WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

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ENROLLED
Com.Sel. for
HOUSE BILL No. 4416

(By Delegate Ashcraft and Spencer)

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Passed March 7, 1992

In Effect Ninety Days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4416

(By Delegates Ashcraft and Spencer)

[Passed March 7, 1992; in effect ninety days from passage.]

AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article thirty-two, relating to the licensure and regulation of audiologists and speech-language pathologists; stating legislative intent; providing definitions; providing requirements for speech-language pathology and audiology assistants; defining persons and practices affected; defining persons and practices not affected; providing exemption from civil liability; establishing the board of examiners for speech-language pathology and audiology; requiring meetings of the board; providing compensation; establishing powers and duties of the board; establishing special revenue account; establishing qualifications for licensure; providing for provisional license; providing for license renewal; providing for reinstatement of expired licenses; providing disciplinary actions; providing procedures for hearing; providing for judicial review; providing for action to enjoin violations; providing civil and criminal penalties; providing for termination of the board; and providing for severability.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, be amended by
adding thereto a new article, designated article thirty-two, to
read as follows:

ARTICLE 32. SPEECH-LANGUAGE PATHOLOGISTS AND
AUDIOLOGISTS.

§30-32-1. Purpose and legislative intent.

1 It is hereby declared to be a policy of this state that
2 the practice of speech-language pathology and audiology
3 is a privilege granted to qualified persons and that, in
4 order to safeguard the public health, safety and welfare,
5 protect the public from being misled by incompetent,
6 unscrupulous and unauthorized persons, and protect the
7 public from unprofessional conduct by qualified speech-
8 language pathologists and audiologists, it is necessary to
9 provide regulatory authority over persons offering
10 speech-language pathology and audiology services as
11 designated in this article.


1 For the purpose of this article, the terms defined shall
2 not include persons employed or contracted by the West
3 Virginia board of education, a county board of educa-
4 tion, or a regional education service agency:

5 (a) "Audiologist" means any person who engages in
6 the practice of audiology and who meets the qualifica-
7 tions set forth in this article. A person represents
8 himself or herself to be an audiologist when he or she
9 holds out to the public by any means, or by any service
10 or function he or she performs, directly or indirectly, or
11 by using the terms "audiology," "audiologist," "audiome-
12 try," "audiometrist," "audiological," "audiometrics,"
13 "hearing therapy," "hearing therapist," "hearing clinic,"
14 "hearing clinician," "hearing center," "hearing aid
15 audiologist," or any variation, synonym, coinage or
16 whatever expresses, employs, or implies these terms,
17 names or functions.

18 (b) "Audiology" means the application of principles,
19 methods, and procedures related to hearing and the
20 disorders of hearing and to related language and speech
21 disorders. Disorders means and includes any and all
conditions, whether of organic or nonorganic origin, peripheral or central, that impede the normal process of human communication including, but not limited to, disorders of auditory sensitivity, acuity, function or processing.

(c) "Audiology assistant," or any variation, synonym, or coinage of the term, means an individual who meets minimum qualifications established by the board, which are less than those established by this article as necessary for licensing as an audiologist; who does not act independently; and who works under the direction and supervision of an audiologist licensed under this article.

(d) "Board" means the West Virginia board of examiners for speech-language pathology and audiology.

(e) "Instruction" means: (1) Providing speech-language pathology or audiology services or teaching in infant/toddler, preschool, elementary or secondary school programs except for services provided by those persons employed or contracted by the West Virginia board of education, a county board of education or a regional education service agency; or (2) teaching students in institutions of higher education.

(f) "Person" means and includes any individual, partnership, trust, association, corporation or other like organization, or any combination thereof, except that only individuals can be licensed under this article.

