

# Regulatory Analysis Form

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DEPARTMENT OF STATE  
REGULATORY REVIEW DIVISION

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Examiners in Speech-Language and Hearing

(2) I.D. Number (Governor's Office Use)

16A-6802

IRRC Number:

2406

(3) Short Title

Continuing Education

(4) PA Code Cite

49 Pa. Code §§ 45.1, 45.2, 45.13, and 45.501-45.507

(5) Agency Contacts & Telephone Numbers

Primary Contact: **Roberta L. Silver, Counsel**  
**State Board of Examiners in Speech-Language and Hearing (717) 783-7200**  
 Secondary Contact: **Joyce McKeever, Deputy Chief Counsel, Department of State (717) 783-7200**

(6) Type of Rulemaking (check one)

Proposed Rulemaking  
 Final Order Adopting Regulation  
 Policy Statement

(7) Is a 120-Day Emergency Certification Attached?

No  
 Yes: By the Attorney General  
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation implements continuing education requirements for licensed speech-language and hearing professional, as mandated by the act of October 18, 2000 (P.L. 536, No. 71) (Act 71). Every licensed speech-language and hearing professional will be required to successfully complete at least 20 hours of continuing education during each biennial renewal period. The Board will renew the license of only those licensees who have provided proof of completion. The regulation provides a process for prior approval of providers of courses of continuing education and identifies specific responsibilities of providers.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The regulatory amendments are adopted under section 5 (7) of the Speech-Language and Hearing Licensure Act (act), Act of December 21, 1984 (P.L. 1253) as amended, 63 P.S. § 1705(7).

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

**Yes. Act 71 of 2000 amended Section 5 (7) of the Act and required the Board to adopt regulations to establish requirements for continuing education.**

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

**The General Assembly recognized the compelling public interest of ensuring that licensed speech-language and hearing professionals obtain a minimum number of hours of continuing education in enacting the continuing education requirement of Act 71.**

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

**The General Assembly recognized the public health, safety, environmental or general welfare risks associated with nonregulation in enacting the continuing education requirement of Act 71.**

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

**Licensees, the public, and the Board will benefit from the increased knowledge and skills of practitioners. Additionally, the providers of continuing education will benefit from the expanded market for their services.**

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

**Each licensed speech-language and hearing professional will be required to successfully complete 20 hours of continuing education each biennium. There are approximately 6029 licensed speech-language and hearing professionals actively practicing in this Commonwealth. The Board has identified no other group of individuals or entities that will be adversely affected by the regulation.**

## Regulatory Analysis Form

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

**All persons holding licenses to practice any of the fields of practice in speech-language and hearing will be required to comply with the regulation. Currently, there are approximately 6,000 licensed speech-language and hearing professionals actively practicing in this Commonwealth.**

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

**A preliminary draft of the regulation was submitted to stakeholder groups for comment. The stakeholder groups who received the draft regulations are: the National Council of State Boards of Examiners for Speech Language Pathology and Audiology, the Council on Professional Standards in Speech-Language Pathology and Audiology at the American Speech-Language-Hearing Association, the American Speech Language Hearing Association, the Pennsylvania Speech-Language-Hearing Association, the National Technical Institute for the Deaf, the Council on Education of the Deaf, the Hospital Association of PA, the Academy of Dispensing Audiologists, the American Academy of Audiology, and the Pennsylvania Academy of Audiology.**

**The proposed rulemaking was published in the *Pennsylvania Bulletin* on June 29, 2004, subject to a 30-day public comment period. The Board received comments from the Pennsylvania Speech-Language-Hearing Association, Pennsylvania State Education Association, Pennsylvania Training and Technical Assistance Network, House Professional Licensure Committee and Independent Regulatory Review Commission. The Board addressed all substantive comments in the final-form rulemaking.**

## Regulatory Analysis Form

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

**In order to comply with this regulations, the Board estimates that each licensed speech-language and hearing professional will be required to spend up to \$1000 (depending upon the provider) for tuition for continuing education during each biennial period, in addition to travel and other time lost from practice while attending continuing education. It is impossible to estimate the savings to the regulated community resulting from compliance with this regulation and improved practice by licensees.**

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

**There are no costs or savings to local governments associated with compliance with the regulation.**

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

**The Board will monitor compliance by licensees with the required continuing education and will review and approve courses of continuing education. It is believed that the Board will not incur any additional costs in reviewing the biennial renewal applications of those licensees who have successfully completed the required amount of continuing education. However, additional costs will be incurred during the audit process. Ten percent of all licenses will be selected for audit of the continuing education following each biennial renewal period. The costs incurred in the audit will include the administrative costs of reviewing the responses, and any additional disciplinary action to be taken against those who have not complied with the continuing education requirement. It is estimated that the additional cost to the Board for audit review will be approximately \$6,144 in each renewal year. It is impossible to estimate the number of licensees who might not comply with the required amount of continuing education, and therefore the Board cannot estimate any increased enforcement costs at this time. There are no other costs or savings to state government associated with implementation of the proposed regulation.**

### Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
<b>Total Savings</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>COSTS:</b>						
Regulated Community	\$3,014,500	\$3,014,500	\$3,014,500	\$3,014,500	\$3,014,500	\$3,014,500
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	\$6,144	N/A	\$6,144	N/A
<b>Total Costs</b>	\$3,014,500	\$3,014,500	\$3,020,644	\$3,014,500	\$3,020,644	\$3,014,500
<b>REVENUE LOSSES:</b>						
Regulated Community						
Local Government						
State Government						
<b>Total Revenue Losses</b>	N/A	N/A	N/A	N/A	N/A	N/A

(20a) Explain how the cost estimates listed above were derived.

Each member of the regulated community will be required to successfully complete 20 hours of continuing education in each biennial renewal period, beginning September 1, 2004. This estimate assumes that each active licensee will pay the conservative maximum tuition cost of \$1000. This estimate also assumes that the distribution of licensees enrolled in the required continuing education will be evenly spread throughout each renewal cycle. This estimate makes no allowance for the costs of travel and time away from practice. ( $\$1000 \times \# \text{ of active licensees} \times \frac{1}{2}$ )

The estimated cost to state government for a 10% audit of continuing education compliance for speech-language pathologists, audiologists, and teachers of the hearing impaired is derived using the following: the audit shall be conducted by a Clerk Typist 3 whose hourly rate plus benefit factor and overhead equals \$20.48 per hour, it will take approximately .50 hours to review each audit and there are 6,029 licensees resulting in approximately 600 audits. ( $\# \text{ of active licensees} \times 10\% \times \# \text{ of hours required per audit} \times \text{hourly rate of employee conducting audit}$ ) The cost will only be incurred in renewal years, starting two years after the implementation of the continuing education regulation.

### Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 (FY 98-99)	FY -2 (FY 01-02)	FY -1 (FY 02-03)	Current FY (FY 03-04)
<b>Pa. State Board of Examiners in Speech-Language and Hearing</b>	<b>\$94,769.35</b>	<b>\$85,616.83</b>	<b>\$95,105.70</b>	<b>\$114,000.00</b>

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

**N/A. (The costs required under the regulation is imposed by legislation. )**

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

**Because the regulation implements Act 71, the Board considered no non-regulatory alternatives.**

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

**No alternative regulatory schemes were considered, because no other regulatory schemes would effectuate the recent amendments to the Speech-Language and Hearing Licensure Act.**

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

**The proposed regulatory amendments do not overlap or conflict with any federal requirements.**

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

**The Delaware State Examining Board of Speech-Language Pathology, Audiology & Hearing Aid Dispensers (20 hours every 2 years), the Maryland State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists (20 hours every 2 years), the New Jersey Audiology & Speech-Language Pathology Advisory Committee (20 hours every 2 years), the New York State Board for Speech-Language Pathology & Audiology (30 hours every 3 years), the Ohio Board of Speech-Language Pathology and Audiology (20 hours every 2 years), the West Virginia Board of Examiners for Speech-Language Pathology & Audiology (20 hours every 2 years) and the Virginia Board of Examiners of Audiology and Speech-Language Pathology (30 hours every 2 years) all require continuing education of their licensees. The regulation will not put Pennsylvania (20 hours every 2 years) at a competitive disadvantage with these other states.**

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

**This regulation will have no effect on other regulations of the Board or other state agencies.**

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

**The Board reviews its regulatory proposals at regularly scheduled public meetings bi-monthly. Meetings are held in the Board's offices at 2601 North Third Street Street, Harrisburg, Pennsylvania. The meeting dates are posted on the internet at [www.dos.state.pa.us](http://www.dos.state.pa.us) and are available by calling the Board office at 717-783-1389.**

## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

**Each licensed speech-language and hearing professional will be required to certify on each license renewal application that the licensee has successfully completed at least 20 hours of continuing education during the preceding biennial period. The Board provides the form renewal application and will include this certification in the form.**

**Additionally, providers of continuing education courses will be required to maintain course completion records so that they may respond to a Board request for those licensees who successfully completed each course.**

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

**The Board has determined that there are no special needs of any subset of its applicants or licensees for whom special accommodations should be made.**

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

**The regulation will be effective upon publication in final form in the Pennsylvania Bulletin.**

(31) Provide the schedule for continual review of the regulation.

**The Board holds regularly scheduled bi-monthly meetings at which review of the regulation can take place. The Board continually reviews the efficacy of its regulations, as part of its annual review process pursuant to Executive Order 1996-1. Meetings are held in the Board's offices at 2601 North Third Street, Harrisburg, Pennsylvania. The meeting dates are posted on the internet at [www.dos.state.pa.us](http://www.dos.state.pa.us) and are available by calling the Board office at (717) 783-1389.**



Name of Officer: \_\_\_\_\_

Signature of Officer: \_\_\_\_\_

Phone Number of Officer: \_\_\_\_\_

Email Address of Officer: \_\_\_\_\_

[Pa.B. Doc. No. 04-1064. Filed for public inspection June 18, 2004, 9:00 a.m.]

## STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING

[49 PA. CODE CH. 45]

### Continuing Education

The State Board of Examiners in Speech-Language and Hearing (Board) proposes to amend §§ 45.1, 45.2 and 45.13 (relating to fees; definitions; and renewal; inactive status) and to add Subchapter G (relating to continuing education) to read as set forth in Annex A.

#### *Effective date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

The proposed rulemaking is authorized under section 5(7) of the Speech-Language and Hearing Licensure Act (act) (63 P. S. § 1705(7)).

#### *Background and Need for the Proposed Rulemaking*

The act of October 18, 2000 (P. L. 536, No. 71) authorizes the Board to establish by regulation a continuing education requirement for biennial renewal of licenses of speech-language and hearing professionals.

#### *Description of the Proposed Rulemaking*

The proposed rulemaking will require licensed speech-language and hearing professionals to successfully complete 20 clock hours of continuing education as a condition for each biennial renewal period. The continuing education requirement will be implemented after providing written notice to all licensees in accordance with section 5(7) of the act. The applicable biennial period will be inserted in the final-form rulemaking based on the effective date of the rulemaking. Upon application for renewal, each licensee will provide verification of successful completion of the required continuing education. The Board shall require documentary proof of successful completion from the licensees selected for audit. All licensees shall maintain proof of completion of continuing education credits for 4 years. The Board will not renew the license of a licensee who did not complete the required continuing education prior to the renewal date. Upon completion of continuing education, the Board may then renew that license.

In addition, the proposed rulemaking provides standards by which the Board may approve providers of courses of continuing education and responsibilities of the providers. The Board will be deemed to have approved any course previously approved or sponsored by the American Speech-Language and Hearing Association, the American Academy of Audiology and courses offered by academic programs in speech-language pathology, audiol-

ogy or teaching of the hearing impaired associated with institutions of higher education accredited by any state's department of education or a regional commission on institutions of higher education. Other providers may apply for approval of individual courses at least 90 days prior to the scheduled course date. The application fee for individual course approval will be \$40. The Board may deny approval of any course for which the identified faculty is not qualified, the course is in office management, the method for certifying attendance is not verifiable or the provider has made material misstatements in the application. Each provider will be required to disclose to prospective attendees in advance the objective, content, teaching method and number of hours of continuing education credit; to open the course to licensees; to provide adequate physical facilities; to provide appropriate instructional materials; to employ qualified instructors; and to evaluate the program. Each provider will also be required to provide to each attendee a record of the continuing education, including the participant's name, the dates of the program, the name of the program, the provider's name and the number of continuing education credits. The provider must also be able to provide the Board with verification of a licensee's participation in a continuing education program, including the date of the approval of the program and the name of the entity that approved the program for continuing education credit.

Finally, the proposed rulemaking will authorize disciplinary action against licensees who fail to complete the required continuing education or who submit fraudulent records. Under the same section, providers are subject to the revocation of course approval for appropriate grounds.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have a limited fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking requires the Board to review all applications for compliance with the continuing education requirement and additional costs will be incurred during the audit process. Ten percent of all licenses will be selected for audit of the continuing education following each biennial renewal period. The costs incurred in the audit will include the cost of postage for inquiry letters, the administrative costs of reviewing the responses and any additional disciplinary action to be taken against licensees who have not complied with the continuing education requirement. It is impossible to estimate the number of licensees who might not comply with the required amount of continuing education. Therefore, the Board cannot estimate any increased enforcement costs at this time. There are no other costs or savings to State government associated with implementation of the proposed rulemaking.

