

**NORTH DAKOTA**  
**STATE BOARD OF EXAMINERS**  
**AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**

**LAW and RULES**

## CHAPTER 43-37

### AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

Section	
43-37-01	Policy
43-37-02	Definitions
43-37-03	License required - Exceptions
43-37-04	Eligibility for licensure
43-37-05	Board of Examiners on Audiology and Speech-Language Pathology
43-37-06	Powers and duties of the board
43-37-07	Repealed
43-37-08	Compensation of board members
43-37-09	License examination
43-37-10 to 43-37-12	Repealed
43-37-13	Suspension and revocation of license
43-37-14 to 43-37-17	Repealed
43-37-18	Penalty

**43-37-01. Policy.** It is declared to be a policy of the state of North Dakota that, in order to safeguard the public health, safety, and welfare, to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons and from unprofessional conduct on the part of persons providing services, and to obtain the highest possible quality audiology and speech-language pathology services to the communicatively handicapped people of this state, it is necessary to provide regulatory authority over persons offering audiology and speech-language pathology services to the public.

**Source:** NDCC; S.L. 1983, ch. 489, § 1.

**43-37-02. Definitions.** As used in this chapter, unless the context or subject matter otherwise requires:

1. "Audiologist" means a person who practices audiology and who holds out to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, or any similar title or description of service. A person may not use the term "audiologist" in a personal reference unless all the requirements of this chapter pertaining to audiology are met.
2. "Audiology" means the application of principles, methods, and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, or rehabilitation related to hearing and disorders of hearing including vestibular testing, for the purpose of evaluating, identifying, preventing, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals.
3. "Board" means the state board of examiners on audiology and speech-language pathology.
4. "Habilitation" and "rehabilitation" include hearing aid evaluation and recommendation, auditory training, and speech reading.
5. "Person" means a human being.
6. "Speech-language pathologist" means a person who practices speech- language pathology and meets all requirements of this chapter pertaining to speech-language pathology.

7. "Speech-language pathology" means the application of principles, methods, and procedures for measurement, testing, evaluation, identification, prediction, counseling, or instruction related to the development and disorders of speech and language, including voice, rhythm, and articulation for the purpose of identifying, evaluating, preventing, managing, habilitating or rehabilitating, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals.

**Source:** NDCC; S.L. 1983, ch. 489, § 2.

**Note.** The definitions in this section were placed in alphabetical order in 1983.

**43-37-03. License required - Exceptions.** A person may not practice or represent that the person is an audiologist or speech-language pathologist in this state unless licensed annually in accordance with this chapter. However, this chapter does not prevent or restrict:

1. A physician or surgeon from engaging in the practice of medicine in this state.
2. A hearing aid specialist from engaging in testing of hearing and other practices and procedures used solely for the fitting and selling of hearing aids in this state as provided in chapter 43-33.
3. Any person licensed in this state by any other law from engaging in the profession or occupation for which licensed.
4. A person who holds a valid credential as a speech-language pathologist or teacher of the hearing impaired, issued by the department of public instruction, or a person employed as an audiologist or speech-language pathologist by the government of the United States, if such person performs speech-language pathology or audiology services solely within the confines or under the jurisdiction of the governmental or state educational organization by which employed. However, such person may, without obtaining a license under this chapter, consult with or disseminate that person's research findings and other scientific information to speech-language pathologists or audiologists outside the jurisdiction of the organization by which that person is employed.
5. The activities and services of a person pursuing a course of study leading to a degree in speech-language pathology or audiology at a college or university, if such activities and services constitute a part of a supervised course of study and such person is designated audiology or speech-language pathology intern, audiology or speech-language pathology trainee, or by any other such titles clearly indicating the training status appropriate to the level of training.
6. The activities and services of persons fulfilling the requirements of subsection 3 of section 43-37-04.
7. The performance of audiology or speech-language pathology services in this state by any person not a resident of this state who is not licensed under this chapter if such services are performed for no more than five days in any calendar year and in cooperation with an audiologist or speech-language pathologist licensed under this chapter.
8. Any person holding a valid credential as a teacher of the hearing-impaired issued by the council on education of the deaf from engaging in the practice of habilitation and rehabilitation of hearing-impaired persons.
9. No speech pathologist or audiologist licensed pursuant to this chapter may receive any remuneration of any kind from the sale of any type of hearing aid unless the speech pathologist or audiologist is licensed as provided in chapter 43-33.
10. Any person possessing a valid certificate as a certified audiometric technician recognized by the state board as meeting council for accreditation in occupational

hearing conservation standards appendix II or its equivalent from providing audiometric testing if such service is performed in cooperation with either an audiologist licensed under this chapter or a licensed physician.

