

Ohio Board of Speech-Language Pathology and Audiology



**Laws & Regulations
Governing the**

**OHIO BOARD OF
SPEECH-LANGUAGE PATHOLOGY
AND AUDIOLOGY**

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Revised 9/03

REQUIREMENTS FOR LICENSURE

The Ohio Board of Speech-Language Pathology and Audiology is empowered to grant or deny licensure only according to the requirements of Chapter 4753, Ohio Revised Code and 4753, Ohio Administrative Code. The Board has no authority to waive requirements except as stipulated in the law itself. All applicants, licensees, PEY supervisors, and others concerned with licensure must read the law and will be held responsible for knowing and understanding the rules and regulations which govern the practice of speech-language pathology and audiology.

The following is offered as a guide to facilitate reading the licensure requirements:

- I. ***APPLICATION***
Administrative Code 4753-3-01
- II. ***EDUCATION***
Revised Code 4753.06 (A) and (B)
Administrative Code 4753-3-04
- III. ***CLINICAL EXPERIENCE***
Revised Code 4753.06 (C), 4753.12 (D)
Administrative Code 4753-3-05
- IV. ***PROFESSIONAL EXPERIENCE***
Revised Code 4753.06 (D), 4753.071, 4753.12 (E)
Administrative Code 4753-3-07
- V. ***EXAMINATION***
Revised Code 4753.06 (E)
Administrative Code 4753-3-06
- VI. ***FEES***
Revised Code 4753.11
Administrative Code 4753-5-01
- VII. ***WAIVERS OF REQUIREMENTS***
Revised Code 4753.08 (B) and (C)
Administrative Code 4753-3-01 (D), 4753-3-04 (A), 4753-3-05 (A)
- VIII. ***CODE OF ETHICS***
Administrative Code 4753-9-01

In denying licensure, the Board is also bound by Chapter 119 of the Ohio Revised Code.

OHIO REVISED CODE
CHAPTER 4753

BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

Also see Ohio Administrative Code, Beginning Page 15.

Section 4753.01 - Definitions

General Assembly: 119
Bill Number: Sub. S.B. 179
Effective Date: 11/05/92

As used in sections 4753.01 to 4753.12 of the Revised Code:

(A) "Speech-language pathologist" means a person who practices speech-language pathology and who represents himself to be a speech-language pathologist when he holds out to the public by any means, or by any service or function he performs, directly or indirectly, or by using the term "speech pathology," "speech pathologist," "speech correction," "speech correctionist," "speech therapy," "speech therapist," "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. "Person" means an individual, partnership, organization, or corporation, except that only individuals may be licensed under this law.

(B) "Speech-language pathology" means the application of principles, methods, or procedures related to the development and disorders of human communication. Disorders include any and all conditions, whether of organic or nonorganic origin, that impede the normal process of human communication including disorders and related disorders of speech, articulation, fluency, voice, oral and written language; auditory comprehension and processing; oral, pharyngeal or laryngeal sensorimotor competencies; mastication or deglutition following a medical examination by a physician licensed pursuant to Chapter 4731. of the Revised Code; auditory or visual processing; auditory or visual memory and cognition; communication; and assisted augmentative communication treatment and devices.

(C) "Practice of speech-language pathology" means planning, directing, supervising, and conducting habilitative or rehabilitative counseling programs for individuals or groups of individuals who have or are suspected of having disorders of communication, any service in speech-language pathology including prevention, identification, evaluation, consultation, habilitation or rehabilitation, instruction, and research.

The practice of speech-language pathology may include pure-tone air conduction hearing screening, screening tympanometry, and acoustic reflex screening, limited to a pass-or-fail determination for the identification of individuals with other disorders of communication. The practice of speech-language pathology also may include aural habilitation or rehabilitation which means the provision of services and procedures for facilitating adequate auditory, speech, and language skills in individuals with hearing impairment. The practice of speech-language pathology does not include the practice of medicine and surgery or osteopathic medicine and surgery, or the performance of a task in the normal practice of medicine and surgery by a person to whom the task is delegated by a licensed physician.

(D) "Audiologist" means a person who practices audiology and who represents himself to be an audiologist by using the term "audiology," "audiologist," "audiometry," "audiometrist," "audiological," "hearing therapy," "hearing therapist," "hearing clinic," "hearing clinician," or "hearing aid audiologist," or any similar title.

(E) "Audiology" means the application of principles, methods, or procedures related to hearing and the disorders of hearing.

(F) "Disorders" includes any and all conditions, whether of organic or nonorganic origin, peripheral or central, that impede the normal process of human communication including disorders of auditory sensitivity, acuity, function, or processing.

(G) "Practice of audiology" means the planning, directing, supervising, and conducting of habilitative or rehabilitative counseling programs for individuals or groups of individuals who have or are suspected of having disorders of hearing; any service in audiology, including prevention, identification, evaluation, consultation, habilitation or rehabilitation, instruction, and research; participating in hearing conservation, hearing aid and assistive listening device evaluation, selection, preparation, dispensing, and orientation; fabricating ear molds; providing auditory training and speech reading; and administering tests of vestibular function and tests for tinnitus in accordance with section 4753.14 of the Revised Code. The "practice of audiology" includes speech and language screening limited to a pass-or-fail determination, for the purpose of identification of individuals with disorders of communication. The practice of audiology does not include the practice of medicine and surgery or osteopathic medicine and surgery, or the performance of a task in the normal practice of medicine and surgery or osteopathic medicine and surgery by a person to whom the task is delegated by a licensed physician.

Section 4753.02 - Practitioners to be Licensed

General Assembly: 119
Bill Number: Sub. S.B. 179
Effective Date: 11/05/92

No person shall practice, offer to practice, or aid and abet the practice of the profession of speech-language pathology or audiology, or use in connection with his name, or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a speech-language pathologist or audiologist unless the person is licensed under this chapter.

Section 4753.03 - Board of Speech-Language Pathology and Audiology Created

General Assembly: 119
Bill Number: Sub. S.B. 179
Effective Date: 11/05/92

There is hereby created the board of speech-language pathology and audiology consisting of eight residents of this state to be appointed by the governor with the advice and consent of the senate. Three members of the board shall be licensed speech-language pathologists, and three members shall be licensed audiologists, who have been licensed and engaged in the practice, teaching, administration, or research in the area of appointment for at least five years prior to the dates of their appointment. Beginning with the first appointment of an audiologist to the board after the effective date of this amendment, at all times one of the audiologists serving on the board must be an audiologist engaged in the practice of fitting and dispensing hearing aids. At all times, two members shall be representatives of the general public, and neither shall be a speech-language pathologist or audiologist or a person licensed under this chapter. At least one of the members representing the general public shall be at least sixty years of age. Any speech-language pathologists and audiologists among the initial appointees shall have at least a bachelor's degree in speech-language pathology or audiology and shall meet the standards for licensure, other than examination, established by section 4753.06 or 4753.08 of the Revised Code. Any speech-language pathologist or audiologist appointed to the board after the effective date of this amendment, must hold a master's or doctorate degree.

Terms of office shall be for three years, each term commencing on the twenty-seventh day of September and ending on the twenty-sixth day of September. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of his term until his successor takes

office, or until a period of sixty days has elapsed, whichever occurs first. No person shall be appointed to serve consecutively more than two full terms. The executive council of the Ohio speech and hearing association may recommend, within forty-five days after any vacancy or expiration of a member's term occurs, no more than three persons to fill each position or vacancy on the board, and the governor may make his appointment from the persons so recommended. If the council fails to make recommendations within the required time, the governor shall make the appointment without its recommendations.

The terms of all speech-language pathology members shall not end in the same year; the terms of all audiology members shall not end in the same year. Upon the first appointment following the effective date of this amendment, the governor shall appoint speech-language pathology members and audiology members to one-, two-, or three-year terms to prevent the terms of all speech-language pathology members or all audiology members from ending in the same year. Thereafter, all terms shall be for three years.

Section 4753.04 - Meetings; Personnel; Expenses

General Assembly: 119
Bill Number: Sub. S.B. 179
Effective Date: 11/05/92

The board of speech-language pathology and audiology shall hold at least one regular meeting a year, at which it shall elect a chairman and vice-chairman from among its members. Additional meetings may be held upon call of the chairman or at the written request of two or more members of the board. Five members of the board constitute a quorum to conduct business, if one member who is a speech-language pathologist and one member who is an audiologist are present.

The board may employ an executive director, who shall serve at the board's pleasure, and shall designate his duties and fix his compensation. The board may hire such other employees and consultants as it finds necessary. Members of the board shall receive compensation pursuant to division (J) of section 124.15 of the Revised Code for each day employed in the discharge of their official duties. The members shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties. All vouchers of the board shall be signed by the chairman or the executive director of the board.

Section 4753.05 - Rules; Examinations; Investigations; Procedures

General Assembly: 121
Bill Number: Amended Sub. S.B. 230
Effective Date: 01/01/02

(A) The board of speech-language pathology and audiology may make reasonable rules necessary for the administration of this chapter. The board shall adopt rules to ensure ethical standards of practice by speech-language pathologists and audiologists licensed pursuant to this chapter. All rules adopted under this chapter shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) The board shall determine the nature and scope of examinations to be administered to applicants for licensure pursuant to this chapter in the practices of speech-language pathology and audiology, and shall evaluate the qualifications of all applicants. Written examinations may be supplemented by such practical and oral examinations as the board shall determine by rule. The board shall determine by rule the minimum examination score for licensure. Licensure shall be granted independently in speech-language pathology and

audiology. The board shall maintain a current public record of all persons licensed, to be made available upon request.

(C) The board shall publish and make available, upon request, the licensure standards prescribed by this chapter and rules adopted pursuant thereto.

(D) The board shall submit to the governor each year a report of all its official actions during the preceding year together with any recommendations and findings with regard to the improvement of the professions of audiology and speech-language pathology.

(E) The board shall investigate all alleged irregularities in the practices of speech-language pathology and audiology by persons licensed pursuant to this chapter and any violations of this chapter or rules adopted by the board. The board shall not investigate the practice of any person specifically exempted from licensure under this chapter by section 4753.12 of the Revised Code, as long as the person is practicing within the scope of the person's license or is carrying out responsibilities as described in division (G) or (H) of section 4753.12 of the Revised Code and does not claim to be a speech-language pathologist or audiologist.

In conducting investigations under this division, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. In any case of disobedience or neglect of any subpoena served on any person or the refusal of any witness to testify to any matter regarding which the witness may lawfully be interrogated, the court of common pleas of any county where such disobedience, neglect, or refusal occurs or any judge thereof, on application by the board, shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court, or a refusal to testify therein.

(F) The board shall conduct such hearings and keep such records and minutes as are necessary to carry out this chapter.

(G) The board shall adopt a seal by which it shall authenticate its proceedings. Copies of the proceedings, records, and acts signed by the chairperson or executive director and authenticated by such seal shall be prima-facie evidence thereof in all courts of this state.

Section 4753.06 - Licensing

General Assembly: 119
Bill Number: Sub. S.B. 179
Effective Date: 11/05/92

No person is eligible for licensure as a speech-language pathologist or audiologist unless:

(A) He has obtained a broad general education to serve as a background for his specialized academic training and preparatory professional experience. Such background may include study from among the areas of human psychology, sociology, psychological and physical development, the physical sciences, especially those that pertain to acoustic and biological phenomena, and human anatomy and physiology, including neuroanatomy and neurophysiology.

(B) He submits to the board an official transcript demonstrating that he has at least a master's degree in the area in which licensure is sought or the equivalent as determined by the board. His academic credit must include course work accumulated in the completion of a well-integrated course of study approved by the board and delineated by rule dealing with the normal aspects of human communication, development and disorders

thereof, and clinical techniques for the evaluation and the improvement or eradication of such disorders. The course work must have been completed at colleges or universities accredited by regional or national accrediting organizations recognized by the board.

(C) He submits to the board evidence of the completion of appropriate, supervised clinical experience in the professional area, speech-language pathology or audiology, for which licensure is requested, dealing with a variety of communication disorders. The appropriateness of the experience shall be determined under rules of the board. This experience shall have been obtained in an accredited college or university, in a cooperating program of an accredited college or university, or in another program approved by the board.

(D) He presents to the board written evidence that he has obtained professional experience. The professional experience shall be appropriately supervised as determined by board rule. The amount of professional experience shall be determined by board rule and shall be bona fide clinical work that has been accomplished in the major professional area, speech-language pathology or audiology, in which licensure is being sought. This experience shall not begin until the requirements of divisions (B) and (C) of this section have been completed unless approved by the board. Before beginning the supervised professional experience pursuant to this section, any applicant for licensure to practice speech-language pathology or audiology shall meet the requirements for a conditional license pursuant to section 4753.071 of the Revised Code.

(E) He submits to the board evidence that he has passed the examination for licensure to practice speech-language pathology or audiology pursuant to division (B) of section 4753.05 of the Revised Code.

Section 4753.07 - Issuance and Display of License

General Assembly: 119
Bill Number: Sub. S.B. 179
Effective Date: 11/5/92

The board of speech-language pathology and audiology shall issue under its seal a license or conditional license to every applicant who has passed the appropriate examinations designated by the board and who otherwise complies with the licensure requirements of this chapter. The license or conditional license entitles the holder to practice speech-language pathology or audiology. Each licensee shall display the license or conditional license or an official duplicate in a conspicuous place where the licensee practices speech-language pathology or audiology or both.

Section 4753.071 - Conditional Licenses

General Assembly: 121
Bill Number: Sub. House Bill 167
Effective Date: 11/15/96

The board of speech-language pathology and audiology shall issue a conditional license to an applicant who, except for the supervised professional experience:

(A) Meets the academic, practicum, and examination requirements of divisions (B), (C), and (E) of section 4753.06 of the Revised Code;

(B) Submits an application to the board, including a plan for the content of the supervised professional experience on a form prescribed by the board and pays to the board the appropriate fee for a conditional license. An applicant may not begin employment until the conditional license has been approved.

A conditional license authorizes an individual to practice speech-language pathology or audiology while completing the supervised professional experience as required by division (D) of section 4753.06 of the Revised Code. A person holding a conditional license may practice speech-language pathology or audiology while working under the supervision of a person fully licensed in accordance with this chapter. A conditional license is valid for eighteen months unless suspended or revoked pursuant to section 2301.373 or 4753.10 of the Revised Code.