#### *Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 8, 2004, the Board submitted a

copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Sandra Matter, Administrative Assistant, State Board of Examiners in Speech-Language and Hearing, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the Pennsylvania Bulletin.

SONYA M. WILT, Chairperson

Fiscal Note: 16A-6802. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 45. STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING

Subchapter A. GENERAL PROVISIONS

§ 45.1. Fees.

(a) The following are the fees set by the State Board of Examiners in Speech-Language and Hearing:

\* \* \* \* \*

(5) Application for continuing education course approval ..... \$40

\* \* \* \* \*

§ 45.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

Biennial renewal period—The period from August 1 of an even-numbered year to July 31 of the next even-numbered year.

\* \* \* \* \*

Clock hour—Consists of 50 to 60 minutes of instruction or participation in an approved continuing education course or program.

Continuing education record—Report provided to a participant in a continuing education course or program by the provider which indicates the name

of the participant, the dates of the program, the name of the program, the provider's name and the number of clock hours of continuing education credit.

\* \* \* \* \*

Inactive license—A license status in which the licensee notifies the Board that the licensee no longer requires an active license to practice.

Lapsed license—A license status in which the licensee has not been currently renewed.

\* \* \* \* \*

Provider—An agency, organization, institution, association or center approved by the Board to offer an organized continuing education course or program.

\* \* \* \* \*

Subchapter B. LICENSURE

§ 45.13. Renewal; inactive status; required continuing education.

\* \* \* \* \*

(g) Beginning with the renewal period following (Editor's Note: The blank refers to the effective date of the adoption of this proposed rulemaking.), an application for renewal of a speech-language pathologist, audiologist or teacher of the hearing impaired license will not be granted unless the licensee has certified that the licensee has completed the required continuing education hours under § 45.501 (relating to credit hour requirements). If requested by the Board, an application for renewal must also include the documentation required by § 45.504 (relating to reporting of completion of continuing education).

(h) An application for reactivation of an inactive or lapsed speech-language pathologist, audiologist or teacher of the hearing impaired license must also include the documentation required by § 45.504 for the preceding biennial period.

Subchapter G. CONTINUING EDUCATION

§ 45.501. Credit hour requirements.

(a) Each speech-language pathologist, audiologist or teacher of the hearing impaired shall complete 20 clock hours of continuing education during each biennial renewal period, beginning with the renewal period following (Editor's Note: The blank refers to the effective date of the adoption of this proposed rulemaking.)

(b) Up to 10 clock hours of approved continuing education credit per biennial renewal period may be granted on a case-by-case basis for services as a lecturer or speaker, and for publication of articles, books and research relating to the practice of speech-language pathology, audiology or teaching of the hearing impaired. A licensee seeking continuing education credit under this subsection shall submit a written request with a copy of the lecture, presentation, article, book or research. The request shall be submitted 180 days prior to the expiration of the biennial renewal period for which the licensee is seeking credit.

(c) Unless granted a waiver under § 45.502 (relating to exemption and waiver), the Board will not renew or reactivate any speech-language pathologist, audiologist or teacher of the hearing impaired license until the continu-

ing education required prior to the current biennial renewal period has been completed.

**§ 45.502. Exemption and waiver.**

(a) An individual applying for initial licensure shall be exempted from the continuing education requirement for the biennial period in which the license is granted.

(b) The Board may waive all or part of the continuing education requirement for a biennial renewal period upon request of a licensee. The request must be made in writing, with supporting documentation, and include a description of circumstances sufficient to show why compliance is impossible. Waiver requests will be evaluated by the Board on a case-by-case basis. Waivers may be granted for serious illness, military service or other demonstrated hardship. The Board will send written notification of its approval or denial of a waiver request.

**§ 45.503. Continuing education requirement for biennial renewal of inactive and lapsed licenses.**

A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennial period.

**§ 45.504. Reporting completion of continuing education.**

(a) Applicants at the time of license renewal shall provide, on forms provided by the Board, a signed statement certifying that the continuing education requirement has been met.

(b) The Board will utilize a random audit of renewals to determine compliance with the continuing education requirement. Applicants selected for audit shall provide the Board the certified continuing education record, as described in § 45.506(b) (relating to provider responsibilities), for each continuing education program completed to prove compliance with the continuing education requirement.

(c) Individuals shall retain the certified continuing education records for courses completed for a minimum of 4 years.

**§ 45.505. Approval of continuing education programs.**

(a) Credit for continuing education may be obtained for any program approved in advance by the Board. Preapproval is contingent upon compliance with § 45.506 (relating to provider responsibilities).

(b) Anyone, to include colleges, universities, associations, professional societies and organizations, seeking approval to offer programs of continuing education shall:

(1) Apply for approval of the program on forms provided by the Board.

(2) File the application at least 90 days prior to the first scheduled date of the program.

(c) An application must contain:

(1) The full name and address of the provider.

(2) The title of the program.

(3) Faculty names and credentials, and, if requested by the Board, curriculum vitae.

(4) A schedule of the program, including the title and description of each subject, the name of the lecturers and the time allotted.

(5) The total number of clock hours of credit to be awarded.

(6) A method of certifying participation.

(7) The program coordinator who is responsible for certifying participation and compiling an official list of Pennsylvania licensees in attendance at the continuing education program.

(8) A fee as required by § 45.1 (relating to fees).

(d) The Board may deny approval of a program of continuing education based on any appropriate grounds, including the following:

(1) The provider failed to comply with § 45.506 for other programs.

(2) The provider made one or more false or misleading material statements on the application.

(3) The identified faculty is deemed not qualified to present the program.

(4) The course content is in office management or practice building.

(5) The method of certifying participation is not verifiable.

(e) The following programs are deemed approved for continuing education credit:

(1) Continuing education programs approved or sponsored by the American Speech-Language and Hearing Association.

(2) Continuing education programs approved or sponsored by the American Academy of Audiology.

(3) Courses and programs offered by academic programs in speech-language pathology, audiology or teaching of the hearing impaired associated with institutions accredited by any state's department of education or a regional commission on institutions of higher education.

**§ 45.506. Provider responsibilities.**

(a) For each program, the provider shall:

(1) Disclose to prospective participants in advance the objectives, content, teaching method and number of hours of continuing education credit.

(2) Open each course to licensees.

(3) Provide adequate facilities for the number of anticipated participants and the teaching methods to be used.

(4) Provide appropriate instructional materials.

(5) Utilize a verifiable method of certifying participation.

(6) Employ qualified instructors who are knowledgeable in the subject matter.

(7) Evaluate the program through the use of questionnaires of the participants.

(8) Issue a certified continuing education record to each participant.

(9) Retain participation records, written outlines and a summary of evaluations for 5 years.

