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SENATE

Senate Bill No. 837

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

In this age of modern and complex communication technology, the detection and prevention of various human communication disorders cannot be overly emphasized. Thus, the practice of speech pathology, or any allied medical profession devoted to the evaluation, diagnosis, management and cure of certain communication disorders, specifically in the hearing, language and/or speech processes, must be properly developed and, at the same time, regulated.

This bill seeks to create a Professional Regulatory Board of Speech Pathology and defines its function and duties. It also aims to lay the standards for the examination, registration and licensing of speech pathologists.

In a world which puts optimum importance in a person's ability to effectively communicate his thoughts and mental processes, the early passage of this bill is an imperative.


JINGGOY EJERCITO ESTRADA
Senator

10 JUL -8 AM 26

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Senate Bill No. 837

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AN ACT
REGULATING THE PRACTICE OF SPEECH PATHOLOGY IN THE
PHILIPPINES, PROVIDING FUNDS THEREFOR AND FOR OTHER
PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

ARTICLE I
TITLE AND DEFINITION OF TERMS

SECTION 1. Short Title. This Act shall be known as the “**Speech Pathology Act of 2010**”.

SEC. 2. Declaration of Policy. The State recognizes the important role of speech pathologists in nation building and promotes the sustained development of a reservoir of speech pathologists whose competence have been determined by honest and credible licensure examinations whose standards of professional practice and service are world-class and internationally-recognized, globally competitive through preventive regulatory measures, programs, and activities that foster their continuing, professional growth.

SEC. 3. Definition of Terms. -As used in this Act:

a) The term “speech pathology” shall mean an allied medical profession devoted to the evaluation, diagnosis, management and prevention of human communication disorder.

b) The term “speech pathologist” shall mean a person who is registered and licensed to practice speech pathology and who holds a valid certificate of registration/professional license and professional identification card issued by the Professional Regulation Commission under the provisions of this Act.

c) Term “communication disorder” shall mean impairment in the ability to (1) receive and/or process symbol systems; (2) represents concepts in systems; (3) transmit and use symbol systems. The impairment may be observed in the disorders of hearing, language and/or speech processes.

d) Evaluation” shall mean the global appraisal of the significance and implications of a diagnostic assessment that shall include formal and informal assessment.

(e) "Diagnosis" shall mean the act of identifying an abnormality or disorder by analyzing the symptoms presented. It may also include a study of the origin and development of the symptoms.

(f) "Language" is any accepted, structured, symbolic system of disorder for interpersonal communication composed of sounds arranged in ordered sequences or strings that express thoughts, intentions, experiences and feelings comprised of phonological, syntactical, and semantic components.

(g) "Speech" shall mean the medium of oral communication that employs a linguistic code (language); through this medium, one can express thoughts and feelings and understand those of others who employ the same code.

ARTICLE II THE PROFESSIONAL REGULATORY BOARD OF SPEECH PATHOLOGY

SEC. 4. *Creation and Composition of the Board.* Within ninety days after the effectivity of this Act, there shall be created the Professional Regulatory Board of Speech Pathology, hereinafter referred to as the Board under the administrative control and supervision of the Professional Regulation Commission, hereinafter referred to as the Commission, to be composed of a Chairperson and two members who shall be appointed by the President of the Philippines from the three recommendees for each vacant position chosen from the five nominees of the integrated and accredited national organization of speech pathologist.

SEC. 5. *Qualifications of the Members of the Board.* - To be the Chairperson or a member of the Board, one must at the time of higher appointment be:

- a) A natural born citizen of the Philippines and an actual resident thereof for at least five (5) years before his/her appointment;
- b) A duly registered and licensed speech pathologist holding a valid certificate of registration/professional license and professional identification card, in active clinical practice for the past five (5) years and a member in good standing of the accredited integrated national organization of speech pathologists prior to his/her appointment, except if appointed the first Chairperson/member;
- c) Of good moral character and must not have been convicted of any offense involving moral turpitude; and
- d) Must not have pecuniary interest, directly or indirectly, in any school, academy, college, university or institution conferring an academic degree necessary for administration to the practice of speech pathology or where review classes in preparation for the licensure examination are being offered or conducted, nor shall he/she be a member of the faculty or of the administration thereof at the time of his/her appointment to the Board.