A person holding a conditional license may perform services for which reimbursement will be sought under the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act" but all requests for reimbursement for such services shall be made by the person who supervises the person performing the services.

Section 4753.072 - Aides

General Assembly: 119
Bill Number: Sub. S.B. 179
Effective Date: 11/5/92

The board of speech-language pathology and audiology shall establish by rule pursuant to Chapter 119. of the Revised Code the qualifications for persons seeking licensure as a speech-language pathology aide or an audiology aide. The qualifications shall be less than the standards for licensure as a speech-language pathologist or audiologist. An aide shall not act independently and shall work under the direction and supervision of a speech-language pathologist or audiologist licensed by the board. An aide shall not dispense hearing aids. An applicant shall not begin employment until the license has been approved.

Section 4753.08 - Board May Waive Requirements

General Assembly: 121
Bill Number: Amended Sub. S.B. 230
Effective Date: 01/01/02

The board of speech-language pathology and audiology shall waive the examination, educational, and professional experience requirements for any applicant who:

(A) On September 26, 1975, has at least a bachelor's degree with a major in speech-language pathology or audiology from an accredited college or university, or who has been employed as a speech-language pathologist or audiologist for at least nine months at any time within the three years prior to September 26, 1975, if an application providing bona fide proof of such degree or employment is filed with the board within one year after September 26, 1975, and is accompanied by the application fee as prescribed in division (A) of section 4753.11 of the Revised Code;

(B) Presents proof of current certification or licensure in good standing in the area in which licensure is sought in a state which has standards at least equal to those for licensure in this state;

(C) Presents proof of a current certificate of clinical competence in speech-language pathology or audiology that is in good standing and received from the American speech-language-hearing association in the area in which licensure is sought.

Section 4753.09 - Renewal or Reinstatement of Licenses

General Assembly: 119
Bill Number: Sub. S.B. 179
Effective Date: 11/05/92

Except as provided in this section and in section 4753.10 of the Revised Code, a license issued by the board of speech-language pathology and audiology shall be renewed biennially in accordance with the standard renewal procedure contained in Chapter 4745. of the Revised Code. If the application for renewal is made after one year, the person shall apply for licensure as provided in section 4753.06 or division (B) or (C) of section 4753.08 of the Revised Code. The board shall not renew a conditional license; however, the board may grant an applicant a second conditional license.

The board shall establish by rule adopted pursuant to Chapter 119. of the Revised Code the qualifications for license renewal. Applicants shall demonstrate continued competence, which may include continuing education, examination, self-evaluation, peer review, performance appraisal, or practical simulation. The board may establish other requirements as a condition for license renewal as considered appropriate by the board.

The board may renew a license which expires while the license is suspended, but the renewal shall not affect the suspension. The board shall not renew a license which has been revoked. If a revoked license is reinstated under section 4753.10 of the Revised Code after it has expired, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in the amount equal to the renewal fee in effect on the last preceding regular renewal date on which it is reinstated, plus any delinquent fees accrued from the time of the revocation, if such a fee is prescribed by the board by rule. A license shall not be renewed six years after the initial date on which the license was granted for a person initially licensed by exemption until that person presents to the board proof of completion of the following requirements:

(A) Upon presentation of proof of a bachelor's degree with a major in the area of licensure or successful completion of at least eighteen semester hours of academic credit, or its equivalent as determined by the board by rule for colleges and universities not using semesters, accumulated from accredited colleges and universities. These eighteen semester hours shall be in a variety of courses that provide instruction related to the nature of communication disorders and present information pertaining to and training in the evaluation and management of speech, language, and hearing disorders and shall be in the professional area, speech-language pathology or audiology, for which licensure is requested.

(B) Successful completion of at least one hundred fifty clock hours of appropriately supervised, as determined by board rule, clinical experience in the professional area, speech-language pathology or audiology, for which licensure is requested, with individuals who present a variety of communication disorders, and the experience shall have been obtained under the supervision of a licensed speech-language pathologist or audiologist, or within another program approved by the board.

Section 4753.10 - Disciplinary Actions

General Assembly: 119
Bill Number: Sub. S.B. 179
Effective Date: 11/05/92

In accordance with Chapter 119. of the Revised Code, the board of speech-language pathology and audiology may reprimand or place on probation a speech-language pathologist or audiologist or suspend, revoke, or refuse to issue or renew the license of a speech-language pathologist or audiologist. Disciplinary actions may be taken by the board for conduct that may result from but not necessarily be limited to:

- (A) Fraud, deception, or misrepresentation in obtaining or attempting to obtain a license;
- (B) Fraud, deception, or misrepresentation in using a license;
- (C) Altering a license;
- (D) Aiding or abetting unlicensed practice;
- (E) Committing fraud, deception, or misrepresentation in the practice of speech-language pathology or audiology including:
 - (1) Making or filing a false report or record in the practice of speech-language pathology or audiology;
 - (2) Submitting a false statement to collect a fee;
 - (3) Obtaining a fee through fraud, deception, or misrepresentation, or accepting commissions or rebates or other forms of remuneration for referring persons to others.
- (F) 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;
- (G) Falsely representing the use or availability of services or advice of a physician;
- (H) 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 an accredited institution;
- (I) Committing any act of dishonorable, immoral, or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;
- (J) Engaging in illegal, incompetent, or habitually negligent practice;
- (K) Providing professional services while:
 - (1) Mentally incompetent;
 - (2) Under the influence of alcohol;
 - (3) Using any narcotic or controlled substance or other drug that is in excess of therapeutic amounts or without valid medical indication.
- (L) 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 in accordance with results obtained utilizing appropriate assessment procedures and instruments;
- (M) Violating this chapter or any lawful order given or rule adopted by the board;

(N) 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 proceeding is pending to have the conviction or plea set aside;

(O) Being disciplined by a licensing or disciplinary authority of this or any other state or country or convicted or disciplined by a court of this or any other state or country for an act that would be grounds for disciplinary action under this section.

After revocation of a license under this section, application may be made to the board for reinstatement. The board, in accordance with an order of revocation as issued under Chapter 119. of the Revised Code, may require an examination for such reinstatement.

If any person has engaged in any practice which constitutes an offense under the provisions of this chapter or rules promulgated thereunder by the board, the board may apply to the court of common pleas of the county for an injunction or other appropriate order restraining such conduct, and the court may issue such order.

Any person who wishes to make a complaint against any person licensed pursuant to this chapter shall submit the complaint in writing to the board within one year from the date of the action or event upon which the complaint is based. The board shall determine whether the allegations in the complaint are of a sufficiently serious nature to warrant formal disciplinary charges against the licensee pursuant to this section. If the board determines that formal disciplinary charges are warranted, it shall proceed in accordance with the procedures established in Chapter 119. of the Revised Code.

Section 4753.11 - Fees

General Assembly: 120
Bill Number: Amended Sub. House Bill 152
Effective Date: 07/01/93

(A) For all types of licenses, the board of speech-language pathology and audiology shall charge a nonrefundable licensure fee, to be determined by board rule, which shall be paid at the time the application is filed with the board.

(B) On or before the thirty-first day of January of every other year, the board shall charge a biennial licensure renewal fee which shall be determined by board rule and used to defray costs of the board.

(C) The board may, by rule, provide for the waiver of all or part of such fees when the license is issued less than one hundred days before the date on which it will expire.

(D) After the last day of the month designated by the board for renewal, the board shall charge a late fee to be determined by board rule in addition to the biennial licensure renewal fee.

(E) No municipal corporation shall levy an occupational or similar excise tax on any person licensed under this chapter.

(F) All fees collected under this section and section 4753.09 of the Revised Code shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund.

Section 4753.12 - Scope of Licensing; Exemptions

General Assembly: 121
Bill Number: Amended Sub. S.B. 230
Effective Date: 01/01/02

Nothing in this chapter shall be construed to:

(A) Prohibit a person other than an individual from engaging in the business of speech-language pathology or audiology without licensure if it employs a licensed individual in the direct practice of speech-language pathology and audiology. Such entity shall file a statement with the board, on a form approved by the board for this purpose, swearing that it submits itself to the rules of the board and the provisions of this chapter which the board determines applicable.

(B) Prevent or restrict the practice of a person employed as a speech-language pathologist or audiologist by any agency of the federal government.

(C) Restrict the activities and services of a student or intern in speech-language pathology or audiology from pursuing a course of study leading to a degree in these areas at a college or university accredited by a recognized regional or national accrediting body or in one of its cooperating clinical training facilities, if these activities and services are supervised by a person licensed in the area of study or certified by the American speech-language-hearing association in the area of study and if the student is designated by a title such as "speech-language pathology intern," "audiology intern," "trainee," or other such title clearly indicating the training status.

(D) Prevent a person from performing speech-language pathology or audiology services when performing these services in pursuit of the required supervised professional experience as prescribed in section 4753.06 of the Revised Code and that person has been issued a conditional license pursuant to section 4753.071 of the Revised Code.

(E) Restrict a speech-language pathologist or audiologist who holds the certification of the American speech-language-hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application.

(F) Restrict a person not a resident of this state from offering speech-language pathology or audiology services in this state if such services are performed for not more than one period of thirty consecutive calendar days in any year, if the person is licensed in the state of the person's residence or certified by the American speech-language-hearing association and files a statement as prescribed by the board in advance of providing these services. Such person shall be subject to the rules of the board and the provisions of this chapter.

(G) Restrict a person licensed under Chapter 4747. of the Revised Code from engaging in the duties as defined in that chapter related to measuring, testing, and counseling for the purpose of identifying or modifying hearing conditions in connection with the fitting, dispensing, or servicing of a hearing aid, or affect the authority of hearing aid dealers to deal in hearing aids or advertise the practice of dealing in hearing aids in accordance with Chapter 4747. of the Revised Code.

(H) Restrict a physician from engaging in the practice of medicine and surgery or osteopathic medicine and surgery or prevent any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.

(I) Restrict a person registered or licensed under Chapter 4723. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided such a person does not claim to the public to be a speech-language pathologist or audiologist.

(J) Restrict an individual licensed as an audiologist under this chapter from fitting, selling, or dispensing hearing aids.

(K) Authorize the practice of medicine and surgery or entitle a person licensed pursuant to this chapter to engage in the practice of medicine or surgery or any of its branches.

(L) Restrict a person licensed pursuant to Chapter 4755. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of occupational therapy or occupational therapy assistant as defined in Chapter 4755. of the Revised Code, provided the person does not claim to the public to be a speech-language pathologist or audiologist.

Section 4753.14 - Administration of Tests; Referrals to Physicians

General Assembly: 119
Bill Number: Sub. S.B. 179
Effective Date: 11/05/92

An audiologist shall administer tests of vestibular function only to patients who have been referred to him by a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

If an audiologist administers an audiometric test for tinnitus and his examination or evaluation of the patient reflects the presence of otological or systemic disease, the audiologist shall promptly refer the patient to a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

Section 4753.15 - License Holders in Default on Child Support Orders

General Assembly: 121
Bill Number: Sub. House Bill 167
Effective Date: 11/15/96

On receipt of a notice pursuant to section 2301.373 of the Revised Code, the board of speech-language pathology and audiology shall comply with that section with respect to a license issued pursuant to this chapter.

Section 4753.99 - Penalty

General Assembly: 111
Bill Number: House Bill 79
Effective Date: 9-26-75

Whoever violates section 4753.02 of the Revised Code is guilty of a minor misdemeanor.

**OHIO ADMINISTRATIVE CODE
CHAPTER 4753**

BOARD OF SPEECH LANGUAGE PATHOLOGY AND AUDIOLOGY

Also see Ohio Revised Code, Beginning Page 3.

4753-1-01 Procedure for adoption of rules.

(A) Prior to adoption, amendment, or recession of a rule, except an emergency rule, the Ohio board of speech-language pathology and audiology shall give public notice thereof, at least thirty days prior to the date set for public hearing by:

- (1) Publishing notice on the 'Register of Ohio' at the Ohio legislative services commission.
- (2) Mailing notice to any other person or organization that has filed a request for such notice within the previous three years.

(B) The notice shall include all of the following:

- (1) A statement of the board's intention to consider adopting, amending, or rescinding a rule;
- (2) A synopsis of the proposed rule, amendment, or rescission or a general statement of the subject to which such rule relates;
- (3) A statement of the reason or purpose for adopting, amending, or rescinding the rule;
- (4) The date, time, and place of the public hearing;
- (5) A statement that copies of the proposed rule, amendment, or recession are available, without charge, from the board's office;
- (6) A statement that the public may offer comments on the proposed rule, amendment, or rescission in a letter or in person at the public hearing.

Effective: 06/26/2003
R.C. 119.032 review dates: 06/26/2008
Promulgated Under: 119.03
Statutory Authority: 4753.05
Rule Amplifies: 119.03
Prior Effective Dates: 4/11/76, 5/5/86, 11/16/92 (Emer.), 2/9/93, 9/10/94, 7/16/99

4753-1-02 Method of determining time and place of meetings.

(A) Any person may obtain the time and place of all regularly scheduled board, committee, and subcommittee meetings and the time, place, and purpose of all special meetings by:

- (1) Contacting the board of speech-language pathology and audiology in writing at its business address, 77 S. High Street, 16th floor, Columbus, Ohio 43215, or by electronic means;
- (2) Calling the board of speech-language pathology and audiology at its business office at (614) 466-3145 during normal business hours; or

(3) Consulting the posting located at the business address of the board of speech-language pathology and audiology or on the board's website, www.state.oh.us/slp/.

(B) A representative of the news media may obtain notice of all special or emergency meetings of the board, committees, or subcommittees by annually requesting in writing that such notice be provided.

(1) The request must provide the name of the individual to be contacted, his/her mailing address, a maximum of two telephone numbers where it is reasonable to expect that a phone message will be communicated to the individual, and the individual's electronic means address.

(2) The executive director shall maintain a list of all news media representatives requesting notice of special meetings.

(3) Notice of special meetings shall be provided to such media representative via mail, telephone or electronic means at least twenty-four hours prior to the special meeting. Notice of emergency meetings shall be provided to such media representative via telephone or electronic means as soon as possible.