(10) Provide the Board, upon request, verification of licensee's participation in a continuing education program, including the date of approval of the program and the name of the entity that approved the program for continuing education credit.

(b) Each continuing education record must include at a minimum:

(1) The name of the participant.

(2) The dates of participation in the program.

- (3) The name of the program.
- (4) The provider's name.
- (5) The number of clock hours of continuing education credit.
- (6) The course approval number or an indication of the provider's status as a preapproved provider.

**§ 45.507. Disciplinary action authorized.**

(a) A licensed speech-language pathologist, audiologist or teacher of the hearing impaired who submits fraudulent continuing education records may be subject to discipline under section 10 of the act (63 P. S. § 1710).

(b) A licensed speech-language pathologist, audiologist or teacher of the hearing impaired who fails to complete the required continuing education requirement within any biennial renewal period may be subject to discipline.

(c) The falsification of a continuing education record by a program provider may result in revocation of approval by the Board for further program offerings by that provider.

(d) The Board may revoke the approval of a provider based on any appropriate grounds, including failure of the provider to comply with § 45.506 (relating to provider responsibilities).

[Pa.B. Doc. No. 04-1065. Filed for public inspection June 18, 2004, 9:00 a.m.]

## STATE BOARD OF PHARMACY

[49 PA. CODE CH. 27]

### Technology and Automation

The State Board of Pharmacy (Board) proposes to amend §§ 27.1 and 27.14 (relating to definitions; and supplies) and to add §§ 27.201–27.204 (relating to technology and automation) to read as set forth in Annex A.

#### *Effective Date*

The proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

The proposed rulemaking is authorized under sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act (63 P. S. §§ 390-4(j) and 390-6(k)(1) and (9)).

#### *Background and Purpose*

The use of computer-based information and communications systems are now prevalent in the fields of medicine and pharmacy. Current regulations of the Board do not reflect nor regulate the use of this technology. The proposed rulemaking allows the incorporation of this technology into the practice of pharmacy and brings the Commonwealth up to date with regulations of other states that currently regulate this technology. The purpose of the proposed rulemaking is to set standards for the use of this technology.

Currently, the Board's regulations do not govern whether pharmacies may accept the transmission of prescriptions of a lawful prescriber by electronic means. Prescriptions may be sent to the pharmacy by telephone or facsimile under §§ 27.18(n) and 27.20 (relating to

standards of practice; and facsimile machines). The proposed rulemaking allows pharmacies to accept a prescription that was transmitted electronically through the Internet or intranet. Pharmacies would also be permitted to maintain the prescription electronically, thus eliminating a need to maintain an original paper prescription. The proposed rulemaking also allows pharmacies to maintain required records on a computer as opposed to keeping paper files. Pharmacies can then begin moving toward a paperless recordkeeping system.

The proposed rulemaking also provides for the use of centralized prescription processing and automated medication systems. By implementing these innovations in the practice of pharmacy, a pharmacist may spend more time dealing with the clinical aspects of the practice pharmacy.

#### *Description of the Proposed Rulemaking*

Section 27.14(c)(11) permits the use of a computerized recordkeeping system in a pharmacy and lists two standards for the use of a computerized recordkeeping system. Proposed § 27.202 (relating to computerized recordkeeping systems) provides a more comprehensive set of standards for a pharmacy's use of a computerized recordkeeping system. Therefore, the proposed amendment § 27.14(c)(11) removes standards for computerized recordkeeping to the extent they are under proposed § 27.202 and instead cross references § 27.202. The Board also proposes to amend § 27.14 to remove a direct reference to 21 CFR 1304.04(h) (relating to maintenance of records and inventories) and replace that language with a broader reference to State and Federal laws and regulations. The Board recognizes that 21 CFR 1304.04(h) is not the only law or regulation that governs controlled substance prescription records. The proposed rulemaking is more accurate with regard to the duty of a pharmacy to maintain records in accordance with State and Federal law.

Proposed § 27.201 (relating to electronically transmitted prescriptions) regulates prescriptions transmitted to a pharmacy by electronic means. Currently, the regulations allow for a pharmacist to accept prescriptions transmitted through the telephone or a facsimile machine, but they do not address the acceptance of prescriptions transmitted through electronic means such as a computer or a device. The proposed rulemaking sets forth the requirements of the electronic prescription that a pharmacist may accept. To protect the prescription from being altered, it must be electronically encrypted or protected by some other means to prevent access, alteration, modification or use by an unauthorized person. The patient must be able to choose the pharmacy where the prescription is transmitted. If a pharmacist believes that the prescription does not comply with State and Federal Law, the pharmacist may choose not to fill the prescription. This section also sets forth the recordkeeping requirements for electronic prescriptions. The regulation requires that a pharmacist maintain either a hard copy or a readily retrievable image of the prescription for at least 2 years from the date of the most recent filling of the prescription. This 2-year time frame may be extended to the length of time that paper prescriptions are required to be kept on file. Like the existing regulations dealing with facsimile machines, this section prohibits any pharmacist or pharmacist from supplying electronic equipment to any prescriber for transmitting prescriptions. Additionally, the proposed rulemaking clarifies that as an electronic transaction, the transmittal of a prescription through electronic means would also be governed by the Electronic Transactions Act (73 P. S. §§ 2260.2260.5101).

List of Commentators Sent Preamble and Annex For 16A-6802

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FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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REVIEW COMMISSION

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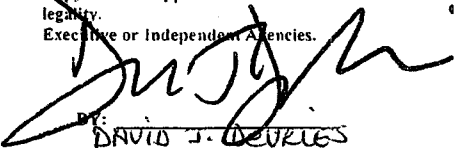
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legality.  
Executive or Independent Agencies.

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

State Board of Examiners in Speech-Language and  
Hearing  
(AGENCY)

  
BY: DAVID J. DEUKIES

\_\_\_\_\_  
DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-6802

NOV 21 2005

DATE OF APPROVAL  
EXECUTIVE  
(Deputy General Counsel  
(Chief Counsel,  
Independent Agency  
(Strike inapplicable title)

\_\_\_\_\_  
DATE OF ADOPTION:

BY:   
Karen Goltz Stein

Check if applicable  
Copy not approved.  
Objections attached.

TITLE: Chairperson  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Check if applicable.  
No Attorney General approval or objection  
within 30 day after submission.

FINAL RULEMAKING

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING

49 Pa. Code §§ 45.1, 45.2, 45.13, 45.501 - 45.507  
Continuing Education

The State Board of Examiners in Speech-Language and Hearing (Board) hereby amends §§ 45.1, 45.2 and 45.13 (relating to fees; definitions; and renewal; inactive status) and adds Subchapter G (relating to continuing education) to read as set forth in Annex A.

