



2023 South Dakota Legislature  
**House Bill 1014**  
**ENROLLED**

AN ACT

**ENTITLED An Act to update provisions related to the licensure of speech-language pathologists and speech-language pathology assistants.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

**Section 1. That § 36-37-1 be AMENDED:**

**36-37-1.** Terms used in this chapter mean:

- (1) "Board," the Board of Examiners for Speech-Language Pathology;
- (2) "Provisional license," the license issued to an applicant who is practicing speech-language pathology while completing the supervised postgraduate professional experience following completion of master's degree in speech-language pathology;
- (3) "Speech-language pathologist," any person who engages in the practice of speech-language pathology and who is licensed in accordance with this chapter;
- (4) "Speech-language pathology assistant," any person who assists in the practice of speech-language pathology and who meets the qualifications set forth in this chapter; and
- (5) "Supervision," the direct, on-site monitoring by a speech-language pathologist of a speech-language pathology assistant or a speech-language pathologist with a provisional license.

**Section 2. That § 36-37-2 be AMENDED:**

**36-37-2.** For the purposes of this chapter, the practice of speech-language pathology is the application of principles, methods, and procedures related to the development, disorders, and effectiveness of human communication and related functions including providing prevention, screening, consultation, assessment, evaluation, diagnosis, treatment, intervention management, counseling, collaboration, and referral services for disorders of speech, language, feeding, and swallowing, and for cognitive aspects of communication. The practice of speech-language pathology includes:

- (1) Establishing augmentative and alternative communication techniques and strategies, including developing, selecting, and prescribing of techniques, strategies, and devices, excluding the dispensing and fitting of hearing aids pursuant to chapter 36-24;
- (2) Providing services to individuals with hearing loss and their families;
- (3) Screening individuals for hearing loss or middle ear pathology using conventional pure-tone air conduction methods, otoacoustic emissions screening, or screening tympanometry;
- (4) Using instrumentation to observe, collect data, and measure parameters of communication and swallowing;
- (5) Selecting, fitting, and establishing effective use of prosthetic or adaptive devices for communication, swallowing, or other upper aerodigestive functions; and
- (6) Providing services to modify or enhance communication performance.

**Section 3. That § 36-37-4 be AMENDED:**

**36-37-4.** Any person who possessed a speech-language pathologist certificate from the South Dakota Department of Education as of July 1, 2012, and does not otherwise meet the qualifications set forth in this chapter, may apply to the board for a limited license to practice as a speech-language pathologist. The board shall renew a limited license if:

- (1) The person's initial application for a limited license was submitted no later than July 1, 2014; and
- (2) The person:
  - (a) Submits an application for renewal on a form prescribed by the board;
  - (b) Pays the application fee established by the board, in accordance with § 37-36-12; and
  - (c) Has not committed an act for which disciplinary action is justified.

The board shall promulgate rules, pursuant to chapter 1-26, to prescribe the limits of the license authorized by this section.

**Section 4. That § 36-37-6 be AMENDED:**

**36-37-6.** Any person who is licensed as a speech-language pathologist in this state may perform assessment, treatment, and procedures related to speech, voice, resonance, and swallowing function using nonmedical endoscopy as long as the person has received training and is competent to perform these procedures. A licensed speech-language

pathologist shall have protocols in place for emergency medical backup when performing procedures using an endoscope.

For the purposes of this section, the term, endoscopy, means an imaging procedure within the scope of practice for speech-language pathologists in which a speech-language pathologist uses a flexible nasal endoscopy, rigid oral endoscopy, or stroboscopy for the purpose of evaluating and treating disorders of speech, voice, resonance, or swallowing function.

**Section 5. That § 36-37-7 be AMENDED:**

**36-37-7.** Any person who is licensed pursuant to this chapter may provide speech-language pathology services via telehealth. Services delivered via telehealth must be equivalent to the quality of services delivered face-to-face.

For the purposes of this section, the term, telehealth, has the meaning provided in § 34-52-1.

**Section 6. That § 36-37-8 be AMENDED:**

**36-37-8.** The Governor shall appoint a five-member Board of Examiners for Speech-Language Pathology under the supervision of the Department of Health. The board must consist of:

- (1) Four speech-language pathologists who:
  - (a) Are residents of this state;
  - (b) Are currently licensed in good standing and practicing speech-language pathology; and
  - (c) Have at least five years of experience practicing speech-language pathology; and
- (2) One representative of the public who is:
  - (a) A resident of this state; and
  - (b) Not associated with, or financially interested in, the practice or business of speech-language pathology.

At least one member must be a speech-language pathologist employed in a school setting, and at least one member must be a speech-language pathologist employed in a health care setting.

The board shall annually elect from its members a president and vice-president.

