

Ohio Board of Speech-Language Pathology & Audiology

Proposed Rules for 2007

The Board has filed proposed rules for 2007 with the state. The proposed rules amend existing rules and replace Emergency Rules (Speech-Language Pathology Student Permit), which were put into effect August 24, 2007.

A Public Hearing on the proposed rules will take place on Tuesday October 16, 2007 at 1:00 P.M. at 77 South High Street, 31st Floor in Room East B, Columbus, Ohio 43215.

The following proposed rules have been filed. **New language highlighted in RED.**

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 divisions (D) and (E) of section 4753.08 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 section 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 **within the two year renewal period.**

(2) All licensees shall submit to the board a renewal application attesting to completion of the required continuing education hours at the time of license renewal **within the two year renewal period.**

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

(4) Licensees who submit the renewal application, 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) Failure to complete legal requirements for renewal after December thirty-first of the renewal year shall result in the expiration of the license after that date. Renewal applications must be postmarked or electronically registered no later than September thirtieth of the renewal year. A renewal application received after October first of the renewal year shall be a late renewal and incur the late fee specified in rule 4753-5-01 of the 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 forty hours within the two years prior to the application or as approved by the board; and

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

(F) Escrow of license; restoration

(1) A person licensed as an audiologist or a speech-language pathologist may, at the time of biennial renewal, apply for escrow of his/her license. The application for escrow shall be accompanied by the fee prescribed by 4753-5-01 of the Administrative Code and by a signed statement that the licensee will not engage in the active practice of audiology or speech-language pathology while the license is in escrow.

(2) A person whose license is in escrow may request a return to active status at anytime by submitting a restoration application to the board. The application shall:

(a) Contain proof that the applicant has completed at least twenty hours of continuing education within the two year period immediately preceding the application for restoration. For a license that has been in escrow for less than one year, the licensee shall submit proof of at least ten hours of continuing education. For a license that has been in escrow for more than two years, the licensee shall submit proof of at least ten hours of continuing education per year of escrow status, with a maximum of forty hours for the entire time period of escrow status.

(b) Be accompanied by the fee for renewal of license as prescribed by 4753-5-01.

4753-4-01 Continuing education.

(A) A licensee shall earn twenty continuing education hours within the two-year **renewal** 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, 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;

[stylesheet: rule.xsl 2.14, authoring tool: i4i 2.0 Apr 9, 2003, (dv: 2, p: 30262, pa: 38300, ra: 133690, d: 157498)] print date: 09/13/2007 08:09 AM

(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 activity approved for 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 4753-4-01 3.

(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.

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 initial license shall be valid for the biennium in which it is issued. Applications made pursuant to divisions (D) and (E) of section 4753.08 of the Revised Code shall not pay an application fee.

(B) When an initial license is issued less than one hundred days before September thirtieth of the renewal year, 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 dollars for a holder of a

speech-language pathology or audiology license. The biennial renewal licensing fee shall be one hundred fifty dollars for individuals who hold both a speech-language pathology and an audiology license.

(2) A license shall be renewed during the period **following dissemination of renewal applications by the board and December 31 of every other year** . The prescribed fee shall be submitted to the board with the application for renewal provided by the board.

(3) The fee for an escrow license shall be ten dollars for each biennial renewal.

(4) The fee for the student permit shall be fifty dollars.

(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 **December thirty-first** of the renewal year shall be one hundred fifty dollars.

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 **dispensing**" 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 **dispensing** 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.

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 **for adult patients, or in the case of patients under the age of twenty-one years, three years past the date of the patient's twenty first birthday, or as required by federal or state laws and regulations.**

(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.

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

The only change to this rule was the correction of a punctuation error.

4753-9-01 "Code of Ethics".

Added to (B),(3)

(m) Licensees shall not disparage the goods, services or business of another by false representation of fact.

STUDENT PERMIT RULES

4753-10-01 Educational requirements for student permit.

(A) To be eligible for a speech-language pathology student permit, an applicant must have met the following:

(1) He/she has completed one year (three semesters or four quarters) of study in a speech-language pathology graduate program at an Ohio college or university. The appropriate course work must be consistent with the population to be served and work setting to which the student will be assigned.

(2) He/she has completed no less than twenty-five hours of observation and seventy-five hours of student clinical experience to be consistent with the

population to be served and work setting. Competencies must be demonstrated and documented with the population to be served and work setting to which the student will be assigned.

4753-10-02 Ohio speech-language pathology graduate program requirements.

(A) The Ohio college or university speech-language pathology program designee will recommend the applicant for the speech-language pathology student permit.

(B) The Ohio college or university speech-language pathology program designee will attest to the applicant's completion of one year of graduate study in speech-language pathology, twenty-five hours of observation and seventy-five hours or more of clinical experience.