A. Effective date

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*. Licensees applying to renew their license for the biennial renewal period beginning August 1, 2008, will be required to have completed 20 hours of continuing education as a condition of renewal.

B. Statutory Authority

The amendments are authorized under section 5 (7) of the Speech-Language and Hearing Licensure Act (act) (63 P.S. § 1705 (7)).

C. Background and Purpose

Amendment to Section 5(7) of the act authorizes the Board to establish, by regulation, a continuing education requirement for biennial renewal of licenses of speech-language and hearing professionals.

D. Description of Amendments

This final rulemaking implements an amendment to section 5(7) of the act in 2000 which requires licensed speech-language and hearing professionals to successfully complete 20 clock hours of continuing education as a condition of biennial renewal. The continuing education requirement will be implemented after providing written notice to all licensees in accordance with section 5 (7) of the act for the biennial renewal period commencing August 1, 2008. Upon application for renewal, each licensee will provide verification of successful completion of the required continuing education.

When the proposed rulemaking was published on June 19, 2004, in the *Pennsylvania Bulletin*, 34 Pa. B. 3143, the effective date of the biennial period was left blank. The purpose of leaving §§ 45.13(g) and 45.501(a) blank was in anticipation that this final rulemaking would have been approved far enough in advance of the 2006 biennial renewal so as to require licensees to complete a prorated amount of clock hours. However, the Board decided, in compliance with Act 2000, that, because twenty clock hours are required during a twenty-four month period, the effective compliance date would be July 31, 2008. This means that the Board would require that each licensee complete twenty hours of continuing education between August 1, 2006 and July 31, 2008.

E. Response to Public Comment and Regulatory Review of Proposed Rulemaking

Publication of proposed rulemaking at 34 Pa. B. 3143 (June 19, 2004) was followed by a 30-day public comment period during which the Board received public comments from the Pennsylvania State Education Association (PSEA), the Pennsylvania Speech-Language-Hearing Association (PSHA) and the Pennsylvania Training and Technical Assistance Network (PTTAN). Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

PSEA objected to the proposed regulations because professional educators certified by the Department of Education who also are licensed by the Board, would have two separate continuing education requirements. Section 1205.2 of the Public School Code of 1949, Act of March 10, 1949, as amended, added by § 3 of the Act of November 23, 1999, P.L. 529, as amended (24 P.S. § 12-1205.2) requires speech language pathologists, audiologists and teachers of the deaf and hard of hearing who are certified public educators to complete 180 hours of collegiate studies, continuing professional education courses, or other programs, activities or learning experiences every 5 years in order to maintain active status. Under the Board's rulemaking, those professionals who are also licensed by the Board will be required to complete 20 clock hours of continuing education every 2 years. PSEA and PTTAN suggest that those professionals who hold both Board licensure and Department of Education certification should only have to complete the requirements to maintain active certification in order to meet the continuing education requirements of the Board.

IRRC suggested that to improve clarity and alleviate any misunderstanding, the Board include the following statement in the preamble of the final-form rulemaking: "The Board has determined that it would accept all credits that conform to its proposed regulation even if a licensee used that same educational experience to fulfill his or her requirements from the Department of Education."

The Board has complied with this recommendation that Department of Education courses, approved by the Department of Education, that are also approved by this Board, can be used to fulfill the requirements under both professional educator certification and license renewal.

However, the Board declines to further amend the regulations as requested by PSEA and PTTAN for the following reasons. Section 5(7) of the act (63 P.S. § 1705(7)) requires the completion of 20 hours of approved continuing education as a condition of license renewal. Section 13 of the act (63 P.S. § 1713) provides for renewal on a biennial basis, conditioned



upon the payment of a fee. This section further provides that licenses not properly renewed "shall be suspended." Conversely, Section 1205.2 (24 P.S. § 12—1205.2) provides that certified educators may satisfy the continuing education requirement at any time within a 5 year period. Furthermore, all or part of the requirement may be met by continuing education hours unrelated to the area of the professional's certification. The Board views section 5(7) of the act as a legislative mandate that current licensees maintain continued competency. Furthermore maintenance of such competency must be demonstrated biennially. Intrinsic to the concept of continuing education and this rulemaking is that licensees maintain current expertise in their area of specialty. This is consistent with Section 2 of the act (63 P.S. § 1702) in which the legislature has declared that it is the policy of this Commonwealth to assure the availability of the highest possible quality of speech language and hearing licensees. The Board also notes that under Section 6(b) (2) of the act (63 P.S. § 1706(b)(2)) persons who hold credentials issued by DOE are excluded from the licensure (and hence biennial renewal requirement). In summary, because some courses approved by the Department of Education for maintaining certification as a professional educator under Section 1205.2 (24 P.S. § 12—1205.2) are designed to enhance the continuing competence of educators, they are not necessarily in all cases what the Board perceives would be beneficial or adequate for maintaining state licensure.

Moreover, § 45.505(e) (related to approval of continuing education programs) pre-approves the following programs for continuing education credit: (1) programs approved or sponsored by the American Speech-Language-Hearing Association; (2) programs approved or sponsored by the American Academy of Audiology; and (3) courses and programs offered by academic programs in speech-language pathology, audiology or teaching of the hearing impaired associated with institutions accredited by any state's department of education or a regional commission on institutions of higher education. PSHA's website informs its members that "[i]f you maintain both the teaching certification and your state license, it is likely that you will be able to 'count' hours earned for Act 48 IF those hours meet the guidelines that are spelled out in Act 71 and in subsequent regulations." Under circumstances where a professional would like to fulfill the state licensure requirement by using a program that is not pre-approved by the Board, but is accepted by the Department of Education, approval may be requested and granted under § 45.505(b) and (c).

PTTAN suggested including in § 45.505(e) pre-approval of continuing education providers approved by the Pennsylvania Department of Education under Section 1205.2 (24 P.S. § 12—1205.2). The Board has rejected this suggestion.

PSHA had no objections or recommendations for changes but raised questions in a number of areas. In response to PSHA's request for clarification of clock hours versus continuing education units (CEUs), the Board requires completion of 20 clock hours of continuing education per biennium. One clock hour would be equal to .1 CEU.

PSHA also questioned the fees required for approval of courses. Approved continuing education providers are not required to submit payment for each approved course. In addition, the application fee is only required once, regardless of the number of times the course may be offered by the same provider.

PSHA further asked if there will be provider training to assure accurate and complete retention of continuing education participant information. The Board will not require or provide training to course providers. In addition, Board-approved forms for providers and licensees will be available when this final rulemaking is published. There will be no electronic format for retention of information. All records will be maintained in a hard-copy format. All questions regarding the audit procedure, course approval numbers and submission format may be directed to the Board administrator.