**Section 7. That § 36-37-9 be AMENDED:**

**36-37-9.** Each appointment to the board is for a period of three years. Each member shall serve until the expiration of the term for which the member has been appointed or until the member's successor is appointed and qualified to serve on the board. If a vacancy occurs other than by expiration of a term, the Governor shall appoint a qualified person to fill the vacancy for the unexpired term. No member may serve more than three consecutive three-year terms.

The Governor may remove any member of the board for unprofessional conduct, incompetence, or neglect of duty.

**Section 8. That § 36-37-10 be AMENDED:**

**36-37-10.** The board shall meet at least twice each year, at times and places determined by a majority of the board. The board may hold additional meetings as determined by the president or a majority of the board.

**Section 9. That § 36-37-14 be AMENDED:**

**36-37-14.** The board may issue a speech-language pathologist license to a person who:

- (1) Submits an application on a form prescribed by the board;
- (2) Pays the application fee established by the board, in accordance with § 36-37-12;
- (3) Possesses a master's or doctoral degree from an educational institution that is accredited, or has been awarded accreditation candidate status, by the accrediting agency of the American Speech-Language-Hearing Association and is an educational institution approved by the United States Department of Education;
- (4) Has completed supervised clinical practicum experiences from an educational institution or its cooperating programs;
- (5) Has completed a supervised postgraduate professional experience;
- (6) Has passed a written national examination in speech-language pathology; and
- (7) Has committed no act for which disciplinary action is justified.

Any license issued to a speech-language pathologist who possesses a master's or doctoral degree from an educational institution awarded candidate status by the American Speech-Language-Hearing Association automatically expires if the educational institution fails to maintain candidacy status or is denied accreditation. The speech-language pathologist shall inform the board of any changes to the educational institution's candidacy status.

**Section 10. That § 36-37-15 be AMENDED:**

**36-37-15.** The board shall issue a speech-language pathologist license to a person who:

- (1) Submits an application on a form prescribed by the board in rules promulgated in accordance with chapter 1-26;
- (2) Pays the application fee established by the board, in accordance with § 36-37-12;
- (3) Holds a current, unrestricted license from a state with substantially equivalent licensure standards, or a Certificate of Clinical Competence in Speech-Language Pathology from the American Speech-Language-Hearing Association; and
- (4) Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license.

**Section 11. That § 36-37-17 be AMENDED:**

**36-37-17.** The board shall issue a provisional license to a person who:

- (1) Except for the postgraduate professional experience, meets the academic, practicum, and examination requirements of this chapter;
- (2) Submits an application on a form prescribed by the board;
- (3) Pays the application fee established by the board for a provisional license, in accordance with § 36-37-12; and
- (4) Has not committed any act for which disciplinary action is justified.

A person holding a provisional license may practice speech-language pathology only while working under the supervision of a speech-language pathologist who is licensed in accordance with § 36-37-14, 36-37-15, or 36-37-16. The board shall promulgate rules, in accordance with chapter 1-26, to establish the term for a provisional license and the conditions for its renewal.

**Section 12. That § 36-37-18 be AMENDED:**

**36-37-18.** The board shall issue a speech-language pathology assistant license to a person who:

- (1) Submits an application on a form prescribed by the board;
- (2) Pays the application fee established by the board, in accordance with § 36-37-12;
- (3) Holds an associate's degree in speech-language pathology assisting or a bachelor's degree with a major in speech-language pathology or communication sciences and disorders from an accredited educational institution;

- (4) Verifies required academic preparation and clinical experiences;
- (5) Completes a minimum of one hundred hours of supervised clinical experience as a speech-language pathology assistant while either on the job or during academic preparation; and
- (6) Has committed no act for which disciplinary action is justified.

While completing the supervised clinical experience required in subdivision (5), neither the applicant nor the supervising speech-language pathologist may represent the applicant as a licensed speech-language pathology assistant. The supervising speech-language pathologist must be available at all times when the applicant is competing on-the-job clinical fieldwork.

**Section 13. That chapter 36-37 be amended with a NEW SECTION:**

The board shall issue a speech-language pathology assistant license to a person who:

- (1) Submits an application on a form prescribed by the board in rules promulgated in accordance with chapter 1-26;
- (2) Pays the application fee established by the board, in accordance with § 36-37-12;
- (3) Holds a current, unrestricted license from a state with substantially equivalent licensure standards, or a current Certification in Speech-Language Pathology Assisting from the American Speech-Language-Hearing Association; and
- (4) Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license.