SEC. 6. *Powers and Functions of the Board.* - The Board shall have the authority to:

- a) Promulgate, administer and enforce rules and regulations necessary for carrying out the provisions of this Act;

- b) Administer oaths in connection with the administration of this Act;
- c) Supervise and regulate the registration, licensure and practice of speech pathology in the Philippines;
- d) Adopt an official seal of the Board;
- e) Maintain a roster of speech pathologists indicating therein the basic information about the registered professionals;
- f) Study the conditions affecting the practice of speech pathology in the Philippines and adopt measures for the enhancement of the professional ethical and technical standards therein;
- g) Ensure, in coordination with the Commission on Higher Education (CHED), that all educational institutions offering speech pathology education comply with the policies, standards and requirements of the course prescribed by the CHED in the areas of curriculum, faculty, library and facilities;
- h) Prescribe and/or adopt a Code of Ethics and Code of Technical Standards for the practice of speech pathology;
- i) Standards for the practice of speech pathology; Issue, reinstate, suspend, revoke certificate of registration and/or professional license or cancel special permits for the practice of speech pathology;
- j) Prescribe guidelines and criteria in the Continuing Professional Education (CPE) program for speech pathologist;
- k) In consultation with the duly accredited organization of speech pathologist and the duly recognized association of schools conferring a Bachelor's degree in Speech Pathology, prescribe the area of competence to be included in the computerized licensure examination and their relative weights, determined the syllabi of the subjects, construct the test questions in licensure examination, score and rate examination papers;
- l) Hear or investigate any violations of this Act, its implementing rules and regulations and the Code of Ethics for speech pathologists, and for this purpose, to issue *subpoena duces tecum* to secure the appearance of the witnesses and the production of documents in connection therewith: Provided, that the decision of the Board shall, unless appealed to the Commission, become final and executory after fifteen (15) days from receipt of the judgment or decision;
- m) Adopt a program for the full computerization of the licensure examination;
- n) Grant registration without examination subject to the approval by the Commission;
- o) Issue special permits to persons admitted to the practice of speech pathology for a specific duration of time, and certificates of recognition for advanced studies, researches and accomplishments that contribute to the enrichment of the profession; and
- n) Perform such other powers and functions as it may deem necessary to carry out the objectives of this Act.

o) The policies, resolutions, rules and regulations issued or promulgated by the Board shall be subject to the review and approval of the Commission.

SEC. 7. Term of Office. - The Chairperson and members of the Board shall hold office for three (3) years after appointment or until their successors shall have been appointed and duly qualified; *Provided*, that members of the first Board to be appointed after the approval of this Act shall hold office for the following terms: Chairperson for three (3) years, one member for two (2) years, and the other member for one (1) years: *Provided, further*, that the Chairperson or any member may be re-appointed for another term of three (3) years but in no case shall he/she serve continuously for more than six (6) years. Vacancy in the Board shall be filled for the unexpired term only. Each member of the Board shall automatically be registered as speech pathologists and issued certificate of registration/professional license and professional identification card and shall take the proper oath of office prior to assumption.

SEC. 8. Compensation of the Members of the Professional Regulatory Boards. - The chairperson and members of the Board shall receive compensation and allowances comparable to that being received by the Chairpersons and members of existing regulatory boards under the Commission as provided for in the annual General Appropriations Act.

SEC. 9. Suspension and/or Removal of Board Members. - Any member of the Board may be suspended or removed from office for gross neglect of duty, incompetence, malpractice, unprofessionalism, immorality, unethical or dishonorable conduct, final judgment of crimes involving moral turpitude, and manipulation or rigging of the licensure examination results, disclosure of secret and confidential information in the examination questions prior to the conduct of the said examination or tampering of grades.

The administrative proceedings shall be heard by the Commission, whose recommendation shall be submitted to the Office of the President. During the investigation, the respondent shall be placed under preventive suspension by the Commission and another designated to fill the temporary vacancy in the Board.