(4) Notice given by mail shall be complete upon mailing. Notice given by telephone shall be complete upon leaving a message containing the meeting information or if after reasonable effort the board has been unable to leave a message. Notice given by electronic means is complete upon the message being sent by the board.

(C) The board shall maintain a list of all persons who request, in writing, notice of board, committee, or subcommittee meetings at which specific subject matters designated by the person are scheduled to be discussed. The request must provide the name of the individual to be contacted, his/her mailing address, his/her electronic means address, and the specific subject matter designated. The board shall, no later than five days prior to the meeting, send by mail or electronic mail an agenda of the meeting to those persons.

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Statutory Authority: 4753.05
Rule Amplifies: 121.22
Prior Effective Dates: 5/15/77, 11/6/92 (Emer.), 2/9/93,
9/10/94

4753-1-03 Business filing.

(A) Pursuant to division (A) of section 4753.12 of the Revised Code, an entity may provide speech-language pathology or audiology services without licensure if it employs or contracts individuals in the direct practice of speech-language pathology or audiology, in accordance with Chapter 4753. of the Revised Code and Administrative Code. Such entity, through its designated agent, no later than March first of each year, shall submit a business filing with the board containing the following information: a statement swearing that it submits itself to the rules of the board and the provisions of Chapter 4753. of the Revised Code and the Administrative Code, and a list of all names, and addresses under which the entity provides speech-language pathology and audiology services and the names, license numbers, and home addresses of all individuals engaging in the direct practice of speech-language pathology and audiology as officers, agents or employees of the entity during the previous calendar year.

(B) The business filing shall be submitted on the form approved by the board for this purpose and shall be verified by the notarized signature and title of the individual filing the statement on behalf of the entity.

(C) An individual licensed pursuant to Chapter 4731. of the Revised Code who employs or contracts individuals in the direct practice of speech-language pathology or audiology is not required to submit a business filing. Medical entities, including but not limited to, hospitals, clinics, medical partnerships, medical corporations, speech-language pathology and audiology contracting agencies, which employ or contract individuals in the direct practice of speech-language pathology or audiology, are required to submit a business filing.

HISTORY: Eff 5-5-86; 9-10-94, 7/17/98
Rule promulgated under: RC Chapter 119
Rule authorized by: RC 4753.05
Rule amplifies: RC 4753.12 (A)
119.032 Review Date: 7/17/03

4753-1-04 Personal information systems.

(A) The board of speech-language pathology and audiology shall appoint one employee to be directly responsible for the custody and security of each personal information system maintained by the board. Said employee shall:

(1) Inform all employees who have any responsibility for the operation or maintenance of said system or the use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted thereunder; and

(2) Inform all persons requested to supply personal information for a system whether or not he/she is legally required to provide such information; and

(3) Restrict the collection, maintenance and use of personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute, ordinance, code or rule; and

(4) Provide a person, who is asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of the other agencies or organizations that have access to the information in the system; and

(5) Allow a person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code. Upon the request and verification that the person requesting access to the record is the subject of information contained in the system, the employee shall:

(a) Inform the person of any personal information in the system of which he/she is the subject:

(b) Permit the person, or his/her legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all personal information in the system of which he/she is the subject, except where prohibited by law;

(c) Inform the person of the uses made of the personal information and identify other users who have access to the system;

(d) Allow a person who wishes to exercise his/her rights as provided by this rule to be accompanied by one individual of his/her choice;

- (e) Provide, for a reasonable charge, copies of any personal information the person is authorized to inspect.
- (6) Investigate disputes concerning the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code and paragraph (D) of this rule.
- (7) Take all reasonable precautions to protect personal information maintained by the Ohio board of speech-language pathology and audiology from unauthorized modification, destruction, use or disclosure.
- (B) The board of speech-language pathology and audiology shall reprimand in writing any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings to the attention of appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system. A copy of the reprimand shall be entered in the employee's personnel file.
- (C) The Ohio board of speech-language pathology and audiology shall monitor its personal information system by:
- (1) Maintaining the personal information system with the accuracy, relevance, timeliness, and completeness necessary to assure fairness in any determination made by the board which is based on information contained in the system; and
 - (2) Eliminating unnecessary information from the system.
- (D) The Ohio board of speech-language pathology and audiology shall investigate upon request, the accuracy, relevance, timeliness or completeness of personal information, which is disputed by the subject of a record contained in the system, within ninety days after receipt of a request from the disputant; and
- (1) Notify the disputant of the results of the investigation and any action the board intends to take with respect to the disputed information; and
 - (2) Delete any information that the board cannot verify or finds to be inaccurate; and
 - (3) Permit the disputant, if he/she is not satisfied with the determination made by the board to include within the system:
 - (a) A brief statement of his/her position on the disputed information, such statement being limited to one hundred words, with the board's executive director assisting the disputant to write a clear summary of the dispute; or
 - (b) A notation that the disputant protests that the information is inaccurate, irrelevant, outdated, or incomplete; with the board of speech-language pathology and audiology maintaining a copy of the disputant's statement of the dispute.
- (E) The Ohio board of speech-language pathology and audiology shall not place personal information into an interconnected and combined system, unless said system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs which are required or authorized by law.
- (F) The board of speech-language pathology and audiology shall not use personal information placed into an interconnected or combined system by another state or local agency or an organization, unless the personal information is necessary and relevant to the performance of a lawful function of the board.

4753-1-05 Duties of officers and staff.

(A) The chairperson shall:

- (1) Designate the time and place of meetings by his/her own authority or at the written request of two or more board members.
- (2) Preside at all meetings or in case of his/her inability to attend any meeting, shall designate the vice-chairperson or in the event the vice-chairperson is not available, the chairperson shall designate one of the other members of the board to preside in his/her stead.
- (3) Exercise general supervision of the affairs of the board and shall have the usual powers of such office and any other powers and duties as the board may direct.
- (4) Sign all licenses and duplicates issued by the board.
- (5) Sign the official minutes of the proceedings of the board which shall remain on permanent file in the board office.

(B) The vice-chairperson shall:

- (1) Assist the chairperson in carrying out his/her duties when requested.
- (2) Preside over meetings in the absence of the chairperson or in the absence of any other direction by the chairperson.
- (3) Act on behalf of the chairperson in cases of extended incapacitation or long absence of the chairperson.
- (4) Sign all licenses and duplicates issued by the board.
- (5) Sign the official minutes of the proceedings of the board which shall remain on permanent file in the board office.
- (6) Serve as the investigative team chair.

(C) The executive director shall:

- (1) Serve at the pleasure of the board and report to the chairperson.
- (2) Direct and manage all program activities of the board; supply the board with accurate, current information

and professional advice; initiate new policies for consideration by the board; carry out all policies adopted by the board. Be responsible for the overall administration of the board's office including long-range planning and evaluation, and shall render administrative services to the board as required and report these activities to the board.

(3) Keep the minutes of the proceedings at the board meetings and the records of the board.

(4) Have custody of all fees received by the board including license fees and renewal fees, and shall be responsible for the transfer of such funds to the state treasurer.

(5) Be responsible for reviewing applications and issuing licenses approved by the board and shall account to the auditor of state for all licenses, renewals and duplicate certificates handled by the board.

(6) Be responsible for fiscal management of the board including preparation and submission of the budget for the board.

(7) Hire, train and evaluate staff and be responsible for working conditions, staff relations; public relations and professional ethics.

(8) Be responsible for the investigation of all complaints of violation of Chapters 4753. of the Revised Code and Administrative Code; work with the assistant attorney general assigned to the board to initiate warnings or legal actions, prepare materials for board hearings or appeals in court and draft legislative material for the board; attend and testify at hearings.

(9) Handle public relations and public information by written and phone correspondence and act as liaison for the board with the legislature, government agencies, the profession, consumers, news media, and the general public; and

(10) Assume such other duties as the board may direct.

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7/17/98

4753-3-01 Application for license.

(A) All applications for licensure shall be submitted to the board at its principal office on the appropriate forms prescribed by the board. The submitted application shall be typewritten or printed in ink.

(1) The application shall bear the notarized signature of the applicant certifying that all statements are true and complete.

(2) A photograph of the applicant shall appear in the space provided upon the application form. It shall be an unretouched, passport size photograph taken within six months of the date of application, and the face shall be portrayed not less than three-fourths inch in width.

(3) All applications must be accompanied by a non-refundable fee which is to be paid at the time the application is filed with the board.

(4) All applications, evidence, statements and documents shall be retained by the board.

(5) The board shall not accept official documentation by electronic transmission.

(6) The board may refuse to review any application that is not complete five business days prior to a board meeting.

(B) In the event that an application does not establish that the applicant qualifies for licensure, the applicant shall be notified in the manner outlined in Chapter 119. of the Revised Code.

Copies of all correspondence from the board to an applicant as outlined in Chapter 119. of the Revised Code may be sent to the applicant's professional experience supervisor or employer, where applicable.

(C) The board of speech-language pathology and audiology is empowered to grant or deny licensure only according to the requirements of Chapter 4753. of the Revised Code. The board has no authority to waive requirements except as stipulated in the law itself. All applicants, licensees, professional experience supervisors and others concerned with licensure shall be held responsible for knowing and understanding Chapter 4753. of the Revised Code and Administrative Code.

(1) Only complete applications will be presented to the board for approval. A complete application includes all information requested on the form, the licensure fee, and all materials required for verification that the applicant meets all licensure requirements.

(2) If an application is incomplete thirty days after receipt, the applicant will be sent a letter by regular, first-class mail informing her/him of the specific material needed to complete the application.

(3) If the application remains incomplete thirty days after the first-class letter was sent, the applicant will be sent a notice, by certified mail, return receipt requested, informing her/him of the following:

(a) That the application is incomplete and cannot be processed;

(b) That specific material must be received by the board in order for the application to be complete;

(c) That the incomplete application will be held open for only thirty days from the date of the notice, which deadline date shall be specified;

(d) That if the application remains incomplete at the close of business on the deadline date, the application will be deemed to be abandoned and no further review of the application will occur; and

(e) That copies of all correspondence from the board to the applicant concerning the incomplete application will be sent to the applicant's professional experience supervisor and/or employer where applicable.

(4) Deeming an application as abandoned shall not be considered to be an adjudication as defined in section 119.01 of the Revised Code and shall not be reported as disciplinary action.

(a) The abandoned application procedure shall be used only for ministerial acts related to missing application materials where no investigation, judgment, or deliberation is involved.

(b) Once an application is abandoned, the applicant may submit a new application, including all materials and the nonrefundable licensure fee. However, if the new application is incomplete, the board will commence the administrative actions required to deny the application as incomplete, pursuant to Chapter 119. of the Revised Code.

(D) The following criteria shall apply to applicants seeking licensure by waiver, pursuant to section 4753.08 of the Revised Code:

(1) A violation of an order of the board, Chapter 4753. of the Revised Code, or Chapter 4753. of the Administrative Code shall be grounds for denial of an application for licensure by waiver.

(2) When an applicant seeks licensure by waiver based upon proof of current certification or licensure in good standing in another state, a complete application requires that the board receive all of the following from the licensing state:

(a) Verification of licensure in that state;

(b) A copy of that state's licensure law effective at the time the applicant was licensed;

(c) A letter providing the license number of the applicant, expiration date, current status of the license, and whether or not the applicant has had any disciplinary action taken by that state's licensing agency.

3) When an applicant seeks licensure by waiver based upon a current certificate of clinical competence in speech-language pathology or audiology that is in good standing and received from the "American Speech-Language-Hearing Association" in the area in which licensure is sought, the following criteria apply:

(a) Verification of certification shall be submitted to the board by the "American Speech-Language-Hearing Association;"

(b) Applicants who received the certification based upon professional experience in Ohio in violation of Ohio law and rules shall not be licensed by waiver.

(E) The board shall review the application of an applicant whose professional education was received in another country and who qualified as an independent practitioner of speech-language pathology or audiology under the

standards of another country in order to determine whether or not the applicant's professional preparation was equivalent to that required under section 4753.06 of the Revised Code.

(1) The board may deem all or part of the applicant's education, clinical experience, or professional experience as equivalent to that required for Ohio licensure if the board is satisfied that the applicant received equivalent professional preparation.

(2) The applicant must have taken and passed the national examination, administered by the educational testing service, in the area in which licensure is sought, pursuant to rule 4753-3-06 of the Administrative Code.

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4753.071
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11/16/92 (Emer.), 2/9/93,
9/10/94, 7/16/99

4753-3-02 Certificate of license; display; duplicate license certificate.

Each applicant who is approved for a license shall receive a license certificate for office display. All licensees shall display their certificate in a conspicuous place where the licensee practices as required by Section 4753.07 of the Revised Code. Additional copies of the certificate shall be made available to approved licensees for a fee as prescribed by rule 4753-5-04 of the Administrative Code.

HISTORY: Eff 11-16-92 (Emer.); 2-16-80; 2-9-93
119.032 Review Date: 7/16/04
Rule promulgated under: RC Chapter 119
Rule authorized by: RC 4753.05
Rule amplifies: RC 4753.02

4753-3-03 Notice of change of address.

All applicants and licensees shall notify the board in writing of any change of name, place of business or mailing address within thirty days of said change.

HISTORY: Eff 11-16-92 (Emer.); 2-21-76; 2-9-93
119.032 Review Date: 7/16/04
Rule promulgated under: RC Chapter 119
Rule authorized by: RC 4753.05
Rule amplifies: RC 4753.05 (B)

4753-3-04 Educational requirements for licensure.

(A) To be eligible for licensure, an applicant must demonstrate that the following course work requirements are met:

(1) He/she obtained a broad general education, which may include study from among the areas of human psychology, sociology, psychological and physical development, the physical sciences, especially those that pertain to acoustic and biological phenomena, and human anatomy and physiology, including neuroanatomy and neurophysiology.

(2) He/she obtained at least a master's degree in the area in which licensure is sought or the equivalent as determined by the board from a college or university accredited by one of the following regional or national accrediting organizations or their successor organizations:

(a) "Middle States Association of Colleges and Schools- Commission on Higher Education"

(b) "New England Association of Schools and Colleges"

(c) "North Central Association of Colleges and Schools"

(d) "Northwest Association of Schools and Colleges"

(e) "Southern Association of Colleges and Schools"

(f) "Western Association of Schools and Colleges - Accrediting Commission for Senior Colleges"

The best source for determining whether the college or university is accredited by one of the above organizations or successors is the college or university itself.