The HPLC recommended that the definition of “continuing education record” found in § 45.2 (relating to definitions) mirror the language of § 45.506(b) (relating to provider responsibilities), as the latter section lists the minimum requirements of a “continuing education record.” The HPLC suggested the language of § 45.506(b)(6) regarding the course approval number or an indication of pre-approved status should be added to the definition of “continuing education record” in § 45.2. IRRC suggested that the definition should cross-reference the requirements of § 45.506(b). The Board has responded to these suggestions by changing the definition of “continuing education record” to “report provided to a participant in a continuing education course or program by the provider which conforms to the requirements of § 45.506(b) (relating to provider responsibilities),” thereby cross-referencing the requirements of that section in the definition.

The HPLC requested a clarification regarding § 45.506(a)(10) with respect to the “name of the entity that approved the program” because the HPLC understood that the board approves programs. The HPLC’s understanding is correct. The Board does approve the programs. Therefore, the Board has deleted the questioned language in the final rulemaking.

With regard to § 45.505(b), the HPLC recommended that if the Board chooses to list entities who may seek approval to offer programs of continuing education, the language be modified so that it reads, “An entity, including a college, a university, an association, a professional society or organization, seeking approval to offer programs in continuing education . . .” The Board revised this subsection to make it clear that its provisions would apply to any person, including both an individual licensee as well as entities who seek approval of programs which have not been approved under subsection (a).

In addition, the HPLC recommended that the Board adopt a consistent definition of the term “provider” in §§ 45.2 and 45.505(b). The Board has complied with this recommendation. Moreover, the Board has made other changes to the final rulemaking that address miscellaneous drafting concerns raised by the HPLC.

The HPLC also recommended that a reference be made to waiver in § 45.507(b) (related to disciplinary action authorized). That section states that a licensee who fails to complete continuing education requirements may be subject to discipline. However, the HPLC points out that § 45.507 must be read together with § 45.502 (related to exemption and waiver). The Board has complied with this recommendation by adding a cross-reference to § 45.502.

The HPLC also recommended that §§ 45.507(c) and (d), which discuss the board's ability to revoke approval of a provider, be moved to § 45.505, because that section relates to approval of providers. The Board has complied with this recommendation by moving those subsections to § 45.505 and by reordering the paragraphs in that section for clarity.

IRRC noted that in §§ 45.13(g) and 45.501(a) (relating to renewal; inactive status; required continuing education; and credit hour requirements), the proposed regulation as published at 34 Pa.B. 3143 (June 19, 2004) indicates that the continuing education requirement will become effective in the biennial period following the effective date of the regulation. However, IRRC raised concerns that this indication does not match the language in these same sections in the draft regulation submitted by the Board to the HPLC, SCP/PLC and IRRC. The Board notes that the editors at the Legislative Reference Bureau (LRB) edit the document prior to publication in accordance with the Pennsylvania Code and Bulletin Style Manual, which is why the document as delivered may be slightly different when published as proposed. In addition, IRRC commented that Board staff had indicated to it that the hour requirement may be prorated if the regulation becomes effective in the midst of a biennial period. IRRC suggested that the Board clarify how and when the requirement will be implemented in the final-form rulemaking. IRRC also suggested that the Board describe how it will provide adequate and timely notice to all licensees of the effective date and what will be required of licensees. PSHA also questioned the renewal requirements for the upcoming biennial renewal.

All active licenses must be renewed by July 31<sup>st</sup> of even-numbered years as defined in § 45.2 (relating to definitions). The next biennial renewal will occur on July 31, 2006. This final form rulemaking will be effective for the biennial period of August 1, 2006 through July 31, 2008, during which time all licensees will be required to complete twenty clock hours of continuing education in order to renew their licenses for the 2008-2010 biennial period.

Section 5(7) of the act (63 P.S. § 1705(7)) requires written notice to all licensees of the continuing education requirement. Prior to the 2006 licensure renewal, written notice will be sent to all licensees, informing them that they will need to complete twenty clock hours of continuing education in order to renew their licenses on July 31, 2008.

IRRC noted that §45.501(c) states that the Board will not renew or reactivate a license "until the continuing education required prior to the current biennial renewal period has been

completed.” IRRC has concerns that this phrase and its application to new licensees is unclear and asked if “the continuing education required prior to the current biennial renewal period” refer to courses taken three years earlier during a previous biennium. IRRC suggested that the intent of this subsection be clarified in the final-form regulation. PSHA also expressed a concern about how the Board intends to apply the requirements to new licensees, as well as those inactive licensees who seek to reactivate their licenses.

In response the Board notes that § 45.502(a) states: “[a]n individual applying for initial licensure shall be exempted from the continuing education requirement for the biennial period in which the license is granted.” Using PSHA’s example, a new licensee who obtains a license with six months left in a biennial period would be exempt from the continuing education requirements during those six months and would be able to renew without certifying completion of any continuing education. However, that licensee would then be required to complete the full 20 hours for the next biennial renewal. Regarding reactivated licenses, the Board will require that an inactive licensee demonstrate completion of 20 hours of continuing education as a condition of reactivation.

Section 45.504(a) (relating to reporting completion of continuing education) requires licensees to provide “. . . on forms provided by the Board, a signed statement certifying that the continuing education requirement has been met.” IRRC suggested that the Board consider describing the required content of these forms in the final-form rulemaking. There is a uniform format that is used by all licensing boards that require continuing education within the Bureau of Professional and Occupational Affairs. A licensed speech-language and hearing professional will be required to certify on the license renewal application that the licensee has successfully completed at least 20 hours of continuing education during the preceding biennial period. The Board routinely provides the form renewal application and will include this certification on the form.

In § 45.505(d)(3), denial of program approval can be based on faculty being “deemed not qualified to present the program.” IRRC suggested that the Board explain in the preamble of the final-form rulemaking how faculty qualifications will be determined. As provided in § 45.505(c)(3), the Board will review faculty names and credentials and, if requested by the Board, *curriculum vitae*. The Board will review applications for course approval on a case-by-case basis to determine whether courses and faculty are qualified to impart educational information that would be beneficial to the licensee’s continued professional education.

Section 45.507(b) provides that a licensee who fails to complete the required continuing education requirement within any biennial renewal period may be subject to discipline. IRRC suggested that the Board explain in the preamble to the final-form rulemaking what disciplinary actions the Board will take if the continuing education requirements are not met. Section 10(2) of the act (63 P.S. § 1710(2)) authorizes the Board to suspend or revoke a license for a violation of the act or noncompliance with the rules and regulations promulgated by the Board under the act.

Also, under case law interpreting the disciplinary authority of other professional licensing boards, the board may impose a lesser discipline such as a reprimand or probation. McCarl v. Commonwealth, State Board of Nurse Examiners, 396 A.2d 866 (Pa. Cmwlth. 1979).