SEC. 10. Supervision of the Board, Custodian of its Records, Secretariat and Support Services. - The Board shall be under the administrative supervision of the Commission. All records of the Board, including applications for examination, and administrative and other investigative cases conducted by the Board shall be under the custody of the Commission.

The Commission shall designate the secretary of the Board and shall provide the secretariat and other support services to implement the provision of this Act.

SEC. 11. Annual Report. - The Board shall submit an annual report to the Commission after the close of each calendar year, giving a detailed account of the proceedings of the Board during the year and recommending measures to be adopted, with the end in view of upgrading and improving the conditions affecting the practice of speech pathology in the Philippines.

ARTICLE III LICENSURE EXAMINATION AND REGISTRATION

SEC. 12. Examination Required. - All applicants for registration for the practice of speech pathology shall be required to undergo a licensure examination to be given by the Board in such places and dates as the Commission may designate subject to compliance with the requirements prescribed by the Commission.

SEC. 13. Qualification for Examination. - In order to be allowed to take part in the licensure examination, an applicant must, at the time of filing of higher application, establish to the satisfaction of the Board that he/she has met the following qualifications:

- a) A Filipino citizen or a foreign citizen whose state/country has reciprocity agreement with the Philippines in the practice of speech pathology;
- b) good moral character;

d) Has not been convicted of a crime involving moral turpitude;

e) A graduate of a Bachelor's degree in speech pathology from a duly recognized school, college or university in the Philippines or abroad and recognized/accredited by the Commission on Higher Education (CHED).

SEC. 14. Scope of Examination. - The subjects in the licensure examination for Speech Pathologists shall cover the following:

- a) Anatomy and physiology of the speech and hearing mechanism
- b) Neurological bases of speech and hearing disorders
- c) Articulation and phonological disorders
- d) Hearing impairment and aural habilitation
- e) Language disorders
- f) Fluency disorders
- g) Voice disorders
- h) Dysphagia
- i) Medical and neurological disorders

The Board may recluster, rearrange, modify, add or exclude any subject as the need arises so as to conform to technological changes.

SEC. 15. Registration Without Examination as Speech Pathologist. - A person who possesses the pertinent qualifications required for admission in the examination for registration as a speech pathologist pursuant to the provisions of this Act may be registered without examination provided the APPLICANT FILES WITH THE Board, within three (3) days after the effectivity of the Implementing Rules and Regulations, an application for registration and issuance of a certificate of registration/professional license and professional identification card by submitting credentials showing that the applicant before the effectivity of this Act is a bachelor's degree holder of speech pathology from a college or university accredited by the CHED, with at least five (5) years of full-time work experience in the practice of speech pathology.

SEC. 16. Ratings in the Examination. - To be qualified as having passed the licensure examination for speech pathologists, a candidate must have obtained a weighted general average of seventy-five (75%), with no grade lower than fifty (50%) in any given subject must take the examination in the subject or subjects where he/she obtained a grade below fifty percent (50%) within two (2) years from the date of his/her last examination. The topic of subjects retaken must have each a rating of no less than seventy-five percent (75%) in order to qualify as having passed the examination.

SEC. 17. Report Ratings. - The Board shall submit to the Commission the ratings obtained by each candidate within ten (10) calendar days after the examination unless extended for just cause.

SEC. 18. Oath of Speech Pathologist. - All successful examinees qualified for registration and all qualified applicants for registration without examination shall be required to take an oath of profession before any member of the Board or any authorized officer of the Commission to administer oaths, prior to entering into the practice of speech pathology in the Philippines.

SEC. 19. Issuance of Certificate of Registration/Professional License and Professional Identification Card. - A certificate of registration/professional license and professional identification card shall be issued to all successful examinees and registrants either with or without examination upon compliance with all the legal requirements including payment of fees prescribed by the Commission. The certificate of registration/professional license shall bear the signature of the chairperson of the Commission and the chairperson and members of the Board, indicating that the person named therein is entitled to the practice of the profession with all the privileges appurtenant thereto. The said certificate shall remain in full force and effect until withdrawn, suspended or revoked in accordance with this Act.