(3) The academic credit upon which the master's degree or higher was awarded must include course work accumulated in the completion of a well-integrated course of study, as follows:

(a) A total of seventy-five semester hours or one hundred twelve and one-half quarter hours were accumulated.

(b) The course work consisted of at least the minimum number of hours in all areas listed below:

(i) Twenty-seven semester hours in basic science course work. Of the twenty-seven semester hours, six semester hours must be in biological/physical sciences and mathematics and six semester hours must be in behavioral or social sciences;

(ii) Fifteen semester hours in basic human communication processes, including all of the following: the anatomic and physiologic bases, the physical and psychophysical bases, and the linguistic and psycholinguistic aspects;

(iii) Thirty-six semester hours in professional course work. Of the thirty-six semester hours, thirty of the semester hours must be in courses for which graduate credit was received and comply with the requirements below that are applicable to the area in which licensure is sought:

(a) For speech-language pathology: thirty semester hours shall be in speech-language pathology, with at least six semester hours in language disorders; six semester hours shall be in audiology, with three semester hours in hearing disorders and hearing evaluation and three semester hours in habilitative/rehabilitative procedures.

(b) For audiology: thirty semester hours shall be in audiology, with at least six semester hours in hearing disorders and hearing evaluation and at least six semester hours in habilitative/rehabilitative procedures; six semester hours shall be in speech-language pathology, not associated with hearing impairment, with three semester hours in speech disorders and three semester hours in language disorders.

(c) For both speech-language pathology and audiology, course of study shall include content on ethical practice standards.

(B) Verification of education shall be the official transcript submitted to the board by the university or college.

(1) No credit may be allowed for courses listed on the application unless satisfactory completion of the course is verified by an official transcript.

(2) Satisfactory completion is defined as the applicant's having received academic credit in semester hours, quarter hours, or other unit or credit with a passing grade as defined by the college or university.

(3) Where the course work is reported in quarter hours, the following formula will be used: one semester hour equals one and one half quarter hours.

(4) The applicant is solely responsible for authorizing the college or university to send an official transcript to the board.

(5) The board may require additional verification of course work content.

(C) Course work listed on a college or university transcript shall be evaluated under the following standards:

(1) A specific course may be split and credited to no more than two categories. If a course is split, a description of the course taken from the university catalog must be submitted. At least one semester hour of the course must address the area in which partial credit is requested.

(2) Up to six semester hours for a thesis or dissertation may be accepted in the basic human communications processes or the professional course work categories.

(a) An abstract of the thesis/dissertation content must be submitted with the application.

(b) Academic credit that is associated with thesis or dissertation and for which graduate credit was received may apply in the professional area, but may not be counted as meeting any of the minimum requirements.

(c) "Minimum requirements" means six semester credit hours in speech disorders, six semester credit hours in language disorders, three semester credit hours in hearing disorders and hearing evaluations, three semester credit hours in habilitative/rehabilitative procedures, and twenty-one graduate semester credit hours in the area of licensure.

(d) Credit earned for research methodology courses, such as research methods, introduction to graduate study, etc., may be counted toward the thirty semester credit hours of course work at the graduate level but may not be used toward any of the minimum requirements.

(D) Course work requirements for licensure shall be deemed to be met when the applicant was awarded a master's degree or higher in the area in which licensure is sought from a college or university program accredited by a regional or national specialized accrediting organization in speech-language pathology and/or audiology recognized by the "United States Department of Education" and the "Council for Higher Education Accreditation," One Dupont Circle Northwest, Suite 50, Washington, D.C. 20036-1135, or its predecessors or successors, at the time the master's degree was awarded.

(E) Course work requirements for licensure shall be deemed to be met when the applicant holds a current certificate in audiology in good standing received from the "American Board of Audiology" when both of the following criteria are met:

(1) Verification of certification is received from the "American Board of Audiology."

(2) The student clinical and professional experience completed for certification, if performed in Ohio, were done in conformance with Ohio law and rules.

(F) Pursuant to section 4753.08(C) of the Revised Code, educational requirements for licensure shall be waived for an applicant who presents proof of a current certificate of clinical competence in the area in which licensure is sought that is in good standing and received from the "American Speech-Language-Hearing Association" when both of the following criteria are met:

(1) Verification of certification is received from the "American Speech-Language-Hearing Association."

(2) The student clinical and professional experience completed for certification, if performed in Ohio, were done in conformance with Ohio law and rules.

(G) In order to expedite the licensure of graduates prior to the preparation of final transcripts, the board shall consider on an individual basis any application for which the university provides a letter from the registrar, graduate officer or speech-language pathology and/or audiology department chairperson containing all of the following:

(1) A statement that the final transcript is not available;

(2) A statement that the applicant has met all requirements for a master's degree or higher;

(3) A statement of the area in which the master's degree or higher was earned;

(4) The university or college seal or notarized signature of the university or college official providing such letter.

The applicant is solely responsible for authorizing the college or university to send an official transcript to the board within ninety days of licensure or when it is available.

4753-3-05 Student clinical experience requirements.

(A) Definitions

(1) For purposes of division (C) of section 4753.06 of the Revised Code, supervised clinical experience of a student or intern means those clock hours of clinical experience obtained in direct contact with persons served through a college or university accredited by a regional or national accrediting organization recognized by the board, in a cooperating program of said college or university, or in another program approved by the board.

(2) "Clock hour" means a time increment of sixty minutes.

(3) "Evaluation" means screening, assessment and diagnosis of hearing disorders and language and speech disorders (articulation, fluency, voice and dysphagia) occurring before initiation of a treatment program.

(a) Clock hours devoted to counseling associated with the evaluation/diagnostic process may be counted.

(b) Clock hours spent in formal reevaluation may be applied to this category.

(c) Periodic assessments during treatment may not be considered as evaluation but may be applied to the treatment category.

(d) The majority of the evaluation hours in each category must be in areas other than screening activities.

(4) "Treatment for language and speech disorders" (articulation, fluency, voice, and dysphagia) means clinical management, including direct and indirect services, progress in monitoring activities, and counseling. Clock hours devoted to counseling associated with the treatment process may be counted in this category.

(5) "Treatment for hearing disorders" means clinical management and counseling, including auditory training, speech-reading, and speech and language services for those with hearing impairment.

(6) "Direct supervision" means that the supervisor provides guidance and direction to the student based upon on site observation of the student while in the same room or through an observation window or observation by video simulcast or closed-circuit television.

(7) "Indirect supervision" means that the supervisor providing guidance and direction to the student is on site during the majority of the student clinical experience.

(B) To meet requirements for licensure, the student clinical experience must meet all of the following criteria:

(1) The documentation establishes that the applicant obtained three hundred seventy-five hours of supervised clinical practicum, of which twenty-five clock hours shall be clinical observation prior to beginning initial clinical practicum and three hundred fifty clock hours shall be clinical practicum. Two hundred fifty of the three hundred seventy-five clock hours shall be at the graduate level in the area in which licensure is sought.

(2) The documentation establishes that the following minimum requirements are met in the applicable area:

(a) In the area of speech-language pathology:

(i) Twenty clock hours shall be in each of the following eight categories: evaluation of speech disorders in children; evaluation of speech disorders in adults; evaluation of language disorders in children; evaluation of language disorders in adults; treatment of speech disorders in children; treatment of speech disorders in adults; treatment of language disorders in children; and treatment of language disorders in adults;

(ii) Twenty clock hours shall be in audiology and may include evaluation/screening and/or habilitation/rehabilitation;

(iii) Fifty clock hours shall be in each of three types of clinical settings.

(b) In the area of audiology:

(i) At least fifty clock hours shall be in each of three types of clinical settings. The student must have experience in the evaluation and treatment of children and adults and with a variety of types and severity of disorders of hearing, speech, and language, and with the selection and use of amplification and assistive devices;

(ii) At least eighty clock hours shall be in each of the following categories, with a minimum of ten hours in each category: selection and use of amplification and assistive devices for children, and selection and use of amplification and assistive devices for adults;

(iii) At least twenty clock hours shall be in the treatment of hearing disorders in children and adults;

(iv) Twenty clock hours shall be in speech-language pathology unrelated to hearing impairment and may include evaluation/screening and/or treatment.

(3) The documentation establishes that the supervision of the experience was in compliance with all of the supervision criteria set forth in paragraph (C) of this rule.

(C) Student clinical experience supervision

(1) The documentation establishes that the student clinical experience supervision was a combination of direct and indirect supervision, as follows:

(a) At least ninety-five clock hours shall be directly supervised.

(b) Two hundred eighty clock hours shall be at least indirectly supervised.

(2) Supervisor observation of student clinical experience clock hours took place on site or by closed-circuit television. It is recommended that evaluation of student performance include activities such as conferences, audio and video recordings, written evaluations, rating instruments, and inspection of lesson plans and written reports.

(a) The supervisor must directly observe at least twenty-five percent of the student's contact time with each person served.

(b) The supervisor must directly observe at least fifty percent of the student's time in each diagnostic evaluation, including screening and identification.

(D) Verification of student clinical experience shall be submitted directly from the college or university on forms prescribed by the board.

(1) The verification must bear the notarized signature of the department head or applicant's clinical supervisor. The board may at its discretion require additional verification of student clinical experience.

(2) It is the applicant's responsibility to ensure that the college or university is authorized to send student clinical experience records.

(E) The student clinical experience requirements set forth in paragraphs (B) and (C) of this rule shall be deemed to be met when the applicant presents proof that he/she was awarded a master's degree or higher in the area in which licensure is sought from a college or university program in speech-language pathology and/or audiology accredited by a regional or national specialized accrediting organization in speech-language pathology or audiology recognized by the "United States Department of Education" and "Council for Higher Education Accreditation," One Dupont Circle Northwest, Suite 50, Washington, D.C. 20036-1135, or its predecessors or successors, at the time the master's degree was awarded.

(F) The student clinical experience requirements set forth in paragraphs (B) and (C) of this rule shall be deemed to be met when the applicant holds current certification in audiology that is in good standing and received from the "American Board of Audiology" and both of the following criteria are met:

(1) Verification of certification is received from the "American Board of Audiology."

(2) The student clinical experience and professional experience upon which certification was granted, if completed in Ohio, were done in conformance with Ohio law and rules.

(G) The student clinical experience requirements sets forth in paragraphs (B) and (C) of this rule shall be deemed to be met when the applicant holds a current certificate of clinical competence in the area in which licensure is sought that is in good standing and received from the "American Speech-Language-Hearing Association" and both of the following criteria are met:

(1) Verification of certification is received from the "American Speech-Language-Hearing Association."

(2) The student clinical experience and professional experience upon which certification was granted, if completed in Ohio, were done in conformance with Ohio law and rules.

(H) Academic credit for student clinical experience may not be used to satisfy specific course work minimum requirements. A maximum of six semester clock hours for student clinical experience may be applied to the thirty-six semester clock hours of professional course work.

(I) Students shall not receive reimbursement or compensation for services provided during the student clinical experience, unless the board finds that extraordinary circumstances render reimbursement or compensation appropriate.

(J) Student clinical experience must have been under the supervision of a person who meets one of the following criteria:

(1) Student clinical experience obtained in the state of Ohio shall have been under the supervision of a person who during the entire student clinical experience was licensed under Chapter 4753. of the Revised Code in the area in which the applicant seeks licensure.

(2) Student clinical experience obtained outside of Ohio shall have been under the supervision of a person who during the entire student clinical experience was licensed in the area in which the applicant seeks licensure in the state in which the student clinical experience was performed.

(3) Student clinical experience obtained in a state that does not have licensure shall have been under the supervision of a person who during the entire student clinical experience was certified by the "American Speech-Language-Hearing Association" or the "American Board of Audiology," in the area in which the applicant seeks licensure.

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9/10/94, 1/19/96 (Emer.),
5/16/96, 7/24/00

4753-3-06 Examination requirements.

An applicant shall have satisfied the examination requirements of the board if he/she has achieved a score of six hundred or above on the "National Examination in Speech Pathology" or the "National Examination in Audiology" or "The Praxis Series II Test in Speech-Language Pathology" or "The Praxis Series II Test in Audiology" administered by the "educational testing service" of Princeton, New Jersey, in the area in which licensure is sought or any other such practical and oral or written examinations as the board shall determine as necessary. Verification of the test score shall be submitted to the board by the "Educational Testing Service." Scores which cannot be reported by the "Educational Testing Service" may be submitted by another source with the approval of the board. It is the applicant's responsibility to ensure that the "Educational Testing Service" is authorized to report the test score.

4753-3-07 Professional experience requirements for licensure.

(A) Written evidence of having obtained appropriately supervised professional experience in which shall be at least nine calendar months with a minimum of thirty clock hours per week or the equivalent over no more than thirty-six consecutive months in which bona fide clinical work has been accomplished in the major professional area, speech-language pathology or audiology, in which licensure is sought. This experience shall begin after completion of all coursework, clinical experience and examination unless approved by the board. The purpose of the professional experience is to provide the opportunity for successful transition in status from student-trainee to independent professional by:

- (1) Development of a total commitment to quality speech, language, and hearing services;
- (2) Integration and application of theoretical knowledge gained in academic training;
- (3) Evaluation of individual strengths and limitations of person(s) served;
- (4) Evaluation of the clinician's own professional skills;
- (5) Refinement of clinical skills; and
- (6) Development of a commitment to continuing education and professional growth.

Seventy per cent of professional experience will be in direct clinical contact with persons who have communication disorders. Time spent in supervision of students, academic teaching, research or administrative activity that does not deal directly with management programs of individual persons served will not be counted as professional experience for licensure. When part-time employment is used to fulfill a part of the professional experience requirement, one hundred per cent of the minimum hours of the part-time work per week must be spent in direct contact with persons served as defined above.

Evidence of professional experience shall be submitted on forms provided by the board. Verification of professional experience shall be the notarized signatures of the applicant and professional experience supervisor.

(B) A person performing speech-language pathology or audiology services, in pursuit of the required supervised professional experience, as prescribed in section 4753.06 of the Revised Code, and as described in this rule must hold conditional licensure as prescribed in section 4753.071 of the Revised Code.