**Section 14. That § 36-37-19 be AMENDED:**

**36-37-19.** Any person who is employed as a paraprofessional providing speech-language pathology services, under the direct supervision of a speech-language pathologist, who possessed a speech-language pathologist certificate from the South Dakota Department of Education as of July 1, 2012, and does not otherwise meet the qualifications set forth in this chapter may apply for a speech-language pathology assistant license. The board shall issue a speech-language pathology assistant license, and the person may continue to practice as a speech-language pathology assistant as long as the person:

- (1) Submitted an initial application for an assistant license no later than July 1, 2014;

- (2) Has continued to render speech-language pathology services in the school district where the person was employed at the time of initial application, with no break in employment; and
- (3) Pays the renewal fee established by the board, in accordance with § 36-37-12.

**Section 15. That § 36-37-20 be AMENDED:**

**36-37-20.** A speech-language pathology assistant must be supervised by a speech-language pathologist, or a speech-language pathologist with a limited license, who has at least two years of experience. Any time licensed as a provisional speech-language pathologist counts toward the two-year experience requirement. The supervising speech-language pathologist:

- (1) Is responsible for the extent, kind, and quality of service provided by the assistant, consistent with the board's designated standards and requirements;
- (2) Shall ensure that persons receiving services from an assistant receive prior written notification that services are to be provided, in whole or in part, by a speech-language pathology assistant;
- (3) May not supervise more than three speech-language pathology assistants at one time.

A speech-language pathology assistant may have more than one supervisor.

**Section 16. That § 36-37-21 be AMENDED:**

**36-37-21.** The board may impose any of the following disciplinary actions on a speech-language pathologist or a speech-language-pathology assistant after formal or informal disciplinary action:

- (1) Refuse to renew a license;
- (2) Issue a letter of reprimand or concern;
- (3) Impose probationary conditions;
- (4) Require reimbursement to the board for costs of the investigation and proceeding;
- (5) Suspend or revoke a license;
- (6) Impose practice or supervision requirements, or both; or
- (7) Require attendance at continuing education programs specified by the board as to content and hours.

**Section 17. That § 36-37-23 be AMENDED:**

**36-37-23.** The board may take disciplinary actions for the following conduct:

- (1) Fraudulently or deceptively obtaining, attempting to obtain, using, or altering a license or a provisional license;
- (2) Aiding or abetting unlicensed practice;
- (3) Selling, bartering, or offering to sell or barter a license or provisional license;
- (4) Committing fraud or deceit in the practice of speech-language pathology, including:
  - (a) Willfully making or filing a false report or record in the practice of speech-language pathology;
  - (b) Submitting a false statement to collect a fee; or
  - (c) Obtaining a fee through fraud or misrepresentation;
- (5) Using or promoting, or causing the use of, any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand insignia, or any other representation;
- (6) Falsely representing the use or availability of services or advice of a physician;
- (7) Misrepresenting the applicant, licensee, or holder, by using the term, doctor, or any similar word, abbreviation, or symbol if the use is not accurate or if the degree was not obtained from an accredited institution;
- (8) Committing any act of dishonesty, immorality, or unprofessional conduct while engaging in the practice of speech-language pathology;
- (9) Engaging in illegal, incompetent, or negligent practice;
- (10) Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from such services, devices, appliances, or products;
- (11) Violating any provision of this chapter, or any lawful order given, or rule adopted, by the board;
- (12) Being convicted or pleading guilty or nolo contendere to a felony or to a crime involving moral turpitude, as defined in § 22-1-2, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (13) Being disciplined by a licensing or disciplinary authority of any state or country, or any nationally recognized professional organization, or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section;
- (14) Exploiting a patient for financial gain or sexual favors;
- (15) Failing to report suspected cases of child abuse or vulnerable adult abuse;
- (16) Violating federal, state, or local laws relating to the profession;



- (17) Not reporting discipline by another state or territory under federal jurisdiction to the board; or
- (18) Not reporting a conviction of any felony offense, or any conviction of a criminal offense arising out of the practice of speech-language pathology.

**Section 18. That § 36-37-24 be AMENDED:**

**36-37-24.** The board may take disciplinary action or suspend, revoke, or reissue a license only after a hearing conducted by a hearing examiner appointed by the board or by a majority of the members of the board.

Any disciplinary proceeding or proceeding relative to the revocation or suspension of a license or certification must otherwise conform to the procedure set forth in chapter 1-26 and chapter 36-1C.

Any decision of the board to discipline, suspend, revoke, or reissue a license or certification requires a majority vote of the board.

**Section 19. That chapter 36-37 be amended with a NEW SECTION:**

Any person licensed pursuant to this chapter shall inform the board, within ninety days, of any change in name, place of employment, or place of business. A post office box number may not be the address of a place of business.

An Act to update provisions related to the licensure of speech-language pathologists and speech-language pathology assistants.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
House as Bill No. 1014

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2023 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2023

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2023  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1014  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State