

municipal government, or an agency or political subdivision of a state or local government entity. The rule provides in pertinent part:

The provisions of the Speech-Language Pathology and Audiology Licensing Act (59 O.S. 1601. et. seq., as amended) and the rules of this Title apply:

- (1) to all individuals representing themselves as speech-language pathologists or audiologists or using related titles defined in paragraphs 5 and 9 of Section 1603 of the Act or who provide speech-language pathology or audiology services to the public for a fee and who are not specifically exempted under Section 1604 of the Act; the provisions of the Act do apply, however, to employees of the federal, state, county or municipal government or political subdivision thereof (excluded under Paragraph 2 of Section 1604 of the Act, when they engage in the private practice of speech-language pathology or audiology;

Findings of Fact

Upon review of the Petition for Declaratory Ruling, the Assistant Attorney General's Brief, and hearing oral argument from the Petitioners and the Assistant Attorney General, the Board makes the following findings:

1. There is significant confusion among both audiology and speech-language pathology licensees working in both exempt and non-exempt settings as to meaning of OAC 690:1-1-5.
2. Many licensees have construed the rule to mean that speech-language pathologists or audiologists who work in an exempt setting, but have chosen to obtain licensure, are not legally obligated to follow the requirements in the Speech-Language Pathology and Audiology Licensing Act ("Act") and rules, when they practice solely within the confines of an exempt setting.
3. An individual, by choosing to obtain licensure to practice speech-language pathology or audiology when not required by law to do so, assumes the responsibility to consumers to

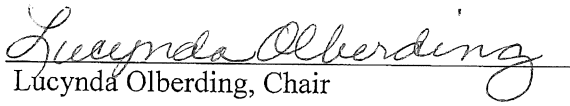
uphold all the standards of care and rules of practice set forth in the state laws and administrative rules governing the practice.

Conclusions of Law

1. The intent of rule OAC 690:1-1-5 was to create two classes of individuals permitted to practice the professions of speech-language pathology and audiology in Oklahoma:
 - a. Individuals who engage in the practice of speech-language pathology or audiology in environments that are not exempt from the legal requirement of licensure and are thus required to obtain licensure to legally practice and,
 - b. Individuals who engage in the practice of speech-language pathology or audiology in environments that are exempt from the legal requirement of licensure, and are thus not required to obtain licensure to legally practice.
2. The rule was not intended to create a third class of individuals; persons who practice speech-language pathology or audiology in an exempt environment and have chosen to obtain licensure, but by the nature of their exempt work environment, are free from any or all requirements of the Act and administrative rules.
3. Rule OAC 690:1-1-5 is construed to mean that an individual who holds a speech-language pathology or audiology license issued by the state of Oklahoma, whether or not legally obligated to be licensed in order to practice speech-language pathology or audiology, is required to follow all the statutes and rules set forth in the Speech-Language Pathology and Audiology Act, 59 O.S. §§ 1601 *et. seq.*, and Title 690 of the Oklahoma Administrative Code. Such individuals are subject to the jurisdiction of the Board to enforce the laws and rules.

4. Any Finding of Fact which is properly a Conclusion of Law is hereby incorporated by reference and vice versa.

BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY
AND AUDIOLOGY


Lucinda Olberding, Chair