11. Any person providing hearing screening services as part of a public service project solely intended for the purposes of identification of hearing impairment if such services are performed in cooperation with an audiologist licensed under this chapter who is directly responsible for:
  - a. The training of said person;
  - b. The administration of hearing screening procedures;
  - c. The interpretation of testing results; and
  - d. Assuring appropriate referral and followup of the identified population.

**Source:** NDCC; S.L. 1983, ch. 489, § 3.

**43-37-04. Eligibility for licensure.** To be eligible for licensure by the board as an audiologist or speech-language pathologist, a person shall:

1. Be of good moral character.
2. Possess at least a master's degree or its equivalent in the area of speech-language pathology or audiology from an educational institution recognized by the board.
3. Submit evidence showing qualifications prescribed by rules of the board.
4. Pass an examination approved by the board and pay the prescribed fee. The board may waive the examination requirement if the applicant presents proof of licensure in another state which has professional standards equivalent to those required by the board.

**Source:** NDCC; S.L. 1983, ch. 489, § 4.

**43-37-05. Board of examiners on audiology and speech-language pathology.**

1. The board of examiners on audiology and speech-language pathology is hereby established.
2. The board must be composed of seven members appointed by the governor. Appointees must be residents of this state for at least one year immediately preceding their appointment and, except for the consumer member, must be engaged in rendering services to the public, in teaching, or in research in audiology or speech-language pathology for at least three years preceding their appointment. Two board members must be audiologists, two must be speech-language pathologists, one must be an otolaryngologist, one must be a hearing aid specialist, and one must be a consumer.
3. Each board member shall hold office for three years and until a successor is appointed and qualified. The terms must be arranged so that no more than three terms expire on July first of each year. The governor shall fill vacancies for an unexpired term. No person may serve more than two successive terms.
4. The board shall meet at least twice each calendar year. Special meetings may be convened at the call of the chairman or at the written request of any three board members.
5. Four members of the board constitute a quorum. When an application for licensure is received, one member of the quorum must be engaged in the profession for which a license is sought.

**Source:** NDCC; S.L. 1981, ch. 435, § 25; 1983, ch. 489, § 5.

**43-37-06. Powers and duties of the board.** The board, pursuant to chapter 28-32, may adopt rules for:

1. Licensing.
2. Licensing fees not to exceed one hundred dollars per year.
3. Ethical standards of conduct.
4. Continuing competency and education.
5. Grievances.
6. License suspension or revocation.
7. Employee duties and conduct.
8. Recordkeeping and fiscal control.
9. Carrying out the purposes of this chapter.

**Source:** NDCC; S.L. 1983, ch. 489, § 6.

**43-37-07. Administrative provisions.** Repealed by S.L. 1983, ch. 489, § 11.

**43-37-08. Compensation of board members.** Board members shall receive no salary for their services, but shall receive mileage and travel expenses for attendance at board meetings at the same rate as state employees.

**Source:** NDCC; S.L. 1983, ch. 489, § 7.

**43-37-09. License examination.**

1. A separate examination must be required for licensure in speech-language pathology or audiology. Any person may be licensed in both areas if that person meets the respective qualifications of each area.
2. The speech-language pathology examination and the audiology examination are the national examinations as established by the American speech-language hearing association. The board shall maintain proof that all licensees have passed the required examination. The examination is not required for renewal of licenses except as required by board rules.
3. The board may issue a temporary license to practice activities regulated by this chapter to any person who furnishes satisfactory evidence of qualifications to the board. A temporary license may be issued for no longer than one year.