(g) "Practice of audiology" means: (1) Facilitating the conservation of auditory system function, developing and implementing environmental and occupational hearing conservation programs; (2) screening, identifying, assessing and interpreting, preventing and rehabilitating peripheral and central auditory system dysfunctions; (3) providing and interpreting behavioral and (electro) physiological measurements of auditory functions; (4) providing vestibular assessment and balance system rehabilitation; (5) providing neurophysiologic intraoperative monitoring; (6) selecting, fitting and dispensing of amplification, assistive listening and alerting devices and providing training in their use; (7)
evaluating candidacy, fitting and providing training in
the use of implantable devices; and (8) providing aural
rehabilitation and related counseling services to hearing
impaired individuals and their families. In accordance
with rules promulgated by the board, the practice of
audiology may include screening of speech-language and
other factors affecting communication function for the
purposes of an audiologic evaluation and/or initial
identification of individuals with other communication
disorders.

(h) “Practice of speech-language pathology” means:
(1) screening, identifying, assessing and interpreting,
diagnosing, preventing, and rehabilitating disorders of
speech (e.g., articulation, fluency, and language; (2)
screening, identifying, assessing and interpreting,
evaluating and rehabilitating disorders of oral-pharyngeal function (e.g., dysphagia) voice and related dis-
orders; (3) screening, identifying, assessing and interpret-
ing, diagnosing and rehabilitating cognitive/communication disorders; (4) assessing, selecting
and developing augmentative and alternative commun-
ication systems and providing training in their use; (5)
providing aural rehabilitation and related counseling
services to hearing impaired individuals and their
families; and (6) enhancing speech-language proficiency
and communication effectiveness (e.g., accent reduc-
tion). In accordance with rules promulgated by the
board, the practice of speech-language pathology may
include screening of hearing and other factors affecting
communication function for the purposes of a speech-
language evaluation and/or initial identification of
individuals with other communication disorders.

(i) “Research” means a systematic investigation
designed to develop or contribute to generalizable
knowledge about human communication, human com-
munication disorders, and/or evaluation or treatment
strategies. Activities meeting this definition constitute
research: Provided, That as used above and for the
purposes of this article, research does not include
activities that take place under the auspices of a
recognized institutional review board which reviews,
approves, and monitors proposals and activities involving human subjects to ensure that the rights and welfare of such subjects are protected.

(j) “Speech-language pathologist” means any person who engages in the practice of speech-language pathology and who meets the qualifications set forth in this article. A person represents himself or herself to be a speech-language pathologist when he or she holds out to the public by any means, or by any service or function he or she performs, directly or indirectly, or by using the terms “speech therapy,” “speech therapist,” “speech correction,” “speech correctionist,” “speech clinic,” “speech clinician,” “language pathology,” “language pathologist,” “voice therapy,” “voice therapist,” “voice pathology,” “voice pathologist,” “logopedics,” “logopedist,” “communicology,” “communicologist,” “aphasiology,” “aphasiologist,” “phoniatrist,” or any variation, synonym, coinage or whatever expresses, employs, or implies these terms, names or functions.

(k) “Speech-language pathology” means the application of principles, methods, and procedures related to the development and disorders of human communication. Disorders are defined to include any and all conditions, whether of organic or nonorganic origin, that impede the normal process of human communication including, but not limited to, disorders and related disorders of speech, articulation, fluency, voice, verbal and written language, auditory comprehension, cognition/communication, and oral, pharyngeal and/or laryngeal sensorimotor competencies.

(l) “Speech-language pathology assistant,” or any variation, synonym, or coinage of the term means an individual who meets minimum qualifications established by the board, which are less than those established by this article as necessary for licensing as a speech-language pathologist; who does not act independently; and who works under the direction and supervision of a speech-language pathologist licensed under this article.

(a) Speech-language pathologists and audiologists supervising speech-language pathology and audiology assistants shall:

(1) Register with the board the name of each assistant working under their supervision;

(2) Be responsible for the performance of the assistant and for all services provided by the assistant, consistent with the board's designated standards and requirements; and

(3) Ensure that persons receiving services from an assistant receive prior written notification that services are to be provided by an assistant.

