

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency

Department of State, Bureau of Professional and
Occupational Affairs

2014 AUG 27 AM 10:13

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IRRC

(2) Agency Number: 16A

Identification Number: 6807

IRRC Number: 3028

(3) PA Code Cite:

49 Pa. Code §§ 45.1, 45.501—45.505, 45.507

(4) Short Title:

Continuing education

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Thomas A. Blackburn, Regulatory Unit counsel, Department of State;
(717)783-7200; P.O. Box 2649, Harrisburg, PA 17105-2649; (717)787-0251; tblackburn@pa.gov
Secondary Contact: Cynthia K. Montgomery, Regulatory Counsel, Department of State
(717)783-7200; P.O. Box 2649, Harrisburg, PA 17105-2649; (717)787-0251; cymontgome@pa.gov

(6) Type of Rulemaking (check applicable box):

- ☐ Proposed Regulation
☒ **FINAL REGULATION**
☐ Final Omitted Regulation

- ☐ Emergency Certification Regulation;
☐ Certification by the Governor
☐ Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

In 2006, the State Board of Examiners in Speech-Language and Hearing (Board) initially promulgated regulations to implement the continuing education requirements of section 5(7) of the Speech-Language and Hearing Licensure Act (act) (63 P.S. § 1705(7)) effective with the August 1, 2008, through July 31, 2010, renewal cycle. Based upon the Board's experience in applying those regulations through two full renewal periods, the Board is amending the regulations for greater clarity and completeness. Among other things, the amendments waive the continuing education requirement during the first renewal period of licensure, prohibit carryover of excess CE, require dual licensees to complete the required amount of CE for each license, prohibit licensees from getting credit for repeating substantially the same CE course during a renewal period, and provide for deficiencies to be made up within 6 months.

(8) State the statutory authority for the regulation. Include specific statutory citation.

The rulemaking is authorized under section 5(2) and (7) of the act (63 P.S. § 1705(2) and (7)).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The rulemaking is not mandated by any Federal or State law or court order or Federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

See the response to question (7). In complying with the continuing education requirements, licensees will benefit from the increased clarity and completeness of the regulations.

(11) 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 regulations.

The rulemaking is not more stringent and does not overlap or conflict with any federal requirements.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Speech-language pathologists and audiologists licensed in Delaware must complete 30 hours of continuing education during each 2-year license renewal period. One who was first licensed in the last year of the renewal period is not required to complete CE during that renewal period; one who was first licensed during the first year of that renewal period is required to complete only 15 hours of CE for that period. Dual licensees must complete 15 hours of CE for each license. No provision is made for carry-over of credit from one renewal period to another, and no provision is made for repetition of substantially similar courses.

In Maryland, speech-language pathologists and audiologists are required to complete 30 hours of continuing education during each 2-year renewal period. A dual licensee must complete 50 hours of CE. Carryover of credit is not permitted. The CE requirement is waived for a person first licensed in the last 6 months of the renewal period and prorated for a person first licensed earlier during that renewal period. No provision is made for repetition of substantially similar courses.

In New Jersey, speech-language pathologists and audiologists are required to complete 20 hours of continuing education during each 2-year renewal period. A licensee who has exceeded the required amount of CE may carryover up to 5 hours of excess CE earned during the final 6 months of the renewal period. No provision is made for dual licensees or repetition of substantially similar courses. Although no specific provisions are made for waiver during the initial cycle of licensure, the CE requirement may be waived "for due cause."

Speech-language pathologists and audiologists in New York are required to maintain continuing competency by completing at least 30 hours during each 3-year registration period. Except for those previously licensed in another state, licensees are exempt from the continuing competency requirement during the first period of licensure. Dual licensees must complete the required amount of continuing competency activity for each license, though up to 10 hours in a related subject may be applied to both. No provision is made for repetition of substantially similar

courses.