(C) The Ohio college or university speech-language pathology graduate program designee will recommend the practice setting for the applicant's speech-language pathology student permit.

4753-10-03 Supervision of speech-language pathology permit holders.

(A) The speech-language pathology student permit holder will be supervised by a speech-language pathologist licensed in Ohio, and under the direction of the college or university graduate program of the speech-language pathology student permit holder.

(B) Supervision of the speech-language pathology student holder will be detailed in the student permit plan.

(C) Credit for student clinical experience may be granted when supervision is conducted in accordance with requirements of the American Speech and Hearing Association and this board. Minimum supervision of the student permit holder will consist of twenty-five percent direct observation of treatment activities and fifty percent direct observation of diagnostic activities. The supervisor will be accessible to the student permit holder during all client contact.

(D) No supervisor of persons holding a student permit may supervise more than one student permit holder unless approved by the board.

4753-10-04 Application for speech-language pathology student permit.

(A) All applications for a speech-language pathology student permit shall be submitted to the board at its principal office on forms prescribed by the board. The submitted application shall be typewritten or printed in ink.

(1) Submission of the application shall certify that all statements are true and complete.

(2) A photograph of the applicant shall appear in the space provided upon the hard copy 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 width.

(3) All applications must be accompanied by a non-refundable fee of fifty dollars, 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) All applications must have the signature of the college or university designee.

(6) All applications must include documentation verifying the applicant's completion of one year of graduate study in speech-language pathology and twenty-five hours of observation and seventy-five hours or more of clinical experience signed by the college or university designee.

(7) The plan for the speech-language pathology student permit holder will include:

(a) The practice setting for the speech-language pathology student permit holder.

(b) The signature and license number of the supervisor for the speech-language pathology student permit applicant.

(c) The frequency, method and scope of supervision.

(B) Any change in supervision or practice setting will require a new application and plan.

The student permit holder will not practice until a new application and plan has been approved by the board.

(C) A student permit holder may apply for a one year extension of the permit by providing the following:

- (1) A statement of the reason for extension for the student permit.**
- (2) Completion of a second student permit application and plan.**

4753-10-05 Speech-language pathology student permit holder case load.

(A) The Ohio university or college program designee will determine the maximum case load of the student permit holder based upon the student permit holder's demonstrated and documented clinical abilities. The student permit holder will be limited to no more than fifty (50) cases.

4753-10-06 Identification of speech-language pathology student permit holder.

- (A) Each applicant who is approved for a speech-language pathology student permit shall receive a certificate for office display. All permit holders shall display their certificate in a conspicuous place where the permit holder practices.**
- (B) Each student permit holder shall wear identification indicating status as a "student permit holder.**
- (C) Any signature on documents must indicate "student permit holder status."**

Public Hearing Notice

Pursuant to Chapter 119, Ohio Revised Code, the Ohio Board of Speech-Language Pathology and Audiology hereby gives notice of its intention to propose amendment of the rules pertaining to:

- 4753-3-10 Exempt practice; renewal.**
- 4753-4-01 Continuing education.**
- 4753-5-01 Speech-language pathologist or audiologist; fee for initial license; fee for renewal of license; late renewal fee.**
- 4753-8-01 Definitions.**
- 4753-8-03 Rules on appropriate hearing aid test procedures.**
- 4753-8-05 Fraud or misrepresentation; hearing aid, assistive listening device; disciplinary action.**
- 4753-9-01 "Code of Ethics".**

Pursuant to Chapter 119, Ohio Revised Code, the Ohio Board of Speech-Language Pathology and Audiology hereby gives notice of its intention to propose new rules pertaining to:

- 4753-10-01 Educational requirements for student permit.**
- 4753-10-02 Ohio speech-language pathology graduate program requirements.**
- 4753-10-03 Supervision of speech-language pathology permit holders.**
- 4753-10-04 Application for speech-language pathology student permit.**
- 4753-10-05 Speech-language pathology student permit holder case load.**
- 4753-10-06 Identification of speech-language pathology student permit holder**

The proposed rules will comply with the Board's rule review responsibilities in accordance with Chapter 119.032 Ohio Revised Code.

A public hearing will be held on Tuesday October 16, 2007 at 1:00 P.M. at 77 South High Street, 31st Floor in Room East B, Columbus, Ohio 43215.

At said hearing any person who is affected by the proposed amended rules may appear in person by, his/her attorney or both, to present their position orally or in writing, examine witnesses, and present evidence tending to show that said proposed rules would be unreasonable or unlawful.

A complete text of the proposed amended rule can be obtained from the Ohio Board of Speech-Language Pathology and Audiology, 77 South High Street, 16th Floor, Columbus, Ohio 43215, telephone 614-466-3145,

or

downloaded from the register of Ohio at www.registerofohio.state.oh.us .

or

the Board's website at www.slpaud.ohio.gov