(b) The board shall establish rules to define the role of the speech-language pathology or audiology assistant, including, but not limited to:

(1) The supervisory responsibilities of the licensee;

(2) The ratio of assistants to licensees;

(3) The scope of duties and restrictions of assistants' responsibilities;

(4) The frequency, duration and documentation of direct, on-site supervision;

(5) The quantity and content of preservice and inservice instruction; and

(6) The procedures for renewing the registration of assistants and terminating their duties.

§30-32-4. Persons and practices affected.

The board shall grant licensure in either speech-language pathology or audiology independently. A person may be licensed in both areas if he or she meets the respective qualifications. Except as otherwise provided in this article, effective the first day of October, one thousand nine hundred ninety-two, no person shall practice speech-language pathology or audiology or represent himself or herself as a speech-language pathologist or audiologist in this state, unless
such person is licensed in accordance with the laws of this state. A person licensed under this article as an audiologist shall not be required to obtain a license under the provisions of article twenty-six of this chapter.

§30-32-5. Persons and practices not affected.

Nothing in this article shall be construed as preventing or restricting:

(a) A person licensed or registered by this state in another profession from practicing the profession for which he or she is licensed or registered, so long as they do not hold themselves out to the public as possessing a license issued pursuant to this article or use a title set forth in section (2) of this article;

(b) A physician or surgeon licensed by this state while engaging in the profession for which they are licensed;

(c) Hearing testing or balance system assessment by trained individuals under the direct supervision of a licensed physician or surgeon, so long as such individuals do not hold themselves out to the public as possessing a license issued pursuant to this article or use a title set forth in section (2) of this article;

(d) A person employed or contracted with the West Virginia Board of Education, a county board of education, or a Regional Education Service Agency;

(e) A person duly credentialed by this state as a teacher of the deaf;

(f) The activities and services of persons pursuing a course of study leading to a degree in speech-language pathology or audiology at a college or university; if:

(1) These activities and services constitute a part of a planned course of study at that institution;

(2) Such persons are designated by a title such as intern, trainee, student, or by other such title clearly indicating the status appropriate to their level of education; and

(3) Such persons work under the supervision of a person licensed by this state to practice speech-language
pathology or audiology.

(g) The activities of persons who are nonresidents of this state from engaging in the practice of speech-language pathology or audiology if the activities of such persons do not exceed five days in any calendar year and such persons:

(1) Meet the qualifications of this article;
(2) Register with the board in accordance with procedures specified in its rules and regulations; and
(3) Agree to abide by the standards of professional conduct contained in this article and rules promulgated by the board.

(h) The practices and procedures of qualified licensed hearing aid dealers engaged solely in the practice of dealing in or fitting of hearing aids under article twenty-six of this chapter; and

(i) Occupational hearing conservationists engaged in hearing testing as part of a hearing conservation program in compliance with regulations of the Occupational Safety and Health Administration.

§30-32-6. Exemption from civil liability.

While serving on any peer review committee, any speech-language pathologist or audiologist shall not be liable for civil damages as a result of his or her decisions, findings or recommendations in connection with his or her duties on such committees, except for decisions, findings or recommendations which are arbitrary or capricious.

§30-32-7. Board of examiners for speech-language pathology and audiology.

(a) There is hereby created a state board to be known and designated as the “West Virginia Board of Examiners for Speech-Language Pathology and Audiology” which shall consist of five members appointed by the governor, with the advice and consent of the Senate. All members shall be residents of this state and have been residents of this state for at least two years prior to their
appointments. The board shall be representative of various geographical regions of the state and of various employment settings.

(b) Two of the members shall be speech-language pathologists who are currently practicing speech-language pathology or who have had three years experience practicing speech-language pathology, and who hold active and valid licensure for the practice of speech-language pathology in this state, except for the first speech-language pathologists appointed who shall meet the eligibility requirements for licensure as specified in this article. Two of the members shall be audiologists who are currently practicing audiology or who have had three years experience practicing audiology, and who hold active and valid licensure for the practice of audiology in this state, except for the first audiologists appointed who shall meet the eligibility requirements for licensure as specified in this article. The fifth member shall be a lay person who is not associated with or financially interested in the practice or business of speech-language pathology or audiology nor a member of an allied or related profession or occupation.