The purpose of a conditional license is to permit an individual to practice speech-language pathology or audiology while completing the supervised professional experience as required by division (D) of section 4753.06, of the Revised Code. A person holding a conditional license is authorized to practice speech-language pathology or audiology while working under an approved professional experience plan and the supervision of a person fully licensed by the board in accordance with Chapter 4753. of the Revised Code. The holder of a conditional license may not supervise the clinical experience of a student or supervise any other intern, aide or practitioner.

A conditional license will be granted only to individuals who have made application for licensure pursuant to section 4753.06 of the Revised Code. No person shall be eligible for a conditional license unless he/she has met the requirements of section 4753.06 of the Revised Code except for the supervised professional experience:

- (1) Has met educational requirements;
- (2) Has met clinical experience requirements;
- (3) Has received an examination score on the national teacher's examination of 600 or above;
- (4) Has submitted an application for conditional license to the board, including a plan for the content of the supervised professional experience on a form prescribed by the board; and
- (5) Has paid to the board the appropriate fee for a license and a conditional license. Any violation of an order of the board, Chapter 4753. of the Revised Code or agency level 4753 of the Administrative Code shall be grounds for denial of an application for a conditional license.

An applicant may not begin employment for professional experience until the conditional license has been granted.

Upon successful completion of professional experience by the holder of a conditional license, a license will be granted at the next board meeting at which licensure is considered. When a conditional license expires prior to successful completion of professional experience, the application for licensure upon which the conditional license was granted will be handled as an abandoned application pursuant to rule 4753-3-01 of the Administrative Code. Upon expiration of a conditional license, the board may in its discretion grant a second conditional license for good cause shown and fix the term of the conditional license not to exceed eighteen months. An applicant for a second conditional license shall file a written request with the board prior to the expiration of the first conditional license. The board shall determine whether good cause has been shown by evaluating both of the following factors: the progress made toward completing the professional experience, including the applicant's efforts to obtain employment, if applicable, and the length of time needed to complete the professional experience.

(C) Pursuant to section 4753.071 of the Revised Code, an applicant for a conditional license shall include a plan for professional experience. Granting of the conditional license shall be based upon approval of the plan for professional experience. The board may approve a plan indicating that an applicant is seeking employment. Time spent seeking employment shall not be credited toward professional experience requirements for licensure. Upon employment a new plan must be submitted.

In preparing a plan for approval of the board, the applicant shall:

- 1) Complete an application for licensure including all requisite fees and verifications of education, clinical experience, and examination;
- (2) Request supervision by an individual licensed by the board currently and for no less than two years in the area in which licensure is sought;
- (3) Obtain employment in a setting meeting the criteria for supervision of professional experience as outlined in this rule;
- (4) Read and abide by Chapters 4753. of the Revised Code and Administrative Code;
- (5) Complete and have notarized the applicant's section of the supervised professional experience plan form provided by the board;
- (6) Obtain from the professional experience supervisor the completed and notarized supervisor's section of the supervised professional experience plan form provided by the board; and
- (7) Obtain proof by certified mail or other receipt that the application and plan have been received by the board office. The applicant may not begin employment for professional experience until the plan and conditional license have been approved by the board.

Any changes, including but not limited to change of supervision, change or interruption of employment, or ending date of professional experience in the plan shall be reported to the board in writing within thirty days of the change and bear the signatures of both the applicant and supervisor. It is the responsibility of the applicant to ensure that the written changes in the plan bearing the signatures of the applicant and supervisor be submitted to the board. Failure to report any change in the plan in writing, including but not limited to change of supervision, change or interruption of employment, within thirty days of the change shall result in the rejection of the experience for licensure. If the board rejects the changes or experience, the board shall notify the applicant of that rejection within thirty days after the action of the board. Failure to report a change in the plan or failure to practice according to the plan shall be considered practice without a license and, therefore, cause for suspension or revocation of the conditional license according to Chapter 119. of the Revised Code.

The applicant shall submit a report for professional experience on a form prescribed by the board. If the board rejects the professional experience, the board shall notify the applicant of that rejection within thirty calendar days after the action of the board.

A person holding a conditional license may perform services for which reimbursement will be sought under the medicare program established under Title XVII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," but all requests for reimbursement for such services shall be made by the person who supervises the person performing the services.

A person shall not serve as a supervisor of the clinical practice of a student or intern while completing the year of supervised professional experience required for licensure under section 4753.06 of the Revised Code.

(D) Pursuant to section 4753.06 of the Revised Code, clock hours of professional experience are defined as those hours of direct contact with persons served, consultations, recordkeeping, staff meetings, in-service training or any other relevant duties in a paid professional setting in which bona fide clinical work has been accomplished in the major professional area, speech-language pathology or audiology, in which licensure is being sought. At least seventy percent of the professional experience shall be in direct contact with persons served. Time spent in academic teaching, research or administrative activity that does not deal directly with treatment programs of person(s) served will not be counted as professional experience for licensure.

Professional experience accomplished in the state of Ohio shall be acceptable for licensure only when done under the supervision of a person who during the professional experience was licensed by the board of speech-language pathology and audiology in the area in which licensure is sought.

Applicants for Ohio licensure who received the "American Speech-Language-Hearing Association's" certificate of clinical competence or licensure in another state based upon professional experience accomplished in Ohio in violation of Ohio law and rules shall not be licensed by waiver.

Professional experience accomplished in the state of Ohio prior to September 1, 1979 shall be acceptable for licensure only when done under the supervision of a person who during the experience met the academic, clinical practicum, experience, and examination requirements as described in rule 4753-3-04 of the Administrative Code, or the equivalent as determined by the board; or who during the professional experience was licensed in any state in the professional area in which licensure is sought; or who during the professional experience was certified by the "American Speech-Language-Hearing Association" in the professional area in which licensure is sought.

Professional experience when completed outside the state of Ohio, shall be acceptable for licensure only when done under the supervision of a person who during the professional experience was licensed in that state in the professional area in which licensure is sought; or in states without licensure who during the professional experience was certified by the "American Board of Audiology" or the "American Speech-Language-Hearing Association" in the professional area in which licensure is sought.

Professional experience for licensure may be obtained in a variety of diverse employment settings providing services for persons with speech, language, and hearing disorders. An employment setting is appropriate for the professional experience if the particular program or program component is designed to evaluate, habilitate or rehabilitate the communicative functioning of persons with speech, language, and hearing disorders. The program must afford the possibility that professional experience supervisory requirements can be met.

Evaluation and therapy programs in schools, clinics, hospitals, and community agencies are appropriate professional experience settings. Many highly specialized programs are appropriate for the professional experience even though they deal intensively with only a small number of individuals. Programs which provide primarily screening services are not suitable for the professional experience.

Professional experience shall entail the personal and direct involvement of the supervisor in any and all ways that will permit the supervisor to monitor, improve, and evaluate the applicant's performance in professional employment. The supervisor shall base the total evaluation on no less than thirty-six supervisory activities during the professional experience. The supervisor must include eighteen on-site observations of the applicant, of at least one hour each, at least six on-site observations shall be accrued during each third of the experience. The supervisor shall complete eighteen other monitoring activities, at least one per month. These monitoring activities may be executed by correspondence and include conferences with the applicant, evaluation of written reports, evaluations by professional colleagues, etc. If multiple sites are utilized in the professional experience, at least one on-site observation must be conducted at each site of the same provider type, including but not limited to nursing homes, hospitals, schools, industrial locations, hearing aid provider offices, during two of the three (one-third) segments. Requests for utilizing alternative mechanisms for meeting the professional experience requirements stated in this paragraph must be submitted in writing to the board for prior approval.

Supervision of the applicant must include direct observation of diagnostic and therapeutic procedures. Other supervisory activities include:

- (1) Conferring with the applicant concerning clinical treatment strategies;
- (2) Monitoring changes in communication behaviors of person(s) served;
- (3) Evaluating the applicant's clinical records, including:
 - (a) Diagnostic reports;
 - (b) Treatment records;
 - (c) Correspondence;
 - (d) Plans of treatment; and
 - (e) Summaries of clinical conferences.
- (4) Monitoring the applicant's participation in case conferences;
- (5) Evaluating the applicant's performance by professional colleagues and employers;
- (6) Evaluating the applicant's work by person(s) served and their parents; and
- (7) Monitoring the applicant's contributions to professional meetings and publications, as well as participation in professional growth opportunities.

All items above except paragraphs (D)(1) and (D)(2) of this rule may be conducted by correspondence.

Supervisors must share and discuss their evaluations with the applicant throughout the professional experience. On completion of the professional experience, a conference must be held to provide the applicant the opportunity to read and discuss with the supervisor the final professional experience report. Should the supervisor anticipate at any time during the professional experience that the applicant under supervision will not meet requirements, the supervisor must counsel the applicant both orally and in writing and maintain careful written records of all contacts and conferences in the ensuing months.

If the supervisor does not approve the professional experience, the supervisor shall indicate the disapproval on the professional experience report and sign the professional experience report. The supervisor shall submit a letter of explanation and supporting documentation to the board. The applicant may request that the board accept this experience toward the requirements for licensure. In this case, the applicant shall submit the professional experience report, a letter of explanation and supporting documentation. The board may share this information with the applicant and supervisor. The board will then review the professional experience report and documentation to determine if approval shall be granted.

If the board rejects the experience, based upon the supervisor's recommendation, the applicant shall be offered the opportunity for a hearing according to Chapter 119. of the Revised Code.

Persons performing "services" in pursuit of the professional experience in Ohio shall hold conditional licensure by the board. The board, for purposes of licensure, recognizes only professional experience that has met the supervision requirements of this rule.

In order to supervise professional experience, a supervisor shall have read and abide by Chapter 4753. of the Revised Code and Administrative Code and have two years of licensed clinical experience or have been certified for two years by either the "American Board of Audiology" or the "American Speech-Language-Hearing Association" in the area in which licensure is sought.

A speech-language pathologist or audiologist shall not supervise professional experience of a conditional licensee unless he/she has completed thirty-six months of full-time clinical experience within the past sixty months unless approved by the board.

The supervisor shall agree to supervise the practice of speech-language pathology or audiology experience of the applicant in the setting of the professional experience.

The supervisor of professional experience shall ensure that the supervisee is practicing pursuant to the requirements of section 4753.071 of the Revised Code by completing the plan and report as required by this rule. The supervisor shall retain a copy of the plan.

No supervisor of persons completing professional experience may concurrently supervise more than four supervisees unless approved by the board.

A speech-language pathologist or audiologist shall not accept fees, gifts, or forms of gratuity for serving as a sponsor or supervisor of professional experience required for licensure. Speech-language pathologists or audiologists may accept reimbursement for actual expenses incurred. Neither shall he/she accept compensation in any form from a manufacturer, dealer or salesman of prosthetics or other devices for recommending a particular product unless such products benefit person(s) served.

(E) Requirements for the professional experience year shall be deemed to be met when the applicant is certified by the "American Board of Audiology" and verification of certification is received from the "American Board of Audiology," except that the professional experience year requirements shall not be deemed to be met if the certification was based upon professional experience obtained in Ohio in violation of Ohio laws and rules.

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4753-3-08 Denial, suspension or revocation of license.

The board may reprimand, place on probation, deny, suspend, revoke, or refuse to issue or renew the license or refuse to issue the conditional license of an applicant or a licensee for violation of any provision of Chapter 4753. of the Revised Code, or any lawful order or rule of the board, and for unprofessional conduct, including but not limited to the following:

- (A) Fraud, deception, or misrepresentation in obtaining or attempting to obtain a license;
- (B) Fraud, deception, or misrepresentation using a license;
- (C) Altering a license;
- (D) Aiding or abetting unlicensed practice;
- (E) Committing fraud, deception, or misrepresentation in the practice of speech-language pathology or audiology including but not limited to:
 - (1) Making or filing a false report or record in the practice of speech-language pathology or audiology;
 - (2) Submitting a false statement to collect a fee; or
 - (3) Obtaining a fee through fraud, deception, or misrepresentation or accepting commissions or rebates or other forms of remuneration for referring persons to others.
- (F) Using or prompting 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;
- (G) Falsely representing the use or availability of services or advice of a physician;

- (H) 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 or nationally accredited institution recognized by the board;
- (I) Committing any act of gross misconduct, dishonorable, immoral, or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;
- (J) Engaging in illegal, incompetent or habitually negligent practice;
- (K) Providing professional services while:
 - (1) Mentally incompetent;
 - (2) Under the influence of alcohol; or
 - (3) Using any narcotic or controlled dangerous substance or other drug that is in excess of therapeutic amounts or without valid medical indication.
- (L) 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 in accordance with results utilizing appropriate assessment procedures and instruments;
- (M) Violating any provision of this law, any lawful order given, or rule or regulation adopted by the board.
- (N) 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 proceeding is pending to have the conviction or plea set aside; or
- (O) Being disciplined by a licensing or disciplinary authority of this or any other state or county or convicted or disciplined by a court of this or any other state or county for an act that would be grounds for disciplinary action under this rule.
- (P) Performing any professional practice duties without proper training.

HISTORY: Eff 4-22-76; 11-16-92 (Emer.); 2-9-93; 9-10-94
 119.032 Review Date: 7/16/04
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 Rule authorized by: RC 4753.05
 Rule amplifies: RC 4753.10

4753-3-09 Reinstatement of license.

In evaluating an application for reinstatement of a license previously revoked or suspended, or reconsideration of denial of license, the Board shall consider the following:

- (A) The nature and severity of the acts which resulted in denial, revocation or suspension of license;
- (B) The time elapsed since the commission of the acts;
- (C) Possible additional violations occurring after the denial, revocation or suspension;
- (D) Compliance with previous orders of the Board; and,

(E) Any evidence of rehabilitation which the applicant may submit to the Board.

HISTORY: (former SPA-3-09); Eff 4-22-76
Rule promulgated under: RC Chapter 119

4753-3-10 Exempt practice; renewal.

(A) All persons who are duly licensed by this board shall be considered to be actively practicing the profession of speech-language pathology or audiology, regardless of work setting. Persons who are exempted from licensure, pursuant to section 4753.12 of the Revised Code, are not required to be licensed by this board. However, if such persons voluntarily choose to be licensed by this board, such license shall be controlled by the rules of this board.

