 satisfactory evidence that the person:

12 A. has met all academic course work and practicum  
13 requirements for a master's degree in speech-language  
14 pathology, speech pathology or communication disorders for  
15 certification by a national professional association;

16 B. certifies that the person has received no  
17 reprimands of unprofessional conduct or incompetency;

18 C. applies for licensure under Section 61-14B-12  
19 NMSA 1978 after completing the clinical fellowship year; and

20 D. has an appropriate supervisor, as defined in  
21 Section 61-14B-2 NMSA 1978."

22 SECTION 7. Section 61-14B-21 NMSA 1978 (being Laws  
23 1996, Chapter 57, Section 21) is amended to read:

24 "61-14B-21. DISCIPLINARY PROCEEDINGS--JUDICIAL  
25 REVIEW.--

1           A. The board may deny, revoke, suspend or impose  
2 conditions upon a license held or applied for under the  
3 Speech-Language Pathology, Audiology and Hearing Aid  
4 Dispensing Practices Act in accordance with the procedures  
5 set forth in the Uniform Licensing Act upon findings by the  
6 board that the licensee or applicant:

7                   (1) is guilty of fraud or deceit in  
8 procuring or attempting to procure a license;

9                   (2) has been convicted of a felony. A  
10 certified copy of the record of conviction shall be  
11 conclusive evidence of the conviction;

12                   (3) is guilty of incompetence;

13                   (4) is guilty of unprofessional conduct;

14                   (5) is selling or fitting the first hearing  
15 aid of a child under sixteen years of age who has not been  
16 examined and cleared for the hearing aid by an  
17 otolaryngologist or a dispensing audiologist who has earned  
18 certification by a national professional association;

19                   (6) is selling or fitting a hearing aid on a  
20 person who has not been tested, except for replacement aids;

21                   (7) uses untruthful or misleading  
22 advertising;

23                   (8) makes any representation as being a  
24 medical doctor when the licensee or applicant is not a  
25 licensed medical doctor;

1                   (9) is addicted to the use of habit-forming  
2 drugs or is addicted to a substance to such a degree as to  
3 render the licensee or applicant unfit to practice as a  
4 speech-language pathologist, dispensing or nondispensing  
5 audiologist or hearing aid dispenser;

6                   (10) is guilty of unprofessional conduct, as  
7 defined by regulation of the board;

8                   (11) is guilty of a violation of the  
9 Controlled Substances Act;

10                   (12) has violated a provision of the  
11 Speech-Language Pathology, Audiology and Hearing Aid  
12 Dispensing Practices Act;

13                   (13) is guilty of willfully or negligently  
14 practicing beyond the scope of the Speech-Language Pathology,  
15 Audiology and Hearing Aid Dispensing Practices Act;

16                   (14) is guilty of aiding or abetting the  
17 practice of speech-language pathology, audiology or hearing  
18 aid dispensing by a person not licensed by the board;

19                   (15) is guilty of practicing without a  
20 license in violation of the Speech-Language Pathology,  
21 Audiology and Hearing Aid Dispensing Practices Act and its  
22 regulations; or

23                   (16) has had a license, certificate or  
24 registration to practice speech-language pathology, audiology  
25 or hearing aid dispensing revoked, suspended or denied in any

1 jurisdiction, territory or possession of the United States or  
2 another country for actions of the licensee similar to acts  
3 described in this section. A certified copy of the record of  
4 the jurisdiction taking such disciplinary action will be  
5 conclusive evidence thereof.

6 B. Disciplinary proceedings may be initiated by a  
7 person filing a sworn complaint. A person filing a sworn  
8 complaint shall be immune from liability arising out of civil  
9 action if the complaint is filed in good faith and without  
10 actual malice." \_\_\_\_\_

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25