(c) Within thirty days from the effective date of this article, the governor shall appoint the professional members of the first board from a list of names of at least seven speech-language pathologists and seven audiologists submitted by the state speech-language hearing association or from recommendations submitted by interested organizations or persons in the state. Each subsequent appointment of professional members may be made from recommendations submitted by the state speech-language-hearing association which may submit at least three names for each available position or from recommendations submitted by other interested organizations or persons in the state. No member of the board shall at the same time serve in an elected, appointed, or employed position in any state-level organization representing speech-language pathologists and audiologists, or both, which presents or may present a conflict of interest.
(d) Of the members first appointed, one of the audiologists and one of the speech-language pathologists shall serve for terms expiring the thirtieth day of June, one thousand nine hundred ninety-five, and the other of each of the professions shall serve for terms expiring the thirtieth day of June, one thousand nine hundred ninety-four, and the lay member shall serve for a term expiring the thirtieth day of June, one thousand nine hundred ninety-three. All subsequent appointments shall be for three years. Members shall serve until the expiration of the term for which they have been appointed or until their successors have been appointed and qualified. In the event of a vacancy in the office of a member of the board 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 two consecutive three year terms.

§30-32-8. Meetings of the board.

The board shall meet during the first month of each calendar or fiscal year to select a chairperson and to conduct other appropriate business, and shall hold at least one additional meeting before the end of each calendar or fiscal year. Additional meetings may be held at the call of the chairperson. Three members of the board shall constitute a quorum to do business, including at least one speech-language pathologist and one audiologist.


Members of the board shall receive a per diem of fifty dollars for each day actually engaged in the performance of the duties of the office, and shall also receive reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties: Provided, That a majority of the board shall approve such compensation.


(a) The board shall:

1. Administer, coordinate and enforce the provisions of this article, establish licensure fees, evaluate the
qualities of applicants, supervise the examination
of applicants, register speech-language pathology and
audiology assistants and issue and renew licenses;

(2) Investigate allegations of violations of this article
and impose penalties if such violations of this article
have occurred;

(3) Promulgate reasonable rules, in accordance with
chapter twenty-nine-a of this code, including, but not
limited to, rules that delineate qualifications for
licensure; specify requirements for the renewal of
licensure; set forth procedures for registering speech-
language pathology and audiology assistants; and
establish standards of professional conduct. Following
their adoption, the rules shall govern and control the
professional conduct of every person who holds a license
to practice speech-language pathology or audiology or
who is registered as a speech-language pathology and
audiology assistant in this state;

(4) Have available the names of persons currently
licensed and registered under the provision of this
article;

(5) Employ such personnel as determined by its needs
and budget;

(6) Request legal advice and assistance, as needed,
from the attorney general;

(7) Enter into such contracts as necessary to carry out
its responsibilities under this article;

(8) Hire legal counsel, if necessary;

(9) Establish a budget;

(10) Maintain reports of its operations and finances;

(11) Adopt an official seal (or seals) by which it shall
authenticate its proceedings, copies of proceedings,
records, acts of the board and licenses; and

(12) Communicate disciplinary actions to relevant
state and federal authorities and to other state speech-
language pathology and audiology licensing authorities.
(b) The conferral or enumeration of specific powers elsewhere in this article shall not be construed as a limitation of the general functions conferred by this section.

(c) No member of the board shall be liable to civil action for any act performed in good faith in the performance of his or her duties as prescribed by law.

§30-32-11. Funds.
All fees and other moneys received by the board, including civil penalties imposed and collected pursuant to the provisions of section seventeen of this article, shall be deposited in a separate account in the state treasury. Expenditures for the purposes set forth in the article are not authorized from collections but are to be made only in accordance with appropriation and in accordance with the provisions of article three, chapter twelve of this code and upon fulfillment of the provisions set forth in article two, chapter five-a of this code.

Amounts collected which are found from time to time to exceed the funds needed for the purposes set forth in this article may be transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature.