All persons licensed by this board, including those licensed by waiver pursuant to sections 4753.08 (D) and (E) of the Revised Code, shall meet all requirements for license renewal in accordance with agency-level 4753 of the Administrative Code.

(B) Failure to biennially renew a license shall cause such licensure to expire as of the second December thirty-first of the biennium such failure occurred. Pursuant to section 4753.09 of the Revised Code, the board may renew the license of a person who applies to renew the license within one year after such expiration. If the application for renewal is made after one year, the person shall apply for licensure as provided in section 4753.06 or division (B) or (C) of 4753.08 of the Revised Code. Any practice after expiration of the license is a violation of section 4753.02 of the Revised Code and shall be reported to the employer of the applicant when applicable.

(C) License renewal:

(1) Not less than thirty days prior to the deadline for licensure renewal all licensees shall be notified by the board office of the requirement to renew the license and submit the necessary fee and renewal application attesting to completion of continuing education hours.

(2) All licensees shall sign and submit to the board a renewal application attesting to completion of the required continuing education hours at the time of license renewal.

(3) All legal requirements must be fulfilled before the license is renewed. Those requirements are the completion of the required hours of continuing education, as verified by the licensee's signature on the renewal application attesting that the licensee has completed all required hours of continuing education, completion of the application, and payment of all fees, including any late fees incurred.

(4) Licensees who submit the renewal application, signature attesting to continuing education or fee after the deadline shall be assigned a late fee.

(5) Continuing education hours submitted for late renewal shall not be used again for the next renewal.

(6) Upon completion of the requirements for renewal of the license, all licensees shall receive the renewal certificate.

(D) Late renewal

(1) For renewal in 2004, failure to complete the legal requirements for renewal prior to December thirty-first of the renewal year shall result in the expiration of the license as of December thirty-first of that year.

(2) Starting with renewal in 2006, renewal applications must be postmarked no later than September thirtieth of the renewal year. A renewal application postmarked on or after October first of the renewal year shall be a late renewal and incur the late fee specified in rule 4753-5-01, Administrative Code.

(E) Expired license:

(1) A speech-language pathologist or audiologist may apply for renewal of an expired license if the license has been expired for one year or less. The board shall issue the license if the speech-language pathologist or audiologist:

(a) Submits to the board a completed application;

(b) Submits to the board an attestation of completing continuing education hours required for the two-year period immediately preceding the year of the application for renewal; and

(c) Pays to the board the renewal and late fees set by the board.

(2) The board shall not renew the license of a speech-language pathologist or audiologist who fails to apply for renewal of the license within one year after the license expires. A speech-language pathologist or audiologist whose license has been expired for more than one year may become licensed by:

(a) Submitting to the board a completed application and documentation of meeting the current requirements for obtaining a new license;

(b) Submitting to the board documentation of completion of continuing education hours required of a licensee during the period prior to expiration of the license and for each renewal period of expiration, or as approved by the board; and

(c) Paying to the board the application fee set by the board.

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CHAPTER 4753-4: Continuing Education

4753-4-01 Continuing education.

(A) A licensee shall earn twenty continuing education hours within the two-year period immediately preceding the licensee's renewal application.

(1) One continuing education hour is equivalent to one clock hour of continuing education. Only actual hours of education activity shall be counted. Lunches, breaks and other interruptions of the education program shall not count toward the required hours.

(2) Ten continuing education hours shall be acquired in the area of licensure. For a speech-language pathology license the ten hours shall be specific to the clinical practice of speech-language pathology; for an audiology license the ten hours shall be specific to the clinical practice of audiology. Ten continuing education hours may be acquired in areas related to speech-language pathology or audiology or both.

(3) An individual licensed as both an audiologist and speech-language pathologist shall earn twenty continuing education hours for each license within the two-year period immediately preceding the licensee's renewal applications. However, appropriate continuing education hours may be used for both licenses. Ten continuing education hours shall be acquired in each area of licensure.

(4) Continuing education hours may not be carried over from one renewal period to the next and may not be used for more than one renewal or relicensure.

(5) A licensee is not required to obtain continuing education for the first renewal.

(6) An individual who previously held an Ohio license in either speech-language pathology or audiology must as part of an application for relicensure submit documentation of completing the continuing education hours required of a licensee during the period of expiration, or as approved by the board.

(B) Continuing education programs:

Continuing education hours may be earned in the following continuing education experiences:

(1) Academic coursework, including distance learning, in areas of speech-language pathology or audiology, or both, or related disciplines, taken through accredited colleges or universities;

(2) Any activity approved for continuing education hours in related disciplines by any licensure board of the state of Ohio or any other state;

(3) Any activity approved for continuing education in related disciplines by any department or agency of the state of Ohio or any other state, including any continuing education hours by a local professional development committee for renewal of a teaching certificate/license issued by the state's department of education to practice speech-language pathology or audiology;

(4) Any activity, including distance learning or independent or self-directed study, approved for continuing education credit by an authorized provider of the "International Association of Continuing Education and Training"; or

(5) The equivalent as determined by the board.

(C) Documentation of continuing education hours:

(1) Documentation shall be written verification of successful completion by the applicant or licensee from a board approved continuing education registry or the provider of the continuing education hours.

(2) Documentation shall include the name of the continuing education provider, date, subject, number of clock hours, and attendance of the licensee.

(3) Continuing education and documentation may be provided by the following:

(a) Accredited colleges and universities;

(b) Any licensure board of the state of Ohio or any other state or any continuing education provider approved by any licensure board of the state of Ohio or any other state in related disciplines;

(c) Any department or agency of the state of Ohio or any other state including local professional development committees for the Ohio department of education;

(d) The "American-Speech-Hearing Association" or the "American Academy of Audiology";

(e) Any activity approved for continuing education in related disciplines by an authorized "International Association of Continuing Education and Training" provider;

(f) Any continuing education presenter for paragraphs (C)(3)(a) to (C)(3)(d) of this rule; and

(g) The equivalent as determined by the board.

(4) Licensees shall provide any and all additional information the board may request to substantiate the continuing education.

(5) Licensees shall retain documentation of continuing education hours for inspection by the board for four years after the date of renewal.

(D) Continuing education audit:

(1) The board may audit the continuing education of any licensee.

(2) Licensees to be audited shall receive notification of audit from the board. The licensee being audited shall submit to the board documentation of continuing education hours as defined by paragraph (C) of this rule.

(3) The board may disapprove continuing education hours and shall notify the licensee of this action according to the provisions of Chapter 119. of the Revised Code.

(4) The failure to comply with an audit notification may, for purposes of disciplinary action pursuant to section 4753.10 of the Revised Code, be considered to be unprofessional conduct in the practice of speech-language pathology or audiology and/or misrepresentation in obtaining or attempting to obtain a license.

(5) The board may disapprove continuing education hours for renewal, relicensure, audit, or ethical practice and

shall notify the applicant or licensee of this action according to the provisions of Chapter 119. of the Revised Code.

(6) Submission of false statement or documentation of continuing education shall result in reprimand, probation, suspension, revocation, or refusal to issue or renew a license according to the provisions of Chapter 119. of the Revised Code.

(7) Failure to meet continuing education requirements or failure to substantiate continuing education hours upon request of the board shall result in reprimand, probation, suspension, revocation, or refusal to issue or renew a license according to the provisions of Chapter 119. of the Revised Code.

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CHAPTER 4753-5: Fees

4753-5-01 Speech-language pathologist or audiologist; fee for initial license; fee for renewal of license; late renewal fee.

4753-5-01 Speech-language pathologist or audiologist; fee for initial license; fee for renewal of license; late renewal fee.

- (A) Pursuant to division (A) of section 4753.11 of the Revised Code the application fee for a speech-language pathologist or audiologist license shall be two hundred dollars to be paid at the time the application is filed with the board. The fee for the conditional license shall be ten dollars. The conditional license shall be valid for eighteen months. The initial license shall be valid for the biennium in which it is issued. Applications made pursuant to sections 4753.08 (D) and (E) of the Revised Code shall not pay an application fee.
- (B) When an initial license is issued less than one hundred days before the date on which it will expire, the board shall waive the renewal fee and the license shall be considered to have been issued in the next renewal cycle for purposes of the continuing education requirements of rule 4753-4-01 of the Administrative Code.
- (C) Pursuant to division (B) of section 4753.11 of the Revised Code:
- (1) The biennial renewal licensing fee shall be one hundred fifty dollars for a holder of a speech-language pathology or audiology license, including licenses granted pursuant to sections 4753.08 (D) and (E) of the Revised Code.
 - (2) A license shall be renewed on or before the thirty-first day of December of every other year. The prescribed fee shall be submitted to the state treasurer or the board with the application for renewal provided by the board.

- (D) The board of speech-language pathology and audiology pursuant to section 4753.09 and Chapter 4745. of the Revised Code shall issue a renewal card for each license and official duplicate issued by the board to each licensee upon payment of the biennial renewal licensing fee. Each licensee shall display official evidence of renewal with each license or official duplicate in a conspicuous place where the licensee practices speech-language pathology or audiology or both. Any practice after expiration of the license is a violation of section 4753.02 of the Revised Code and shall be reported to the employer of the licensee when applicable.
- (E) The late fee for license renewal after the December thirty-first expiration shall be fifty dollars.

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 Rule amplifies: RC 4753.07 , 4753.08, 4753.11
 Prior effective dates: 4-22-76; 2-16-80; 5-5-86; 11-16-92 (Emer.); 2-9-93;
 9-10-94, 7-16-99

4753-5-02 Speech-language pathology aide or audiology aide; fee for initial license; fee for renewal of license.

The initial licensing fee for a speech-language pathology aide or an audiology aide shall be fifty dollars. The biennial renewal licensing fee shall be fifty dollars. A license shall be renewed on or before the thirty-first day of December of every other year pursuant to division (B) of section 4753.11 of the Revised Code. The prescribed fee shall be submitted to the state treasurer or the board with the application for renewal. Any practice after the expiration of a license is a violation of sections 4753.02 and 4753.99 of the Revised Code.

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 Rule amplifies: 4753.11, 4753.12
 Prior effective dates: 2-9-93, 11-26-92 (Emer.), 5-5-06, 2-16-80, 4-22-76

4753-5-04 Fee for duplicate license certificate.

The fee for each duplicate license certificate shall be ten dollars. The fee shall be submitted to the board with a written request.

CHAPTER 4753-6: Screening

4753-6-01 Screening.

Screening is for the purpose of initial identification of persons who may have hearing, speech and/or language disorders. Verbal or written indications or descriptive statements about the results of a screening shall be limited to whether the individual passed or failed the screening procedure(s). The report of the findings shall state that the findings should not be construed as a complete evaluation, nor shall it offer remedial steps other than appropriate referral for complete examination by an audiologist, speech-language pathologist, or physician, as applicable. Criteria for failure shall be developed in consultation with an individual licensed in the area of the procedure pursuant to Chapter 4753. or Chapter 4731. of the Revised Code.

(A) "Audiologic screening" means the performance of audiologic testing procedures for the purpose of initial identification of persons who may have hearing disorders and includes, but is not limited to, the following procedures:

(1) Pure tone air conduction screening, tympanometry screening, and acoustic reflex screening.

(a) "Pure tone air conduction screening" means a pass/fail procedure performed at 20 dB HL at the frequencies of 1000, 2000, and 4000 Hz, to prevent or detect early auditory impairment, disorder, and disability and to identify individuals who require further audiologic assessment or treatment or referral for other professional services.

(b) "Tympanometry screening" means a pass/fail dynamic measure of middle ear compliance of no less than .2ml of H₂O, within the pressure range of +150 to -150 daPa.

(c) "Acoustic reflex screening" means a test measuring the presence or absence of acoustic reflexes when assessed with stimuli of 1000 and 2000 Hz at 100 dB at the point of maximum middle ear compliance.

(d) Pure tone air conduction screening, tympanometry screening, and acoustic reflex screening must be performed by one of the following persons:

(i) An audiologist licensed under section 4753.07 of the Revised Code;

(ii) An audiology aide licensed under section 4753.072 of the Revised Code when working under the supervision of a licensed audiologist, in accordance with the supervision plan on file in the board office;

(iii) A speech-language pathologist licensed under section 4753.07 of the Revised Code when performing the screening limited to a pass/fail determination for the identification of individuals with other disorders of communication;

(iv) A speech-language pathology aide licensed under section 4753.072 of the Revised Code when working under the supervision of a licensed speech-language pathologist in accordance with the supervision plan on file in the board office.

(2) "Newborn and infant hearing screening" means the use of audiological procedures to identify newborn and infants from birth through twenty-three months with hearing impairment, as defined in rule pursuant to division (A) of section 3701.504 [3701.50.4] of the Revised Code and section 3701.508 of the Revised Code.

(a) Newborn and infant hearing screening includes the use of audiological procedures including, but not limited to, auditory brainstem response and/or otoacoustic emissions.

(b) Newborn and infant hearing screening must be performed in compliance with rules promulgated by the "Public Health Council" and administered by the Ohio department of health.

(c) Section 3701.505 of the Revised Code authorizes speech-language pathologists and speech-language pathology aides to perform the screenings without holding a license as an audiology aide.

(3) "School hearing screening" means a pure tone air conduction screening, tympanometry screening, or acoustic reflex screening conducted for the purpose of hearing conservation programs for children.

(a) School hearing screenings must be performed by one of the following persons:

(i) An audiologist licensed under section 4753.07 of the Revised Code;

(ii) An audiology aide licensed under section 4753.072 of the Revised Code when working under the supervision of a licensed audiologist, in accordance with the supervision plan on file in the board office;

(iii) A speech-language pathologist licensed under section 4753.07 of the Revised Code when performing the screening limited to a pass/fail determination for the identification of individuals with other disorders of communication;

(iv) A speech-language pathology aide licensed under section 4753.072 of the Revised Code when working under the supervision of a licensed speech-language pathologist in accordance with the supervision plan on file in the board office.

(b) "Hearing conservation programs for children" means the programs and activities of the Ohio department of health pursuant to sections 3313.50, 3313.673, 3313.68, 3313.69, 3313.73, and 3709.22 of the Revised Code.

(4) "Physiologic screening test" means an objective screening measure of a body process involved in communication.

(a) Physiologic screening tests include, but are not limited to, automated auditory evoked response screening and otoacoustic emission screening.