**Source:** NDCC; S.L. 1983, ch. 489, § 8.

**43-37-10. Examination for license.** Repealed by S.L. 1983, ch. 489, § 11.

**43-37-11. Waiver of examination or parts thereon.** Repealed by S.L. 1983, ch. 489, § 11.

**43-37-12. Issuance of license.** Repealed by S.L. 1983, ch. 489, § 11.

**43-37-13. Suspension and revocation of license.**

1. The board may refuse to issue or renew a license, or may suspend or revoke a license where the licensee or applicant for license has engaged in unprofessional conduct. Such unprofessional conduct may include:
  - a. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
  - b. Engaging in unprofessional conduct, as defined by the rules established by the board, or violating the code of ethics adopted and published by the board;
  - c. Conviction of an offense if the acts for which that person is convicted are determined by the board to have a direct bearing on such applicant's or licensee's ability to serve the public in the capacity of a speech-language pathologist or audiologist; or the board determines that such applicant or licensee, following conviction of any other offense, is not sufficiently rehabilitated under section 12.1-33-02.1;
  - d. Violation of any order or rule adopted by the board; or
  - e. Violation of this chapter.
2. One year from the date of revocation of a license, the licensee may make application to the board for reinstatement. The board may accept or reject an application for reinstatement or may require an examination for reinstatement.

**Source:** NDCC; S.L. 1983, ch. 489, § 9.

**43-37-14. Renewal of license.** Repealed by S.L. 1983, ch. 489, § 11.

**43-37-15. Fees.** Repealed by S.L. 1983, ch. 489, § 11.

**43-37-16. Notice.** Repealed by S.L. 1983, ch. 489, § 11.

**43-37-17. Continuing professional education.** Repealed by S.L. 1983, ch. 489, § 11.

**43-37-18. Penalty.** Any person who violates this chapter is guilty of a class A misdemeanor.

**Source:** NDCC; S.L. 1983, ch. 489, § 10.

## TITLE 11

### BOARD OF EXAMINERS ON AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Article

- 11-01 General Administration
- 11-02 Audiologist and Speech-Language Pathologist Licensure

#### ARTICLE 11-01 GENERAL ADMINISTRATION

Chapter

- 11-01-01 Organization of Board

#### CHAPTER 11-01-01 ORGANIZATION OF BOARD

Section

- 11-01-01-01 Organization of Board of Examiners on Audiology and Speech-Language Pathology

**11-01-01-01. Organization of board of examiners on audiology and speech-language pathology.**

1. **History and function.** The 1975 legislative assembly passed legislation to license audiologists and speech-language pathologists, codified as North Dakota Century Code chapter 43-37. In 1983 chapter 43-37 was revised. This chapter requires the governor to appoint a state board of examiners on audiology and speech-language pathology. It is the responsibility of the board to license audiologists and speech-language pathologists.
2. **Board membership.** The board consists of seven members appointed by the governor. Two members are audiologists, two members are speech-language pathologists, one member is a hearing aid dealer, one member is an otolaryngologist, and one is a consumer. Each board member serves a term of three years. No member may serve on the board more than two successive terms.
3. **Officers.** Officers are elected annually. The board may hire an executive secretary as necessary.
4. **Inquiries.** Inquiries regarding the board may be addressed to:  
Board of Examiners on Audiology and  
Speech-Language Pathology  
Beverly Solseng, Executive Secretary  
Education Building Room 212

231 Centennial Drive Stop 7189  
Grand Forks, ND 58202-7189  
Phone: 701-777-4421  
Fax: 701-777-4365

**History:** Amended effective May 1, 1984; June 1, 1990; March 1, 1993; April 1, 1993;  
April 1, 1994.

**General Authority:** NDCC 28-32-02.1

**Law Implemented:** NDCC 43-37-06

## ARTICLE 11-02

### AUDIOLOGIST AND SPEECH-LANGUAGE PATHOLOGIST LICENSURE

Chapter	
11-02-01	Initial Licensure and Renewals
11-02-02	Code of Ethics
11-02-03	Grievances
11-02-04	Information Changes

#### CHAPTER 11-02-01 INITIAL LICENSURE AND RENEWALS

Section	
11-02-01-01	Licensure Application
11-02-01-02	Licensure Without Examination [Repealed]
11-02-01-03	Licensure With Examination [Repealed]
11-02-01-04	Licensure Renewal
11-02-01-05	Fees
11-02-01-06	Continuing Education
11-02-01-07	Passing Score

**11-02-01-01. Licensure application.** An application for a license to practice audiology or speech-language pathology shall be made to the state board of examiners of audiology and speech-language pathology on forms provided by the board upon request. The application shall contain such information as the board may reasonably require.