§30-32-12. Qualifications for license.
To be eligible for licensure by the board as a speech-language pathologist or audiologist, the applicant shall:

(a) Make application to the board, upon such a form prescribed by the board;

(b) Pay to the board the appropriate application fee;

(c) Possess at least a master's degree or equivalent in speech-language pathology or audiology from an educational institution approved by the board which consists of coursework approved by the board and delineated in the rules;

(d) Complete supervised clinical practicum experiences from an educational institution or its cooperating programs the content of which shall be approved by the
board and delineated in the rules;

(e) Complete a postgraduate professional experience as approved by the board and described in the rules; and

(f) Pass the national examination in speech-language pathology or audiology which is approved by the American speech-language-hearing association.

§30-32-13. Waiver of requirements.

(a) The board may waive the practicum and professional experience requirements for applicants who:

(1) Provide proof of employment in the practice of speech-language pathology or audiology in this state for at least two out of the last five years immediately preceding the effective date of this article;

(2) Pass an examination, if requested by the board;

(3) Apply for a license in speech-language pathology or audiology within one year after the effective date of this article; and

(4) Possess at least a master's degree or equivalent in speech-language pathology or audiology from an educational institution approved by the board which consists of coursework approved by the board and delineated in the rules.

(b) The board shall waive the examination requirement for applicants who either:

(1) Present proof of current licensure in a state that has standards that are at least equivalent to those of this state; or

(2) Hold a certificate of clinical competence in speech-language pathology or audiology from the American speech-language-hearing association in the area for which they are applying for licensure.

(c) A person who holds current licensure from another state with equivalent standards or who holds the certificate of clinical competence from the American speech-language-hearing association may practice speech-language pathology or audiology in this state,
pending board disposition of their applications, if he or she:

(1) Is practicing in the area, speech-language pathology or audiology, in which the licensure or certificate of clinical competence was granted; and

(2) Has filed an application with the board and paid the appropriate application fee.

§30-32-14. Provisional license.

(a) The board shall issue a provisional license to an applicant who:

(1) Except for the postgraduate professional experience, meets the academic, practicum, and examination requirements of this article;

(2) Submits an application to the board, upon such a form prescribed by the board, including a plan for the content of the postgraduate professional experience; and

(3) Pays to the board the appropriate application fee for a provisional license.

(b) The purpose of a provisional license is to permit an individual to practice speech-language pathology or audiology while completing the postgraduate professional experience as required by this article. A person holding a provisional license is authorized to practice speech-language pathology or audiology only while working under the supervision of a person fully licensed by this state in accordance with this article.

(c) The term for provisional licenses and the conditions for their renewal are to be determined by the board and delineated in its rules and regulations.


(a) Licenses first issued under this article shall expire on the first day of January, one thousand nine hundred ninety-five, and subsequent licenses shall expire every two years thereafter;

(b) Every person licensed under this bill shall:

(1) Pay an amount established by the board in order
for his or her license to be renewed;

(2) Submit an application for renewal on a form prescribed by the board;

(3) Meet any other requirements the board establishes as conditions for license renewal; and

(4) Engage in a minimum of ten hours of continuing education activities during the two-year licensing period whose content is directly related to the professional growth and development of speech-language pathologists and audiologists. The following are examples of ways in which these hours may be obtained:

(i) Short courses, mini-seminars and teleconferences of the American speech-language-hearing association;

(ii) Educational sessions of the West Virginia speech-language-hearing association;

(iii) Educational sessions provided within the licensee's work setting; or

(iv) Any other activities approved by the board.

(c) Licensees are granted a grace period of thirty days after the expiration of their licenses in which to renew retroactively as long as they otherwise are entitled to have their licenses renewed and pay to the board the renewal fee and any late fee set by the board.

(d) A suspended license is subject to expiration and may be renewed as provided in this article, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order of judgment by which the license was suspended.

(e) A license revoked on disciplinary grounds is subject to expiration as provided in this article, but it may not be renewed. If such license is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee that shall equal the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement, plus
§30-32-16. Reinstatement of expired licenses.