(b) Physiologic screening tests must be performed by one of the following persons:

(i) An audiologist licensed under section 4753.07 of the Revised Code;

(ii) An audiology aide licensed under section 4753.072 of the Revised Code when working under the supervision of a licensed audiologist in accordance with the supervision plan on file in the board office;

(iii) A person performing newborn and infant screening in accordance with the rules promulgated by the "Public Health Council" and administered by the Ohio department of health.

(B) "Speech-language screening" means the use of procedures for the purpose of initial identification of persons who may have speech or language disorders.

(1) Speech-language screening includes, but is not limited to the following procedures:

(a) "Speech screening" means a pass/fail procedure to identify individuals who require further speech (articulation, voice, resonance, and fluency) or orofacial myofunctional assessment or referral for other professional services.

(b) "Language screening" means a pass/fail procedure to identify individuals who require further language assessment or treatment or referral for other professional services.

(2) Speech or language screening must be performed by one of the following persons:

(a) A speech-language pathologist licensed under section 4753.07 of the Revised Code;

(b) A speech-language pathology aide licensed under section 4753.072 of the Revised Code when working under the supervision of a licensed speech-language pathologist in accordance with the supervision plan on file in the board office;

(c) An audiologist licensed under section 4753.07 of the Revised Code when performing speech or language screening limited to a pass/fail determination, for the purpose of identifying individuals with disorders of communication.

(C) "Occupational hearing test" means a diagnostic test of auditory sensitivity performed by the use of air conduction threshold testing that is conducted for the purpose of environmental hearing conservation/prevention programs, pursuant to regulations promulgated by the United States department of labor, occupational safety and health administration.

(1) Air conduction threshold testing is not a hearing screening.

(2) "Environmental hearing conservation/prevention programs" as used in this rule means programs designed to reduce the effect of noise exposure in the workplace on the hearing of employees or on the community, pursuant to regulations promulgated by the United States department of labor, occupational safety and health administration.

(3) Occupational hearing tests must be performed by one of the following persons:

(a) An audiologist licensed under section 4753.07 of the Revised Code;

(b) An audiology aide licensed under section 4753.072 of the Revised Code when working under the supervision of a licensed audiologist in accordance with the supervision plan on file in the board office, under both of the following conditions, unless waived by the board for good cause shown:

(i) The aide is trained to perform occupational hearing tests and holds current certification by the "Council for Accreditation in Occupational Hearing Conservation" ("CAOHC");

(ii) The testing is conducted by automatic pure tone audiometry. (D) All of the following conditions must be met whenever an aide licensed under section 4753.072 of the Revised Code performs a pure tone air conduction screening, physiologic screening, speech screening, or language screening:

(1) The criteria for failure of the screening shall be established by the supervising licensed audiologist or speech-language pathologist.

(2) The aide's verbal or written indication or descriptive statements about the screening results shall be limited to a statement of whether the client passed or failed the procedure.

(3) Nothing in the aide's report of the findings shall be construed as a complete evaluation.

(4) The aide's report shall not suggest remedial steps other than a referral for a complete examination by a licensed professional.

(E) This rule shall not be construed to restrict the following persons from conducting screening in the practice of their profession in compliance with the laws and rules governing their profession:

(1) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code when engaging in the measurement and testing of a person's hearing for the purpose of selecting, adapting, and selling a hearing aid to the person.

(2) A physician licensed under Chapter 4731. of the Revised Code or an individual carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.

(3) A nurse registered or licensed under Chapter 4723. of the Revised Code when performing those acts and utilizing those procedures that are within the scope of practice of professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided the nurse does not claim to the public to be a speech-language pathologist or audiologist, and provided that the nurse has been properly trained to perform screening.

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R.C. 119.032 review dates: 07/13/2006
Promulgated Under: 119.03
Statutory Authority: 4753.05
Rule Amplifies: 4753.01(C), 4753.01(G)
Prior Effective Dates: 11/16/92 (Emer.), 2/9/93

4753-7-01 Licensure of aides.

- (A) A license for a speech-language pathology aide or an audiology aide shall be issued only to a person working under an application approved by the board.
- (B) A “speech-language pathology aide” is a person who, after appropriate training, performs tasks that are planned, prescribed, delegated, directed, and supervised by a licensed speech-language pathologist, according to an application approved by the board.
- (C) An “audiology aide” is a person who after appropriate training, performs tasks that are planned, prescribed, delegated, directed, and supervised by a licensed audiologist, according to an application approved by the board.
- (D) The licensed speech-language pathologist or audiologist who signs the application for the aide shall supervise that particular aide. The aide may provide services only under the supervision of the speech-language pathology or audiology supervisor of record for that applicant. If more than one supervisor is to be involved with the aide, a plan shall be submitted by each supervisor.
- (E) Qualifications for aides shall be:
 - (1) A high school degree or equivalent;
 - (2) Successful completion of training requirements as outlined in the approved application.
- (F) Training for aides shall be well-defined and specific to the approved application and the assigned tasks. The licensed supervisor shall ensure that the scope and intensity of training encompass all of the activities assigned to the aide. Training shall be competency based and provided through a variety of formal and informal instructional methods. Licensed supervisors shall provide aides with information on roles, functions, and any related laws. Continuing education opportunities shall be provided to ensure that practices are current and that skills are maintained. The licensed supervisor shall maintain written documentation of training activities.
- (G) The aide application shall be filed with the board for approval and the application shall include, but need not be limited to:
 - (1) The location (name and address) where the aide will work;
 - (2) The business name and address of the employer of the aide;
 - (3) A description of the activities to be performed by the aide;
 - (4) A description of the training the aide has received that will enable the aide to perform the planned activities;
 - (5) A description of the direct supervision that the aide will receive in the performance of the aide’s duties.

- (6) An agreement to abide by the speech-language pathology and audiology code of ethics.
- (H) Any experience obtained while acting as a speech-language pathology aide or audiology aide shall not be creditable toward the supervised clinical experience required in division (C) of section 4753.06 of the Revised Code or the required professional experience required in division (D) of section 4753.06 of the Revised Code.
- (I) The purpose of aides is to support licensed speech-language pathologists or audiologists in specified aspects of testing and recordkeeping. Aides shall not act independently and shall not:
- (1) Perform diagnostic testing;
 - (2) Interpret observations or data into diagnostic statements of clinical management strategies or procedures;
 - (3) Determine case selection;
 - (4) Initiate, modify, plan or develop therapy procedures;
 - (5) Implement therapy procedures;
 - (6) Function without direct supervision;
 - (7) Transmit clinical information, either verbally or in writing to anyone without the approval of the licensed supervisor;
 - (8) Compose clinical reports except for notes to be reviewed by the supervisor and held in the patient's/client's records;
 - (9) Refer a patient/client to other professionals or agencies;
 - (10) Refer to himself or herself either orally or in writing with a title other than "aide;"
 - (11) Sign any formal documents such as treatment plans, reimbursement forms or reports;
 - (12) Discharge a patient/client from services;
 - (13) Communicate with the patient/client, family, or others regarding any aspect of patient/client status or service without the specific consent of the supervisor and in accordance with the application approved by the board;
 - (14) Act for the licensed person at treatment team meetings or in any matter related to direct care of patients/clients which requires judgment or decision-making;
 - (15) Provide consultation, counseling, recommendation for assessment, assessment, treatment protocols, results/outcomes, recommendations, treatment/intervention plans, or patient/client referrals on any matter regarding care of patients/clients;
 - (16) Provide professional training of other staff;

- (17) Provide program review for individualized habilitation plans or other forms of care planning for patients/clients;
 - (18) Supervise or manage infant hearing screening programs or occupational hearing conservation/prevention programs. The supervision and management of infant hearing screening programs and occupational hearing conservation/prevention screening programs must be performed by a licensed audiologist;
 - (19) Perform any duties not prescribed in the approved license application nor work for any other speech-language pathologist or audiologist who is not specified as the supervisor on the approved license application.
 - (20) Perform any duties without proper training; and
 - (21) Use influence in clinical matters, when the aide is the owner of a practice/business providing services, while being supervised by an employee or consultant of their business/practice.
- (J) An aide shall be clearly identified as an aide by a badge worn during all contact with patients/clients.

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 119.032 Review Date: 7-13-01, 7-22-06
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 Rule authorized by: RC 4753.05
 Rule amplifies: 4753.05, 4753.072
 Prior effective dates: 2-9-93, 11-16-92 (Emer.)

4753-7-02 Supervision requirements; aides.

- (A) Supervision of a speech-language pathology aide or an audiology aide shall be provided by a person who is actively licensed as a speech-language pathologist or audiologist under section 4753.06 of the Revised Code. The licensed speech-language pathologist or audiologist who signs the application for the aide shall supervise that particular aide. The aide may provide services only under the supervision of the speech-language pathologist or audiologist of record for that applicant. If more than one supervisor is to be involved with the aide, an application shall be submitted by each supervisor.
- (B) The supervisor shall be able to provide direct, comprehensive, documented and immediate supervision to the aide. "Direct supervision of an aide" shall be defined as that given by a supervisor who is either present in the room in which the services are being given, or, who is immediately available to provide assistance to the aide within that particular contact with patient/client(s) served. A licensed speech-language pathologist or audiologist may supervise no more than two aides concurrently unless specifically authorized by the board. The board shall consider the public welfare in determining authorization for supervision of additional aides.

- (C) The supervisor of an aide shall maintain the legal and ethical responsibilities for all assigned activities provided by the aide; shall make all decisions relating to the diagnosis, treatment, management and future disposition of the patient/client(s) served; and shall have the responsibility for the health, safety and welfare of the patient/client(s) served by the aide. The supervisor shall be responsible for the aide's competence to perform board approved activities and adherence to the code of ethics as defined by section 4753-9-01 of the Administrative Code.
- (D) An aide shall not begin practice until approved by the board.
- (E) The supervisor of an aide shall notify the board of any changes in the approved application required in rule 4753-7-01 of the Administrative Code as a condition of licensure, including termination of employment of either party. Failure to notify the board of a change or termination of an approved application shall be grounds for discipline in accordance with section 4753.10 (M) of the Revised Code. Supervision of an unlicensed aide shall be aiding and abetting unlicensed practice and shall be grounds for discipline in accordance with section 4753.10 (D) of the Revised Code.

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 (Emer.)

4753-7-03 Renewal of aide license.

Licensure of an aide shall be valid only under the circumstances of the specific application approved by the board. An application for renewal of the license of an aide must be accompanied by an application from the supervisor, as prescribed by the board and a detailed statement of any proposed modification of the original plan. An aide may not practice with an expired license. Any practice by an aide with an expired license shall be a criminal violation of sections 4753.02 and 4753.99 of the Revised Code.

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 Rule amplifies: 4753.05, 4753.02
 Prior effective dates: 4-22-76

CHAPTER 4753-8: Hearing Aid Sales and Advertising

4753-8-01 Definitions.

(A) "Hearing aid" means any wearable instrument or device designed or offered for the purpose of aiding or compensating for impaired human hearing, including all attachments, accessories, and parts thereof, except batteries and cords.

(B) "Practice of dealing in" or "fitting" of hearing aids means the sale of a hearing aid, and the measurement and testing of human hearing by means of an audiometer or by any other means for the purpose of selecting, adapting, and selling a hearing aid to any person, and includes the making of impressions for earmolds.

(C) "Dispensing audiologist" means an audiologist who is licensed pursuant to Chapter 4753. of the Revised Code and who is engaged in the practice of dealing in or fitting of hearing aids.

(D) "Dispense," "sell" or "sale" means the retail transfer of title or of the right to use by lease, bailment, or any other contract, but does not include a wholesale sale to a distributor or dealer.

(E) "Assistive listening device" means an auxiliary aid which enhances ease of communication, telephone communication, and reception of important warning signals.

(F) "Advertising" includes all advertisements to the general public offering replicas, descriptive literature on assistive listening devices, wearable hearing aids or hearing loss, etc., placed by an audiologist licensed under Chapter 4753. of the Revised Code or an organization whose business includes the merchandising of hearing aids and assistive listening devices for sale.

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R.C. 119.032 review dates: 04/15/2002 and 04/15/2007
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Rule Amplifies: 4753.01(G), 4753.05
Prior Effective Dates: 11/16/92 (Emer.), 2/9/93;
6/27/97

4753-8-03 Rules on appropriate hearing aid test procedures.

(A) An audiologist is responsible for the accuracy of an evaluation and shall utilize the results of appropriate evaluative procedures on every individual to whom he/she sells or fits a hearing aid. He/she shall retain the results on file for a period of at least three years.

(B) An audiologist shall advise a prospective hearing aid user to consult promptly with a licensed physician (preferably an ear specialist) before dispensing a hearing aid if medical intervention is indicated by documented case history, actual observation, or review of any diagnostic audiological or other available information concerning the prospective user.

(C) An audiologist shall only sell hearing aids to a prospective user who has presented one of the following types of documentation, which document shall be retained by the audiologist for three years after the dispensing of a hearing aid:

(1) A written statement, signed by a licensed physician, that states the prospective user is his/her patient, the patient's hearing loss has been medically evaluated on a date that is within the six months preceding the sale, and the patient may be considered a candidate for a hearing aid.

(2) A written waiver of the medical evaluation signed by the prospective user provided all of the following conditions are met:

(a) The prospective user is at least eighteen years of age;

(b) The audiologist informs the prospective user that the exercise of the waiver is not in the user's best health interest;

(c) The audiologist does not in any way actively encourage the prospective user to waive such a medical evaluation;

(d) The waiver consists of the following statement printed in boldface type of the minimum of ten points:

"I have been advised by (Audiologist"s name) that the food and drug administration has determined that my best health interest would be served if I had a medical evaluation by a licensed physician (preferably a physician who specializes in diseases of the ear) before purchasing a hearing aid. I do not wish a medical evaluation before purchasing a hearing aid."; and

(e) The audiologist provides the prospective user with a copy of the signed waiver.

(D) The failure to comply with the procedures and requirements of this rule shall constitute the committing of fraud, deception, or misrepresentation in the practice of audiology, committing an act of dishonorable, immoral, or unprofessional conduct while engaging in the practice of audiology, or any other conduct enumerated in section 4753.10 of the Revised Code.