A professional identification card bearing the registration number, date of issuance, expiry date, duly signed by the chairperson of the Commission, shall likewise be issued to every registrant who has paid the prescribed fee.

SEC. 20. Indication of Certificate of Registration/Professional Tax Receipt. - The speech pathologist shall be required to indicate his/her certificate of registration/professional license number and date of issuance, including the professional tax receipt number on the document he/she signs, uses or issues in connection with the practice of his/her profession.

SEC. 21. Refusal to Register. - The Board shall not register and issue a certificate of registration/professional license and professional identification card to any person convicted by a court of competent jurisdiction or a criminal offense involving moral turpitude or guilty of immoral or dishonorable conduct or to any person of unsound mind. In the event of refusal to issue the certificate for any reason, the Board shall give the applicant a written statement setting forth the reason for such action, which statement shall be incorporated in the record of the Board.

SEC. 22. Revocation or Suspension of the Certificate of Registration/professional License and Professional Identification Card and Cancellation of Special Permit. - The Board may, after giving proper notice of hearing to the party concerned, revoke the practitioner's certificate of registration/professional license or suspend him/her from the practice of his/her profession or cancel his/her permit for any of the causes or grounds mentioned in Section 21 of this Act or for any unprofessional or unethical conduct, malpractice, violation of any of the provisions of this Act, its rules and regulations, the Code of Ethics and the Standards for speech pathologists.

SEC. 23. Reinstatement, Re-issuance or Replacement of Certificate of Registration/Professional License. - A person may apply to the Board for reinstatement of a certificate of registration/professional license at any time after two (2) years from the date of revocation of said certificate. The application shall be in writing and shall conform with the requirements as provided by the Board. No certificate/license shall be reinstated unless the Board is satisfied that a good

cause exists to warrant such reinstatement.

SEC. 24. Roster of Speech Pathologist. - The Board shall prepare, update and maintain a roster of speech pathologist in coordination with the integrated and accredited professional organization, which shall contain the name of each registration and issuance of certificates, and other data which the Board may deem pertinent. The roster shall be open to the public, copies of which shall be mailed to each person listed therein.

SEC. 25. Issuance of Special/Temporary Permit. – Special/temporary permit may be issued by the Board subject to the approval by the Commission and payment of the fees the latter has prescribed and charged thereof to the following persons:

a) a foreign speech pathologist called for consultation for a specific purpose which, in the judgment of the Board, is essential for the growth of the profession: Provided, however, that his/her activities shall be limited only to the particular work, for which he/she is being engaged: Provided, further, that he/she is qualified to practice his/her profession in his/her state or country. Provided, finally, that there is no Filipino speech pathologist qualified for such consultation or specific purpose;

b) a foreign speech pathologist who is an internationally recognized expert or specialist in any branch of speech pathology and his/her service is essential for the advancement of speech pathology in the Philippines; and

c) a foreign speech pathologist to be engaged as professor, lecturer, or critic in fields essential to speech pathology education in the Philippines is confined to teaching only.

The permit shall, among other things, include these limitations and conditions: for a period of not more than one (1) year subject to renewal, the branch or specialty of speech pathology, and the specific place of practice such as clinic, hospital, center, school/college/university offering the course of speech pathology. The Board, subject to the approval by the Commission, shall prescribe rules and regulations on the implementation of this particular section.

ARTICLE IV PRACTICE OF SPEECH PATHOLOGY

SEC. 26. Scope of the Practice of Speech Pathology. - The Scope of the Practice of Speech Pathology shall embrace, but shall not be limited to the performance of any of the following:

a) Screen, identify, assess, diagnose, rehabilitate and prevent disorders of speech such as, but not limited to articulation, fluency, voice and language;

b) Screen, identify, assess, diagnose, rehabilitate and prevent disorders of oral-pharyngeal functions such as, but not limited to dysphagia and related disorders in collaboration with the rehabilitation team;

c) Screen, identify, assess, diagnose and rehabilitate cognitive communication systems and provide training in their use;

- d) Assess, select and develop augmentative and alternative communication systems and provide training in their use;
- e) Screen hearing acuity for the purpose of speech language evaluation and aural rehabilitation;
- f) Plan appropriate home programs for patients;
- g) Plan, conduct and evaluate teaching-learning activities for students of speech pathology and other related courses; for other health professionals, patients and their families;
- h) Plan, conduct and evaluate researches in pursuit of new knowledge for the growth of speech pathology in the Philippines;
- i) Provide consultancy to government and non-government organization regarding the field of speech pathology; and
- j) Perform administrative duties in speech pathology clinics/units in hospitals, schools and other rehabilitation centers;
- k) Teaching, lecturing, reviewing subjects given in the licensure examination.