1 (a) A person who fails to renew his or her license by the end of the thirty-day grace period may have the license reinstated if he or she:

2 (1) Submits an application for reinstatement to the board within five years after the expiration date of the license;

3 (2) Meets requirements established by the board as conditions for license renewal; and

4 (3) Pays to the board a reinstatement fee equal to the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement, and any late fee set by rules of the board.

5 (b) A person who fails to renew his or her license within five years after the expiration date may not have the license renewed, and the license may not be restored, reissued, or reinstated thereafter, although such person may apply for and obtain a new license if he or she meets the requirements of this article and pays to the board the appropriate fee or fees.

§30-32-17. Disciplinary actions.

1 (a) The board may impose any of the following disciplinary actions in those instances in which an applicant for a license or a licensee has been guilty of conduct which has endangered, or is likely to endanger the health, welfare or safety of the public:

2 (1) Refuse to issue or renew a license;

3 (2) Issue a letter of reprimand or concern;

4 (3) Require restitution of fees;

5 (4) Impose probationary conditions;

6 (5) Impose a civil penalty not to exceed five hundred dollars; or

7 (6) Suspend or revoke a license.

8 (b) The board may take disciplinary actions for
conduct that may result from but not necessarily be limited to:

(1) Fraudulently or deceptively obtaining or attempting to obtain a license or a provisional license for the applicant, licensee, holder or for another;

(2) Fraudulently or deceptively using a license or provisional license;

(3) Altering a license or provisional license;

(4) Aiding or abetting unlicensed practice; and

(5) Committing fraud or deceit in the practice of speech-language pathology or audiology, including, but not limited to:

   (i) Willfully making or filing a false report or record in the practice of speech-language pathology or audiology;

   (ii) Submitting a false statement to collect a fee; or

   (iii) Obtaining a fee through fraud or misrepresentation.

(6) 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;

(7) Falsely representing the use or availability of services or advice of a physician.

(8) Misrepresenting the applicant, licensee or holder by using the word “doctor” or any similar word, abbreviation or symbol if the use is not accurate or if the degree was not obtained from a regionally accredited institution;

(9) Committing any act of dishonorable, immoral or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;

(10) Engaging in illegal, incompetent or habitually negligent practice;

(11) Providing professional services while;
    (i) Mentally incompetent;
    (ii) Under the influence of alcohol;
    (iii) Using any narcotic or controlled dangerous
    substance or other drug that is in excess of therapeutic
    amounts or without valid medical indication; or
    (iv) Having a serious contagious disease.

(12) 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.

(13) Violating any provision of this article, or any
lawful order given, or rule adopted by the board;

(14) Being convicted of or pleading guilty or nolo
contendere to a felony or to a crime involving moral
turpitude, whether or not any appeal or other proceed-
ing is pending to have the conviction or plea set aside;
or

(15) Being disciplined by a licensing or disciplinary
authority of any other state or country 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.


(a) Whenever the board shall deny an application for
any original or renewal license of any kind under this
article or shall suspend or revoke any such license it
shall make and enter an order to that effect and serve
a copy thereof on the applicant or licensee, as the case
may be, by certified mail, return receipt requested.
Such order shall state the grounds for the action taken
and shall require that any license suspended or revoked
thereby shall be returned to the board by the holder
within twenty days after receipt of the copy of the order.

(b) Any person adversely affected by any such order
shall be entitled to a hearing thereon as to all issues not
excluded from the definition of “contested case” as set
forth in article one, chapter twenty-nine-a of this code if, within twenty days after receipt of a copy thereof, he or she filed with the board a written demand for such hearing. A demand for hearing shall operate automatically to stay or suspend the execution of any order suspending or revoking a license or denying an application for a renewal of license. The board may require the person demanding such hearing to give reasonable security for the costs thereof, and, if such person does not substantially prevail at such hearing, such costs shall be assessed against the person and may be collected by a civil action or other proper remedy.

(c) Upon receipt of a written demand for a hearing, the board shall set a time and place thereof not less than ten nor more than thirty days thereafter. The person demanding the hearing may be granted one continuance as a matter of right and further continuances for good cause shown.