1. Each application for a license shall be accompanied by:
  - a. A prescribed fee.
  - b. An official transcript verifying completion of graduate degrees.
  - c. An official or authenticated copy of a passing score, as established by the American speech-language-hearing association, on the national teacher examination's (NTE) specialty examination in the area of audiology or speech-language pathology.
2. All applications shall be signed by the applicant and notarized.

3. The board may request such additional information or clarification of information provided in the application as it deems reasonably necessary.
4. If the board so directs, an applicant shall personally appear before the board concerning the application.

**History:** Amended effective May 1, 1984; June 1, 1990.

**General Authority:** NDCC 43-37-06

**Law Implemented:** NDCC 43-37-06, 43-37-09

**11-02-01-02. Licensure without examination.** Repealed effective May 1, 1984.

**11-02-01-03. Licensure with examination.** Repealed effective May 1, 1984.

**11-02-01-04. Licensure renewal.** Licenses are renewable by January first of each year. They must be renewed on forms provided by the board. The renewal forms must be accompanied by the renewal fee and proof of meeting the continuing education requirements. If a person is unlicensed for a period of five years, the board may require that such person retake and pass the national teacher examinations specialty examination prior to licensure or relicensure. The board will allow a license to lapse only upon preapproval with a showing of unusual hardship conditions. An individual may be granted a second licensure only once in a five-year period.

**History:** Amended effective May 1, 1984; October 1, 1989; June 1, 1990.

**General Authority:** NDCC 43-37-06

**Law Implemented:** NDCC 43-37-06

**11-02-01-05. Fees.** The following fees shall be paid in connection with audiologist and speech-language pathologist applications, examinations, renewals, and penalties:

1. Application fee for an audiologist license: one hundred dollars.
2. Application fee for a speech-language pathologist license: one hundred dollars.
3. Renewal fee for an audiologist license: seventy-five dollars.
4. Renewal fee for a speech-language pathologist license: seventy-five dollars.
5. A license expires on January first of the calendar year. If a person fails to renew the person's license before January first, a fifty dollar penalty fee will be incurred up to March thirty-first of that same year. After March thirty-first, the person will be considered by the board to be practicing without a license.

**History:** Amended effective May 1, 1984; June 1, 1990; February 1, 2001.

**General Authority:** NDCC 43-37-06

**Law Implemented:** NDCC 43-37-06

**11-02-01-06. Continuing education.** To renew a license a person must present proof of having attended at least ten clock hours of continuing education approved by the board.

Continuing education for licensure renewal must be completed in the calendar year prior to the year for which licensure is sought. Continuing education is defined as courses or workshops that are (1) designed to increase the competence of the licensee in the area of licensure; (2) open to the public; and (3) preapproved by the board.

If any licensee allows the licensee's license to lapse, that licensee must be required to submit proof of attendance of at least ten clock hours of continuing education for each year that the license has lapsed up to a total of forty clock hours of continuing education.

Continued practice in violation of the continuing education requirements as outlined in this section subjects a licensee to disciplinary action as outlined in the North Dakota Century Code section 43-37-13.

**History:** Amended effective May 1, 1984; August 1, 1986; June 1, 1990.

**General Authority:** NDCC 43-37-06

**Law Implemented:** NDCC 43-37-06

**11-02-01-07. Passing score.** The successful completion of a national teacher examinations (NTE) specialty examination in audiology or speech-language pathology means: obtaining a score equal to or greater than the passing score established by the American speech-language-hearing association and in effect at the time of administration of the test.