SEC. 27. Prohibition on the Practice of Speech Pathology. - No person shall practice or offer to practice speech pathology in the Philippines or offer himself/herself as speech pathologist, or use the title, word, letter figure, or a sign tending to convey the impression that he/she is a speech pathologist, or advertise or indicate in any manner whatsoever that he/she is qualified to perform the work of a speech pathologist unless he/she has satisfactorily passed the licensure examination given by the Board, except as otherwise provided in this Act, and is a holder of a valid certificate of registration/professional license and professional identification card or a valid temporary/special permit duly issued to him/her by the Board and the Commission.

SEC. 28. Prohibited Acts. - No person shall:

- a) Engage in the practice of speech pathology by representing himself/herself as a speech pathologist without a valid certificate of registration/professional license or a valid temporary/special permit granted by the Board pursuant to this Act;
- b) Practice his/her profession during the period of his/her suspension from the practice thereof;
- c) Allow an unqualified person to advertise or to practice the profession by using his/her certificate of registration/professional license or temporary/special permit; and
- d) Use as his/her own the certificate of registration/professional license or temporary/special permit of another.

SEC. 29. Code of Ethics and Code of Technical Standards for Speech Pathologist - The Board shall adopt and promulgate the Code of Ethics and Code of Technical Standards for speech pathologist prescribed and issued by the integrated and accredited national organization of speech pathologists.

SEC. 30. Continuing Professional Education (WE) Program. – The CPE guidelines shall be prescribed by the Board and promulgated by the Commission upon consultation with the Board, which shall consult the integrated and accredited organization of speech pathologist, the affiliated association of speech pathologists and other concerned sectors.

SEC. 31. Integration of Speech Pathologist. - All speech pathologists shall be integrated into one (1) national organization, which shall be recognized by the Board and by the Commission as the one and only integrated and accredited association of speech pathologists. A speech pathologist duly registered with the Board shall automatically become a member of the integrated and accredited association of speech pathologists, and shall receive the benefits and privileges appurtenant thereto, upon payment of the required fees and dues. Membership in the integrated and accredited association shall not be a bar to membership in other associations of speech pathologists.

SEC. 32. Foreign Reciprocity. - No foreign speech pathologist shall be admitted to the examination or be given a certificate of registration/professional license and professional identification card or be entitled to any of the privileges under this Act unless the country of which he/she is a subject or citizen specifically permits Filipino speech pathologists to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.

ARTICLE V FINAL PROVISIONS

SEC. 33. Funding Provision. - The Chairman of the Professional Regulation Commission shall immediately include in the Commission's programs the implementation of this Act, the funding of which shall be included in the annual General Appropriations Acts and thereafter.

SEC. 34. Penal provision. - Any person who shall violate any of the provisions of this Act or any of its implementing rules and regulations as promulgated by the Board subject to the approval of the Commission shall upon conviction, be punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) nor more than Fifty Thousand Pesos (P50,000.00) or by imprisonment of not less than two (2) years nor more than five (5) years, or both, at the discretion of the court.

SEC. 35. Implementing Rules and Regulations. - To implement the provisions of this Act, the Board, shall, subject to the approval of the Commission, promulgate the rules and regulations and the Code of Ethics for speech pathologists within sixty (60) days after the constitution of the first Board.

SEC. 36. Separability Clause. - If any section or provision of this Act shall be declared invalid or unconstitutional, such shall not invalidate any other section or provision of this Act.

SEC. 37. Repealing Clause. - All laws, decrees, orders, issuances or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 38. Effectivity Clause. - This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in a major newspaper of national circulation whichever comes earlier.

Approved,