Speech-language pathologists and audiologists in Ohio are required to complete 20 hours of continuing education during each 2-year renewal period. Licensees are not required to complete CE during the first renewal period of licensure. Excess hours may not be carried over into a subsequent renewal period. A dual licensee must complete 20 hours for each license, although a course may be applied fully to each license to which its subject is appropriate. No provision is made for repetition of substantially similar courses.

Speech-language pathologists and audiologists in West Virginia are required to complete 20 hours of CE during each 2-year licensure period. A person initially licensed during the last 6 months of the licensure period is not required to complete CE as a condition of renewal. A licensee who exceeds the required amount may carryover up to 6 excess hours of CE into the next period. A dual licensee must complete 15 hours of CE for each license. No provision is made for substantially similar courses.

Because the proposed amendments would result in CE requirements substantially similar to those of the surrounding states or less restrictive, the proposed rulemaking would not put Pennsylvania at a competitive disadvantage with other states.

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

This rulemaking will not affect other regulations of the Board or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

In December, 2011, the Board indicated that it intended to revise the continuing education requirements and solicited comments from a large number of persons and organizations of interested persons. Only the Pennsylvania Speech-Language and Hearing Association (PSHA) responded, indicating that it supported the exposure draft of proposed rulemaking. The Board continued to discuss this rulemaking at its public meetings in July and September, 2012. After publication as proposed, the Board discussed the final rulemaking at its public meetings in December, 2013. The Board's meetings are open to the public and are generally attended by organizations representing, among others, the regulated community. Representatives of PSHA and the Pennsylvania Academy of Audiology attend virtually every meeting of the Board.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

All licensees of the Board will be affected by the rulemaking. The Board currently licenses approximately 6200 speech-language pathologists, 870 audiologists, and 60 teachers of the hearing impaired. According to the Pennsylvania Department of Labor and Industry, in 2008 (the most recent year for which data is available) 32.1% of speech-language pathologists in Pennsylvania were employed in elementary and secondary schools, 16.5% were employed in office of health care practitioners other than physicians, 10.8% were employed by general medical and surgical hospitals, 6.5% were self-employed, 5.1% were employed in nursing care facilities, 4.2% were employed in other hospitals, 3.5% were employed by individual and family services, 2.5% were employed by home healthcare services, 2.0% were employed in physician offices, and 1.6% were employed in outpatient care centers. According to L&I, in 2008 31.8% of audiologists in Pennsylvania were employed in physician offices, 7.8% in elementary and secondary schools, 7.6% were self-employed, and 5.7% were employed in general medical and surgical hospitals; data for employment in health and personal care stores, office of other health care practitioners, other hospitals, electronic instrument manufacturing, outpatient care centers and other ambulatory healthcare services is marked confidential. Although no data is available for teachers of the hearing impaired, it is reasonable to assume that substantially all are employed in schools.

Section 3 of the Regulatory Review Act provides that a small business is defined by the U.S. Small Business Administration's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where speech-language pathologists and audiologists work, a physician office is a small business if it has \$10.0 million or less in total average annual receipts and any other healthcare office is a small business if its average annual receipts are less than \$7.0 million. Home healthcare is a small business if it has less than \$14.0 million in average annual receipts. Similarly, a general medical or surgical hospital is a small business if it has less than \$34.5 in average annual receipts. A nursing care facility is a small business if its average annual receipts are less than \$25.5 million. An outpatient care center is a small business its average annual receipts are less than \$14.0 million. Those who are self-employed are presumed to be a small business. An elementary or secondary school is considered to be a small business if its average annual revenue is less than \$10.0 million.

In considering all of these small business thresholds set by NAICS for the businesses in which speech-language pathologists and audiologists work, it is probable that, except for those employed by school districts or intermediate units, the vast majority of licensees work in small businesses.

As noted in response to question (17), the proposed amendments impose no additional paperwork requirements or administrative burdens and require no additional investment in equipment. Accordingly, there should be no disproportionate impact upon small businesses as a result of compliance with the rulemaking.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

See the response to question (15). All licensees of the Board will be required to comply with the rulemaking.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The Board does not expect this rulemaking to have any financial, economic or social impact on individuals, small businesses, businesses or labor communities or other public or private organizations.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The above-identified benefits of the rulemaking outweigh any cost or adverse effect.