(d) All of the pertinent provisions of article five, chapter twenty-nine-a of this code shall apply to and govern the hearing, and the administrative procedures in connection with and following such hearing, with like effect as if the provisions of the article were set forth in this subsection.

(e) Any such hearing shall be conducted by a quorum of the board. For the purpose of conducting any such hearing any member of the board may issue subpoenas and subpoenas duces tecum which shall be issued and served within the time and for the fees and shall be enforced, as specified in section one, article five, chapter twenty-nine-a of this code, and all of the provisions of such section dealing with subpoenas and subpoenas duces tecum shall apply to those issued for the purpose of a hearing hereunder.

(f) At any such hearing the person who demanded the same may represent himself or herself or be represented by an attorney admitted to practice law in this state. Upon request of the board, it shall be represented at any such hearing by the attorney general or his assistants without additional compensation.
(g) After any such hearing and consideration of all of the testimony, evidence and record in the case, the board shall render its decision in writing, accompanied by findings of fact and conclusions of law as specified in section three, article five, chapter twenty-nine-a of this code, and a copy of such decision and accompanying findings and conclusions shall be served by certified mail, return receipt requested, upon the person demanding such hearing, and the person's attorney of record, if any.

(h) The decision of the board shall be final unless reversed, vacated or modified upon judicial review thereof in accordance with this article.


Any person adversely affected by a decision of the board rendered after a hearing held in accordance with the provisions of this article shall be entitled to judicial review thereof. All of the pertinent provisions of section four, article five, chapter twenty-nine-a of this code shall apply to and govern such judicial review with like effect as if they were set forth in this section.

The judgment of the circuit court shall be final unless reversed, vacated or modified on appeal to the supreme court of appeals in accordance with the provisions of article six, chapter twenty-nine-a of this code.

Legal counsel and services for the board in all appeal proceedings in any circuit court and the supreme court of appeals shall be provided by the attorney general or his assistants and in any circuit court by the prosecuting attorney of the county as well, all without additional compensation.

§30-32-20. Actions to enjoin violations.

Whenever it appears to the board that any person has been or is violating or is about to violate any provision of this article, any reasonable rule or regulation promulgated hereunder or any final decision of the board, the board may apply in the name of the state to the circuit court of the county in which the violation or
violations or any part thereof has occurred, for an
injunction against such person and any other persons
who have been, are or are about to be, involved in any
practices, acts or omissions, so in violation, enjoining
such person or persons from any such violation or
violations. Such application may be made and prose-
cuted to conclusion whether or not any such violation or
violations have resulted or shall result in prosecution or
conviction under other provisions of this article.

Upon application by the board, the circuit courts of
this state may by mandatory or prohibitory injunction
compel compliance with the provisions of this article,
the reasonable rules promulgated hereunder and all
orders and final decisions of the board. The court may
issue a temporary injunction in any case pending a
decision on the merits of any application filed.

The judgment of the circuit court upon any applica-
tion permitted by the provisions of this section shall be
final unless reversed, vacated or modified on appeal to
the supreme court of appeals. Any such appeal shall be
sought in the manner and within the time provided by
law for appeals from circuit courts in other civil actions.

The board shall be represented in all such proceedings
by the attorney general or his assistants and in such
proceedings in the circuit court by the prosecuting
attorney of the several counties as well, all without
additional compensation.


Any person who violates this article shall be guilty of
a misdemeanor, and, upon conviction thereof, shall be
punished by a fine of not more than five hundred
dollars, or by imprisonment for not more than six
months, or both.


The West Virginia board of examiners for speech-
language pathology and audiology shall be terminated
pursuant to the provisions of article ten, chapter four of
this code on the first day of July, one thousand nine
hundred ninety-eight, unless sooner terminated or
unless continued or reestablished pursuant to that article.


If any provision of this article or the application thereof to any person or circumstance shall be held invalid, the remainder of the article and the application of such provision to other persons or circumstances shall not be affected thereby.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Take effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 27th
day of May, 1992.

Governor