**History:** Effective May 1, 1984; amended effective June 1, 1990.

**General Authority:** NDCC 43-37-09

**Law Implemented:** NDCC 43-37-06

## **CHAPTER 11-02-02 CODE OF ETHICS**

Section

11-02-02-01	Unethical Conduct [Repealed]
11-02-02-02	Code of Ethics
11-02-02-03	Unacceptable Professional Conduct

**11-02-02-01. Unethical conduct.** Repealed effective May 1, 1984.

**11-02-02-02. Code of ethics.** The board subscribes to the code of ethics of the American speech-language-hearing association as revised January 1, 1986. This code is incorporated in the rules by reference except that a certificate of clinical competence is not required to practice speech-language pathology and audiology in North Dakota.

**History:** Effective May 1, 1984; amended effective October 1, 1989.

**General Authority:** NDCC 43-37-06

**Law Implemented:** NDCC 43-37-06

**11-02-02-03. Unacceptable professional conduct.** The following constitute unacceptable professional conduct by a licensed audiologist or speech-language pathologist and subject such licensee or potential licensee to sanction:

1. Taking financial advantage of a client, or using one's position within an agency to enhance one's private practice or the private practice of others for personal gain.
2. Entering into any illegal acts with a client.
3. Participating in, condoning, or being an accessory to dishonesty, fraud, deceit, or misrepresentation in the practice of audiology or speech-language pathology.
4. Not providing clients with accurate and complete information regarding the extent and nature of the services available to them.
5. Convicted of a criminal act which affects the practice of the profession. (North Dakota Century Code section 12.1-33-02.1)
6. Violating any federal or state confidentiality client care regulation statutes.
7. Violating any federal or state discrimination statutes or regulations.
8. Exploiting relationships with clients such as participating in or soliciting sexual relationships during the time of services and for twelve months following the termination of services.
9. Refusal to seek adequate and appropriate treatment for any illness or disorder which interferes with professional functioning or ability to perform the basic expected functions, or both, of an audiologist or speech-language pathologist.
10. Using misrepresentation in the procurement of licensing as an audiologist or speech-language pathologist or knowingly assisting another in the procurement of licensing through misrepresentation. Misrepresentation of professional qualifications, certifications, accreditations, affiliations, and employment experiences.
11. Failure to report through the proper channels the incompetent, unethical, or illegal practice of any licensed audiologist or speech-language pathologist who is providing such services.
12. Participating in activities that constitute a conflict of professional interest and adversely affect the licensee's ability to provide audiology or speech-language pathology services.
13. Violating any of the principles of ethics as listed in the code of ethics of the American speech-language-hearing association as revised January 1, 1986.
14. Providing any inaccurate, misleading, or false information to the board in regard to a licensure action.

**History:** Effective October 1, 1989.

**General Authority:** NDCC 43-37-06

**Law Implemented:** NDCC 43-37-06, 43-37-13

**CHAPTER 11-02-03  
GRIEVANCES**

Section	
11-02-03-01	Grievance Procedures
11-02-03-02	Complaint Procedures

**11-02-03-01. Grievance procedures.** Grievances must be processed in accordance with the North Dakota Century Code chapter 28-32.

**History:** Amended effective May 1, 1984.

**General Authority:** NDCC 43-37-06

**Law Implemented:** NDCC 28-32-05

**11-02-03-02. Complaint procedures.** The board will respond only to complaints submitted in writing.

**History:** Effective June 1, 1990.

**General Authority:** NDCC 43-37-06

**Law Implemented:** NDCC 28-32-05

**CHAPTER 11-02-04  
INFORMATION CHANGES**

Section	
11-02-04-01	Address and Name Changes
11-02-04-02	Educational Changes [Repealed]

**11-02-04-01. Address and name changes.** Any licensee must report a change of address, name, or educational degree to the board. Proof of any educational degree change must also be submitted. A fee of ten dollars will be charged to reissue a duplicated or changed license.

**History:** Amended effective May 1, 1984.

**General Authority:** NDCC 43-37-06

**Law Implemented:** NDCC 43-37-06

**11-02-04-02. Educational changes.** Repealed effective May 1, 1984.