(19) 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. Explain how the dollar estimates were derived.

There are no costs or savings to the regulated community associated with compliance with the rulemaking.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

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

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to state government associated with implementation of the rulemaking.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

This rulemaking would not require any additional recordkeeping or other paperwork for implementation.

(23) 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.

SAVINGS:	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
Regulated Community	\$	\$	\$	\$	\$	\$
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program

Pa. State Bd. of Examiners in Speech-Language and Hearing	FY -3 (2010-11)	FY -2 (2011-12)	FY -1 (2012-13)	Current FY (2013-14)
	(actual) \$163,795	(actual) \$175,129	(actual) \$197,435	(budget) \$220,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The Board does not expect this rulemaking to have any adverse impact on small businesses. There will be no projected reporting, recordkeeping or other administrative costs required for compliance with the rulemaking. There are no less intrusive or less costly alternative methods of achieving the purpose of the rulemaking.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the 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.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory schemes were considered.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

Because it does not expect this rulemaking to have any adverse impact on small businesses, the Board did not conduct a regulatory flexibility analysis. All licensees must complete continuing education on a biennial basis, so less stringent standards for those employed by small businesses would be contrary to the public health, safety and welfare, and would not be consistent with the legislative intent.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

This rulemaking is not based upon any scientific data, studies, or references.

(29) Include a schedule for review of the regulation including:

- | | |
|---|--------------------------|
| A. The date by which the agency must receive public comments: | <u>November 5, 2013</u> |
| B. The date or dates on which public meetings or hearings will be held: | <u>N/A</u> |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>Spring 2015</u> |
| D. The expected effective date of the final-form regulation: | <u>final publication</u> |
| E. The date by which compliance with the final-form regulation will be required: | <u>effective date</u> |
| F. The date by which required permits, licenses or other approvals must be obtained: | <u>effective date</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings. The Board is scheduled to meet on the following remaining dates in 2014: July 11, September 19, and December 12. More information can be found on the Board's website (linked as a health-related board from www.dos.state.pa.us/bpoa).

COMMENTATOR'S LIST

For Reg. 16A-6807

Kathleen R. Helfrich-Miller, PhD
President, PSHA

PSHA@psha.org

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2014 AUG 27 AM 10:13

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

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Agencies.

BY: _____
(DEPUTY ATTORNEY GENERAL)

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

BY: _____

DOCUMENT/FISCAL NOTE NO. 16A-6807

AUG 19 2014

DATE OF APPROVAL

DATE OF APPROVAL

DATE OF ADOPTION:

BY: _____
James L. Shafer, Au.D.

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

[] 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, 45.501-45.505, 45.507
CONTINUING EDUCATION

The State Board of Examiners in Speech-Language and Hearing (Board) hereby amends §§ 45.1, 45.501—45.505 and 45.507 to read as set forth in Annex A.

Effective Date

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

Statutory Authority

This rulemaking is authorized by section 5(2) and (7) of the Speech-Language and Hearing Licensure Act (act) (63 P.S. § 1705(2) and (7)).

Description and Need for the Rulemaking

In 2006, the Board promulgated initial regulations concerning continuing education. Having now applied the continuing education requirements during two subsequent renewal cycles, the Board has identified areas of the regulations where clarity or completeness could be improved.

Summary of Comments and Responses to Proposed Rulemaking

The Board published the notice of proposed rulemaking at 43 Pa.B. 5828 (October 5, 2013) with a 30-day public comment period. The Pennsylvania Speech-Language Hearing Association expressed its support for the proposed rulemaking. The Board received no other comments from the public. The Independent Regulatory Review Commission (IRRC) commented as part of its review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1-745.12). Neither the House Professional Licensure Committee (HPLC) nor the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) commented as part of their review.

