

Regulatory Analysis Form

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2004 JUN -8 AM 11:46
 REVIEW COMMISSION

(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, 45.501-45.507

(5) Agency Contacts & Telephone Numbers

Primary Contact: **Alicia S. Miller, 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 package 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).

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(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 liensed 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.

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(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 4723 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 and the Board asked for comment. The Board reviewed the comments before adopting the final format of the regulation. 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 and 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 Board received comments from the American Speech Language Hearing Association (ASHA), the Pennsylvania Speech Language Hearing Association (PSHA), the Pennsylvania Academy of Audiology (PAA), the American Academy of Audiology (AAA), and one licensee. Both ASHA and PAA commented that the language in Section 501(b) was unclear. In response, the Board amended its proposal. Both PSHA and PAA expressed concern that course providers will be required to maintain attendance records. The Board contemplated this concern but determined that although licensees do have the burden to maintain their own records, course providers must also retain the records for a reasonable period of time. PSHA also commented that the regulation should include a provision that the continuing education credits required by the Board cannot be fulfilled with credits required by the Department of Education. The Board did not include such a provision because it determined that it would accept all credits that conform to its proposed regulations even if a licensee used the same educational experience to fulfill his or her requirements from the Department of Education. The licensee commented that requiring continuing education together with the continuing education required by the Department of Education would create an onerous burden on licensees. Because the Board is required by statute to adopt regulations to implement the General Assembly's requirement of continuing education, the Board did not revise its proposed regulation in response to this comment. AAA submitted a comment endorsing all provisions of the proposed regulation.

Since the time the comments have been received, the Board has reviewed and refined its proposed regulation.

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(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 proposed 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 shall 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
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
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
Total Costs	\$3,014,500	\$3,014,500	\$3,020,644	\$3,014,500	\$3,020,644	\$3,014,500
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	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)
Pa. State Board of Examiners in Speech-Language and Hearing	\$94,769.35	\$85,616.83	\$95,105.70	\$114,000.00

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

The minimal costs associated with compliance with the regulations, compared with its public safety and consumer protection benefits, indicate that adoption of the regulations would be prudent.

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

Because the proposed 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 proposed 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 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 and are available by calling the Board office at (717) 783-1389.



FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

2004 JUN -6 AM 11:47

REVIEW COMMISSION

(Pursuant to Commonwealth Documents Law)

2406

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and
legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document
issued, prescribed or promulgated by:

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Executive or Independent Agencies.

Angela M. Elliott

State Board of Examiners in Speech-Language and
Hearing

Tanya C. Glendon

BY: _____
(DEPUTY ATTORNEY GENERAL)

(AGENCY)

MAY 10 2004

DOCUMENT/FISCAL NOTE NO. 16A-6802

2/13/04
DATE OF APPROVAL

DATE OF APPROVAL

(Deputy General Counsel
~~(Chief Counsel)~~
Independent Agency
(Strike inapplicable title)

DATE OF ADOPTION:

BY: *Sonya M. Wilt*
Sonya M. Wilt

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

[] Check if applicable
Copy not approved.
Objections attached.

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

PROPOSED 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 §§ 45.2, 45.13, 45.401 - 45.407
Continuing Education

The State Board of Examiners in Speech-Language and Hearing (Board) proposes to amend § 45.1 (relating to fees), § 45.2 (relating to definitions) and § 45.13 (relating to biennial renewal) and to add regulations at §§ 45.501-45.507 (relating to continuing education) to read as set forth in Annex A.

Effective date

The amendments will be effective upon publication of the final-form rulemaking in the Pennsylvania Bulletin.

Statutory Authority

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

Background and Need for the Amendment

The act of October 18, 2000 (P.L. 536, No. 71) (Act 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 Amendments

The proposed regulation 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, 63 P.S. 1705 (7). The applicable biennial period will be inserted on final rulemaking based on the effective date of the regulation. 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 those 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 regulation provides standards by which the Board may approve providers of courses of continuing education and responsibilities of those 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, audiology 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. All 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 regulation 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.

Compliance with Executive Order 1996-1

The Board solicited input from and provided an exposure draft of this proposed amendment to interested parties as required under the directives of Executive Order 1996-1 (February 6, 1996). The Board received comments from the American Speech Language Hearing Association (ASHA), the Pennsylvania Speech Language Hearing Association (PSHA), the Pennsylvania Academy of Audiology (PAA), the American Academy of Audiology (AAA), and one licensee. All comments were considered in drafting the proposed regulation.

In addition, the Board considered the impact the regulation would have on the regulated community and on public health, safety and welfare. The Board finds that the proposed amendment addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

The proposed 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. 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 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 proposed regulation.

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
State Board of Examiners in Speech-Language and
Hearing

ANNEX A

PENNSYLVANIA ADMINISTRATIVE CODE

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 - 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 date(s) 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 license 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 renewal effective ¹, 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 shall 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 complete 20 clock hours of continuing education during each biennial renewal period, beginning with the ²renewal period.
- (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

¹ Section 5 (7) of the Act, 63 P.S. §1705 (7), requires written notice to all licensees of the continuing education requirement. The applicable biennial period will be inserted on final rulemaking based on the effective date of the regulation.

² Id.

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 shall not renew or reactivate any speech-language pathologist, audiologist or teacher of the hearing impaired license until all continuing 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 shall be made in writing, with supporting documentation, and shall 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 paragraph (b) of § 45.506 (relating to provider responsibilities), for each continuing education program completed in order 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. Pre-approval 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) Each application shall 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 shall be 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 (but not limited to):

(1) The provider failed to comply with § 45.506 (relating to provider responsibilities) 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.
 - (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 a period of five 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 date(s) 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 pre-approved 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 Speech-Language and Hearing Licensure 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).



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
June 8, 2004

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

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

Dear Chairman McGinley:

Enclosed is a copy of a proposed 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 "Sonya M. Wilt".

Sonya M. Wilt, Chairperson
State Board of Examiners in
Speech-Language & Hearing

SMW:ASM:lm

Enclosure

c: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Linda C. Barrett, 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
Alicia S. Miller, 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**

I.D. NUMBER: 16A-6802
SUBJECT: Continuing Education - State Board of Examiners in Speech-Language & Hearing
AGENCY: DEPARTMENT OF STATE

2406

TYPE OF REGULATION

- X Proposed Regulation
- 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

RECEIVED
MAY 11 2004

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
6/1/04	<i>Naime Baubergoff</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
6-8-04	<i>Donna Herman</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
6/7/04	<i>Stephen J. Hill</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
6/8/04	<i>C. L. Brown</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)

May 11, 2004