#### F. Fiscal Impact and Paperwork Requirements

The amendments will have a limited fiscal impact on the Commonwealth or its political subdivisions. The amendments will require the Board to review all applications for compliance with the continuing education requirement and additional costs will be incurred during the audit process. The costs incurred in the audit will include the cost of postage for inquiry letters, the administrative costs of reviewing the responses, and any additional disciplinary action to be taken against those who have not complied with the continuing education requirement. It is impossible to estimate the number of licensees who might not comply with the required amount of continuing education, and therefore the Board cannot estimate any increased enforcement costs at this time. There are no other costs or savings to state government associated with implementation of the regulation.

#### G. Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 8, 2004, the Board submitted a copy of the notice of proposed rulemaking, published at 34 Pa. B. 3143, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on \_\_\_\_\_, the final-form rulemaking was approved by the HPLC. On \_\_\_\_\_, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_, and approved the final-form rulemaking.

I. Contact Person

Further information may be obtained by contacting Sandra Matter, Board Administrator, State Board of Examiners in Speech-Language and Hearing, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649 ([samatter@state.pa.us](mailto:samatter@state.pa.us)).

J. Findings

The State Board of Examiners in Speech-Language and Hearing finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The amendments to the final rulemaking do not enlarge the purpose of proposed rulemaking published at 34 Pa. B. 3143.
- (4) The final form rulemaking adopted by this order is necessary and appropriate for administering and enforcing the authorizing act identified in Part B of this Preamble.

K. Order

The State Board of Examiners of Speech-Language and Hearing, acting under its authorizing statutes, orders that:

- (a) The regulations of the Board are amended by amending §§ 45.1, 45.2 and 45.13 and by adding §§ 45.501-45.507 to read as set forth in Annex A.
- (b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General for approval as required by law.
- (c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

Karen Goltz Stein, Chairperson  
State Board of Examiners in Speech-Language and  
Hearing

## ANNEX A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

### CHAPTER 45. STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE

#### AND HEARING

#### Subchapter A. GENERAL PROVISIONS

#### § 45.1. Fees.

(a) The following are the fees set by the State Board of Examiners in Speech-Language and Hearing:

\* \* \* \*

(5) Application for continuing education course approval.....\$40

\* \* \* \*

#### § 45.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \*

*Biennial renewal period* - The period from August 1 of an even-numbered year to July 31 of the next even-numbered year.

\* \* \* \*

*Clock hour* – Consists of 50 to 60 minutes of instruction or participation in an approved continuing education course or program.



Continuing education record – Report provided to a participant in a continuing education course or program by the provider which indicates the name of the participant, the dates of the program, the name of the program, the provider's name, and the number of clock hours of continuing education credit CONFORMS TO THE REQUIREMENTS OF § 45.506(b) (RELATING TO PROVIDER RESPONSIBILITIES).

\* \* \* \*

Inactive license – A license status in which the licensee notifies the Board that the licensee no longer requires an active license to practice.

Lapsed license – A license status in which the license has not been currently renewed.

\* \* \* \*

Provider – An agency, organization, institution, COLLEGE, UNIVERSITY, PROFESSIONAL SOCIETY, association or center approved by the Board to offer an organized continuing education course or program.

\* \* \* \*

### Subchapter B. LICENSURE

\* \* \* \*

#### § 45.13. Renewal; inactive status; required continuing education.

\* \* \* \*

(g) Beginning with the renewal period following \_\_\_\_\_ COMMENCING AUGUST 1, 2008, an application for renewal of a speech-language pathologist, audiologist or teacher of the hearing impaired license will not be granted unless the licensee has certified that the licensee has completed the required continuing education hours under § 45.501 (relating to

credit hour requirements). If requested by the Board, an application for renewal shall also include the documentation required by § 45.404 (relating to reporting of completion of continuing education).

(h) An application for reactivation of an inactive or lapsed speech-language pathologist, audiologist or teacher of the hearing impaired license must also include the documentation required by § 45.504 (relating to reporting of completion of continuing education) for the preceding biennial period.

\* \* \*

#### Subchapter G. CONTINUING EDUCATION

##### § 45.501. Credit hour requirements.

(a) Each speech-language pathologist, audiologist or teacher of the hearing impaired shall HAVE completed 20 clock hours of continuing education during each PRECEDING biennial renewal period, beginning with the renewal period following \_\_\_\_\_ COMMENCING AUGUST 1, 2008.

(b) Up to 10 clock hours of approved continuing education credit per biennial renewal period may be granted on a case-by-case basis for services as a lecturer or speaker, and for publication of articles, books and research relating to the practice of speech-language pathology, audiology or teaching of the hearing impaired. A licensee seeking continuing education credit under this subsection shall submit a written request with a copy of the lecture, presentation, article, book or research. The request shall be submitted 180 days prior to the expiration of the biennial renewal period for which the licensee is seeking credit.

(c) Unless granted a waiver under §45.502 (relating to exemption and waiver), the Board will not renew or reactivate any speech-language pathologist, audiologist or teacher of the hearing impaired license until the continuing education required prior to REQUIREMENT FOR the current biennial renewal period has been completed.

**§ 45.502. Exemption and waiver.**

(a) An individual applying for initial licensure shall be exempt from the continuing education requirement for biennial RENEWAL IN THE period FOLLOWING THAT in which the license is granted.

(b) The Board may waive all or part of the continuing education requirement for a biennial renewal period upon request of a licensee. The request must be made in writing, with supporting documentation, and include a description of circumstances sufficient to show why compliance is impossible. Waiver requests will be evaluated by the Board on a case-by-case basis. Waivers may be granted for serious illness, military service or other demonstrated hardship. The Board will send written notification of its approval or denial of a waiver request.

**§ 45.503. Continuing education requirement for biennial renewal of inactive and lapsed licenses.**

A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennial period.

**§ 45.504. Reporting completion of continuing education.**

(a) Applicants at the time of license renewal shall provide, on forms provided by the Board, a signed statement certifying that the continuing education requirement has been met AND INFORMATION TO SUPPORT THE CERTIFICATION WHICH SHALL INCLUDE THE FOLLOWING:

- (1) DATES ATTENDED.
- (2) CONTINUING EDUCATION HOURS CLAIMED.
- (3) TITLE OF COURSE AND DESCRIPTION OF CONTENT.
- (4) LOCATION OF COURSE.

(b) The Board will utilize a random audit of renewals to determine compliance with the continuing education requirement. Applicants selected for audit shall provide the Board the certified continuing education record, as described in § 45.506(b) (relating to provider responsibilities), for each continuing education program completed to prove compliance with the continuing education requirement.

(c) Individuals shall retain the certified continuing education records for courses completed for a minimum of 4 years.