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Statutory Authority: 4753.05
Rule Amplifies: 4753.01(G), 4753.05,
4753.10
Prior Effective Dates: 11/16/92 (Emer.), 2/9/93,
6/27/97

4753-8-04 Sales Receipt.

(A) An audiologist shall furnish each person supplied with a hearing aid receipt showing the licensee's signature, the number of his/her license certificate, the complete address of his/her place of business, a complete description of the make and model of hearing aid furnished, the full terms of sale, including the terms of guarantee, if any, and if the hearing aid sold is not new, the receipt shall also be clearly marked "used" or "reconditioned," whichever is applicable. Each receipt shall also bear, in type no smaller than that used in the body of the receipt, the following legend: "the purchaser is advised that any examination, fitting, recommendation, or representation made by a licensed hearing aid dealer or fitter in connection with the sale of this hearing aid is not an examination, diagnosis, or prescription made by a person licensed to practice medicine in this state and, therefore, must not be regarded as medical opinion or advice."

(B) In accordance with division (C) of section 1345.30 of the Revised Code, the following shall appear on the sales receipt:

“Right to return the hearing aid within thirty days and receive a refund

Under Ohio law (section 1345.30 of the Revised Code), a consumer has the right to return a hearing aid for any reason within thirty days after it is originally delivered to the consumer or a person acting on the consumer’s behalf and receive a refund of the consideration paid for the hearing aid less an amount specified by the hearing aid dealer, physician, or audiologist to cover expenses incurred in connection with the hearing aid not later than fifteen days after presenting proof of payment for the hearing aid and returning it in the condition in which it was received, except for normal wear and tear. In this case the amount deducted from the refund will be \$.....”

(C) The following definitions shall apply:

(1) The signature used on the customer’s receipt shall be that of the licensed individual making the sale and must be the same name under which the audiologist’s license was issued to that individual license.

(2) The “complete address of his/her place of business” includes the telephone number of the business.

(3) “A complete description of the make and model of the hearing aid furnished” includes the serial number of the hearing aid, which shall be added to the sales receipt at the time the hearing aids are delivered to buyer.

(D) The terms of guarantee statement on the sale receipt shall be satisfied by one of the following statements printed in type no smaller than that used in the body of the receipt:

(1) Full terms of guarantee printed on the receipt and, if printed on the back of the receipt, a reference is to appear on the face of the receipt, such as "terms of guarantee on reverse side."

(2) A statement such as "the aid(s) listed on this receipt are covered by a guarantee, the details of which are supplied on a separate form at the time of execution of this receipt" shall appear above the purchaser’s signature.

(E) In accordance with section 4753.10 of the Revised Code, the board may reprimand, place on probation, suspend, revoke or refuse to issue or renew the license of any audiologist who does not exercise appropriate procedures as set forth in this rule.

HISTORY: Eff 11/16/92 (Emer.); 2/9/93;6/27/97
Rule promulgated under: RC Chapter 119
Rule authorized by: 4753.05
Rule amplifies: 4753.05, 4753.12(K),4753.14
119.032 Review Dates: 6/27/02, 4/15/07

4753-8-05 Fraud or misrepresentation; hearing aid, assistive listening device; disciplinary action.

(A) Fraud or misrepresentation: No audiologist shall misrepresent the facts or commit fraudulent acts before, during or after the sale of a hearing aid or assistive listening device, and neither shall he/she use either means to obtain any fee. Any of the following representations may be considered as fraudulent or a misrepresentation:

(1) That the hearing aid or assistive listening device has sponsorship, approval, performance characteristics, accessories, or uses it does not have;

(2) That the hearing aid or assistive listening device will provide benefits it will not provide;

(3) That the hearing aid or assistive listening device is of a particular brand, model, engineering design or prescription if it is not;

(4) That the hearing aid or assistive listening device is new or reconditioned if it is not;

(5) That a hearing aid or assistive listening device is in need of extensive repairs or is in need of replacement if it is not;

(6) That the hearing aid or assistive listening device is available to the purchaser for a reason that does not exist; and

(7) That the hearing aid or assistive listening device may be purchased below the dealer's regular price because of a special price advantage, if it does not.

(B) In determining whether an act or practice is fraudulent or constitutes misrepresentation, the following circumstances shall be considered, but not exclusively. Whether the licensed audiologist:

(1) Took advantage of the inability of the purchaser reasonably to protect his/her interests because of his/her physical or mental infirmities, ignorance, illiteracy or his/her inability to understand the language of an agreement either verbal or written ;

(2) Did not fully inform the purchaser of a hearing aid or assistive listening device with obviously poor discrimination for speech of his/her inability to obtain a reasonable benefit;

(3) Made statements to mislead the purchaser into believing his/her hearing will suffer if he/she does not purchase either one or two aids or assistive listening devices;

(4) Required the hearing aid or assistive listening device purchaser to agree to contract terms which were substantially one-sided in favor of the audiologist;

(5) Made a false statement of fact on which the hearing aid or assistive listening device purchaser was likely to rely, to his/her detriment; and

(6) Informed the person(s) served that his/her present hearing aid or assistive listening device was beyond repair or inappropriate for the type or amount of loss when there was no evidence to support these statements.

(C) By reason of the authority of section 119.061 of the Revised Code, the board may in addition to those reasons enumerated in Chapter 4753. of the Revised Code, also reprimand, place on probation, suspend, revoke, refuse to issue or renew license if the holder thereof engages in a deceptive trade practice as defined under section 4165.02 of the Revised Code; and, as provided by section 4165.02 of the Revised Code, the licensee will be considered to have engaged in a deceptive trade practice if, in the practice of dealing in or fitting of hearing aids or sale of assistive listening devices as defined by Chapter 4753. of the Revised Code, that licensee:

(1) Passes off goods or services as those of another;

(2) Causes likelihood of confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

- (3) Causes likelihood of confusion or misunderstanding as to affiliation, connection, or association with, or certification by another;
- (4) Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, in quantities that they do not have or that a person has sponsorship, approval, status affiliation, or connection that he/she does not have;
- (5) Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand;
- (6) Represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (7) Disparages the goods, services, or business of another by false representation of fact;
- (8) Advertises goods or services with intent not to sell them as advertised;
- (9) Makes false statements of fact concerning the reasons for existence of or amounts of price reductions; and
- (10) Advertises goods or services with intent not to supply reasonable expectable public demand, unless the advertisements disclose a limitation of quantity.

HISTORY: Eff 11/16/92 (Emer.); 2/9/93; 6/27/97
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CHAPTER 4753-9: Code of Ethics

4753-9-01 Code of ethics.

(A) Preamble: Speech-language pathologists and audiologists have a belief in the inherent worth, integrity, and dignity of each individual and his/her right of self-determination. They hold a firm belief in equality of opportunity that is limited only by the individual's innate capacity. Their roles commit them to increasing the knowledge of human behavior, and they must have freedom of inquiry and of communication to pursue this end, while recognizing the responsibility that this freedom confers. Because of the special roles speech-language pathologists and audiologists have in affecting the lives and welfare of the persons they serve or supervise, it is essential that they are actively aware of the need to eliminate sexism, racism, religious discrimination, and any traditions and practices that impede or deny human rights to any person or group. A speech-language pathologist or audiologist shall not discriminate in his/her relationships with colleagues, students, and members of the allied professions on the basis of race or ethnicity, gender, age, religion, national origin, sexual orientation, or disability. The relationship between the professional and the person(s) served or supervised makes it imperative that the professional is aware of the vulnerability of the person(s) served or supervised and under no circumstances engages in sexual or intimate relations with the person(s) served or supervised. It is specially essential that no person served or supervised be abused in any manner. To protect public confidence, it is important that public behavior reflect a high level of moral and ethical integrity. Speech-language pathologists and audiologists recognize that conduct which results in the denial or revocation of licensure in another state, or

from another board in this state, will also make them liable for denial or revocation of licensure by the board of speech-language pathology and audiology. Proficiency in areas of treatment, objectivity in the application of skills, and concern for the best interests of person(s) served or supervised, colleagues, and society as a whole are ideals for the speech-language pathologists and audiologists; therefore, they subscribe to these principles and the code of ethics adopted by the board of speech-language pathology and audiology and agree to abide by the rules of the board.

(B) This code of ethics sets forth the fundamental rules considered essential to this purpose. Violation of the code of ethics shall be considered unprofessional conduct in violation of division (I) of section 4753.10 of the Revised Code.

(1) A speech-language pathologist or audiologist shall not engage in dishonesty, fraud, deceit, misrepresentation, or other forms of all illegal conduct that adversely reflect on the profession or the individual's fitness for licensure. A speech-language pathologist or audiologist shall cooperate fully with the board concerning matters of professional conduct related to the Revised Code or Administrative Code. A speech-language pathologist or audiologist shall inform the board when they have reason to believe that a licensee or applicant may have violated the Revised Code or Administrative Code. A speech-language pathologist or audiologist shall hold paramount the welfare of person(s) served or supervised professionally.

(2) A speech-language pathologist or audiologist shall maintain high standards of professional competence. A speech-language pathologist or audiologist shall continue their professional development throughout their careers. A speech-language pathologist or audiologist shall not provide services for which he/she is not properly trained. A speech-language pathologist or audiologist shall ensure that all equipment used in the provision of services is in proper working order and is properly calibrated. A speech-language pathologist's or audiologist's statements to person(s) served or supervised professionally and to the public shall provide accurate information about the nature and management of communicative disorders, and about the profession and services rendered by its practitioners. A speech-language pathologist or audiologist shall not use professional or commercial affiliations in any way that would mislead or limit services to person(s) served or supervised professionally. A speech-language pathologist or audiologist shall announce services in a manner consonant with highest professional standards in the community. A speech-language pathologist or audiologist shall assign credit to those who have contributed to a publication in proportion to their contribution.

(3) A speech-language pathologist or audiologist shall evaluate services rendered and products dispensed to determine effectiveness. A speech-language pathologist's or audiologist's public statements providing information about professional services and products shall not contain representations or claims that are false, deceptive or misleading. A speech-language pathologist or audiologist shall not engage in commercial activities that conflict with the responsibilities to person(s) served or supervised by him/her professionally or to professional colleagues. A speech-language pathologist or audiologist shall not misrepresent his/her training or competence.

(4) A speech-language pathologist or audiologist shall maintain adequate records of professional services rendered. A speech-language pathologist or audiologist shall provide appropriate access to records of person(s) served or supervised professionally. A speech-language pathologist or audiologist shall not reveal to unauthorized persons any confidential information obtained from any person(s) served or supervised professionally without the written consent of that person or his/her legal guardian. A speech-language pathologist or audiologist shall not use persons for teaching or research in a manner that constitutes invasion of privacy or fails to afford informed free choice to participate. A speech-language pathologist or audiologist shall fully inform subjects participating in research or teaching activities of the nature and possible effects of these activities.

(5) A speech-language pathologist or audiologist shall take all reasonable precautions to avoid injuring persons in the delivery of professional services. A speech-language pathologist or audiologist shall fully inform person(s) served of the nature and possible effects of these services. A speech-language pathologist or audiologist shall not discriminate in the delivery of professional services on any basis that is unjustifiable or irrelevant to the need for and potential benefit from such services, such as race, sex, age, religion, national origin, sexual orientation, or disabling condition. A speech-language pathologist or audiologist shall not evaluate or treat speech, language or hearing disorders except in a professional relationship. A speech-language pathologist or audiologist shall not provide professional services without exercising independent professional judgment, regardless of referral source or prescription. A speech-language pathologist or audiologist shall not evaluate or treat solely by correspondence. This does not preclude follow-up correspondence with persons previously seen, nor providing them with general information of an educational nature. A speech-language pathologist or audiologist shall not guarantee the results of any speech or hearing consultative or therapeutic procedure. A guarantee of any sort, express or implied, oral or written, is contrary to professional ethics. A reasonable statement of prognosis is not improper, but successful results are dependent upon many uncontrollable factors, hence, any warranty is deceptive and unethical. A speech-language pathologist or audiologist shall not exploit person(s) served professionally by accepting them for treatment if benefit cannot reasonably be expected to accrue, by continuing treatment without reasonable expectation of further benefit, or by charging exorbitant fees. A speech-language pathologist or audiologist shall use every resource available, including referrals to other specialists as needed, to effect maximum improvement in person(s) served. A speech-language pathologist or audiologist shall identify competent, dependable referral sources for person(s) served professionally.

(6) A speech-language pathologist's or audiologist's charges shall be commensurate with services rendered. A speech-language pathologist or audiologist shall not charge for services not rendered. A speech-language pathologist or audiologist shall not accept fees, gifts, or forms of gratuity for serving as a sponsor or supervisor of professional experience required for licensure. Speech-language pathologists or audiologists may accept reimbursement for actual expenses incurred. Neither shall he/she accept compensation in any form from a manufacturer, dealer or salesman of prosthetics or other devices for recommending a particular product unless such products benefit person(s) served.

(7) A speech-language pathologist or audiologist shall not supervise professional experience of a conditional licensee unless he/she has completed thirty-six months of full-time clinical experience within the past sixty months unless approved by the board. A speech-language pathologist or audiologist shall not delegate any service requiring the professional competence of a licensed clinician to anyone unqualified. A speech-language pathologist or audiologist shall not offer clinical services by supportive personnel for whom they do not provide appropriate supervision and assume full responsibility. A speech-language pathologist or audiologist shall not require anyone under their supervision to engage in any practice that is a violation of the code of ethics. A speech-language pathology aide or an audiology aide or a conditional licensee shall provide services only pursuant to a specific plan approved by the board. A speech-language pathology aide or an audiology aide shall not represent himself to the public as a speech-language pathologist or an audiologist. A person shall not serve as a supervisor of the clinical practice of a student or intern while completing the year of supervised professional experience required for licensure under section 4753.06 of the Revised Code.

(C) A speech-language pathologist or audiologist who intends to accept cases for their private practice from the place of primary employment shall observe the following:

(1) The person(s) served professionally shall be fully informed of services available from the licensee's primary employment setting as well as those from the private practice and given freedom to choose whether and from whom they will obtain professional services.

(2) The costs associated with obtaining services from the licensee's primary employment setting versus those associated with the private practice shall be made clear.

(3) Practitioners accepting cases in a private setting from their primary place of employment shall inform the administrator at their primary employment setting of their intent.

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