**§ 45.505. Approval of continuing education programs.**

(a) Credit for continuing education may be obtained for any program approved in advance by the Board. Preapproval is contingent upon compliance with § 45.506 (relating to provider responsibilities).

(b) ~~Anyone, to include colleges, universities, associations, professional societies and organizations~~ ANY PERSON OR ENTITY, INCLUDING AN AGENCY, ORGANIZATION,

INSTITUTION, COLLEGE, UNIVERSITY, PROFESSIONAL SOCIETY, ASSOCIATION OR

CENTER, seeking approval [to offer programs] of continuing education PROGRAMS shall:

- (1) Apply for approval of the program on forms provided by the Board.
- (2) File the application at least 90 days prior to the first scheduled date of the program.

(c) An application must contain:

- (1) The full name and address of the provider.
- (2) The title of the program.
- (3) Faculty names and credentials, and, if requested by the Board, curriculum vitae.
- (4) A schedule of the program, including the title and description of each subject, the name of the lecturers and the time allotted.
- (5) The total number of clock hours of credit to be awarded.
- (6) A method of certifying participation.
- (7) The program coordinator who is responsible for certifying participation and compiling an official list of Pennsylvania licensees in attendance at the continuing education program.
- (8) A fee as required by § 45.1 (relating to fees).

(d) The Board may deny approval of a program of continuing education based on any appropriate grounds, including the following:

- (1) The provider failed to comply with § 45.506 for other programs.
- (2) The provider made one or more false or misleading material statements on the application.
- (3) The identified faculty is deemed not qualified to present the program.
- (4) The course content is in office management or practice building.

~~(5) The method of certifying participation is not verifiable.~~

~~(e) The following programs are deemed approved for continuing education credit:~~

~~(1) Continuing education programs approved or sponsored by the American Speech-Language and – Hearing Association.~~

~~(2) Continuing education programs approved or sponsored by the American Academy of Audiology.~~

~~(3) Courses and programs offered by academic programs in speech-language pathology, audiology or teaching of the hearing impaired associated with institutions accredited by any state's department of education or a regional commission on institutions of higher education.~~

(e) THE BOARD MAY DENY APPROVAL OF A PROGRAM OF CONTINUING EDUCATION BASED ON THE FOLLOWING GROUNDS:

(1) THE PROVIDER FAILED TO COMPLY WITH § 45.506 FOR OTHER PROGRAMS.

(2) THE PROVIDER MADE ONE OR MORE FALSE OR MISLEADING MATERIAL STATEMENTS ON THE APPLICATION.

(3) THE IDENTIFIED FACULTY IS DEEMED NOT QUALIFIED TO PRESENT THE PROGRAM.

(4) THE COURSE CONTENT IS IN OFFICE MANAGEMENT OR PRACTICE BUILDING.

(5) THE METHOD OF CERTIFYING PARTICIPATION IS NOT VERIFIABLE.

- (f) THE BOARD MAY REVOKE THE APPROVAL OF A PROVIDER ON THE FOLLOWING GROUNDS:
- (1) FAILURE OF THE PROVIDER TO COMPLY WITH § 45.506 (RELATING TO PROVIDER RESPONSIBILITIES).
  - (2) FALSIFICATION OF A CONTINUING EDUCATION RECORD BY A PROGRAM PROVIDER.

**§ 45.506. Provider responsibilities.**

**(a) For each program, the provider shall:**

- (1) Disclose to prospective participants in advance the objectives, content, teaching method and number of hours of continuing education credit.**
- (2) Open each course to licensees.**
- (3) Provide adequate facilities for the number of anticipated participants and the teaching methods to be used.**
- (4) Provide appropriate instructional materials.**
- (5) Utilize a verifiable method of certifying participation.**
- (6) Employ qualified instructors who are knowledgeable in the subject matter.**
- (7) Evaluate the program through the use of questionnaires of the participants.**
- (8) Issue a certified continuing education record to each participant.**
- (9) Retain participation records, written outlines, and a summary of evaluations for a period of 5 years.**

(10) Provide the Board, upon request, verification of licensee's participation in a continuing education program, including the date of approval of the program, and the name of the entity that approved the program for continuing education credit.

(b) Each continuing education record must include at a minimum:

(1) The name of the participant.

(2) The dates of participation in the program.

(3) The name of the program.

(4) The provider's name.

(5) The number of clock hours of continuing education credit.

(6) The course approval number or an indication of the provider's status as a preapproved provider.

**§ 45.507. Disciplinary action authorized.**

(a) A licensed speech-language pathologist, audiologist or teacher of the hearing impaired who submits fraudulent continuing education records may be subject to discipline under section 10 of the act (63 P.S. §1710).

(b) A licensed speech-language pathologist, audiologist or teacher of the hearing impaired who fails to complete the required continuing education requirement within any biennial renewal period may be subject to discipline UNLESS THE LICENSEE IS EXEMPT OR HAS BEEN GRANTED A WAIVER UNDER § 45.502 (RELATING TO EXEMPTION AND WAIVER).



- ~~(c) The falsification of a continuing education record by a program provider may result in revocation of approval by the Board for further program offerings by that provider.~~
- ~~(d) The Board may revoke the approval of a provider based on any appropriate grounds, including failure of the provider to comply with § 45.506 (relating to provider responsibilities).~~



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF EXAMINERS OF  
SPEECH-LANGUAGE AND HEARING  
Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-1389

January 30, 2006

The Honorable John R. McGinley, Jr., Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harrisstown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Final Regulation  
State Board of Examiners in Speech-Language & Hearing  
Continuing Education: 16A-6802

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Board of Examiners in Speech-Language & Hearing pertaining to continuing education.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink that reads "Karen Goltz Stein".

Karen Goltz Stein, Chairperson  
State Board of Examiners in  
Speech-Language & Hearing

KG/RLS:sb

Enclosure

c: Basil L. Merenda, Commissioner  
Bureau of Professional and Occupational Affairs  
Albert H. Masland, Chief Counsel  
Department of State  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia Montgomery, Regulatory Counsel  
Department of State  
Gerald S. Smith, Senior Counsel in Charge  
Department of State  
Roberta L. Silver, Counsel  
State Board of Examiners in Speech-Language & Hearing  
State Board of Examiners in Speech-Language & Hearing

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

RECEIVED  
2006 JAN 20 11:16  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

I.D. NUMBER: 16A-6802  
SUBJECT: Continuing Education  
AGENCY: DEPARTMENT OF STATE

**TYPE OF REGULATION**

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
3 1/19/06	<i>Sandra Harper</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
4 1/13/06	<i>Charlotte C. Year</i>	
1/13/06	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
1/13/06	<i>S. Smith</i>	
1/30/06	<i>St. Belmont</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

January 27, 2006