IRRC noted that section 5(7) of the act allows the Board to waive all or part of the continuing education requirements due to illness, emergency or hardship, but is silent on whether an extension of time to complete required continuing education is appropriate. IRRC asked the Board to explain why it believes that the inclusion of this new language in the proposed regulation is consistent with section 5(7) of the act and the intent of the General Assembly.

Section 5(7) of the act authorizes the Board to waive all or part of the continuing education requirement for a licensee who shows to the satisfaction of the Board that the licensee was unable to complete the requirement due to illness, emergency or hardship and requires the licensee to make the request in writing, with appropriate documentation, describing the circumstances sufficient to show why the licensee is unable to comply with the requirement. Existing § 45.502(b) (relating to exemption and waiver) addresses this process. In addition to the circumstances that cause the licensee's hardship, the Board typically considers the extent to which the licensee has already completed continuing education in deciding whether to waive the requirement or grant an extension for a temporary hardship. Also, because oftentimes the

circumstances result from unexpected events at the last minute that keep a licensee from participating in continuing education as planned, the Board will sometimes grant a limited extension of time in which to complete continuing education rather than waive the requirement entirely. The Board considers granting an extension of time in which to complete required continuing education due to illness, emergency or hardship as granting a waiver in part, and the authority to grant a waiver includes the authority to grant it in part. Additionally, granting an extension of time, when appropriate, serves the purposes of the act. Requiring completion of continuing education as a condition of renewal assures that licensees remain competent to practice. Rather than relieving a licensee of all obligation to complete continuing education, extending the time in which to complete the required continuing education assures that competence while also accommodating a temporary illness, emergency or hardship experienced by the licensee.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth, its political subdivisions, or the private sector. The rulemaking will impose no additional paperwork requirements upon the Commonwealth, its political subdivisions, or the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 25, 2013, the Board submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 5828 (October 5, 2013), 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 received from the public and IRRC; the Board did not receive comments from the HPLC or the SCP/PLC.

On _____, 2014, the Board delivered final-form rulemaking to the HPLC, the SCP/PLC and IRRC. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), the final-form rulemaking was approved by the HPLC, and the final-form rulemaking was deemed approved by the SCP/PLC on _____, 2014. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____, 2014, and approved the final-form rulemaking.

Additional Information

Persons who require additional information about the final-form rulemaking should submit inquiries to Judith Pachter Schulder, Counsel, State Board of Examiners in Speech-Language and Hearing, by mail to P.O. Box 2649, Harrisburg, PA 17105-2649 or by e-mail at RA-SPEECH@pa.gov.

Findings

The Board 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) and 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 final-form rulemaking adopted by this order is necessary and appropriate for the administration of the Speech-Language and Hearing Licensure Act.

Order

The Board, acting under its authorizing statute, orders that:

- (a) The regulations of the Board at 49 Pa. Code Chapter 45 are amended by amending amend §§ 45.1, 45.501—45.505 and 45.507 to read as set forth in Annex A.
- (b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel 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) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

James L. Shafer, Au.D., 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 (other than preapproved provider)\$40

[(b)] The Board will require payment of the initial license fee by individuals who were issued licenses without fee prior to July 30, 1988.]

* * * * *

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 per license during each preceding biennial renewal period, beginning with the renewal period commencing August 1, 2008. Excess clock hours may not be carried over to the next biennium.

(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 and a fee for continuing education approval as required by § 45.1 (relating to fees). The request shall be submitted 180 days prior to the expiration of the biennial renewal period for which the licensee is seeking credit. An instructor of a program approved under § 45.505 (relating to approval of continuing education programs) will receive credit to the same extent that an attendee will receive credit and is not required to apply for approval under this subsection.

(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 requirement for the current biennial period has been completed.

(d) A licensee may not receive credit for participation in substantially the same program more than once during a single renewal cycle.

§ 45.502. Exemption and waiver.

(a) [An individual applying for initial licensure shall be exempt from the continuing education requirement for the biennial renewal in the period following that in which the license is granted.] A licensee is not required to complete continuing education during the biennial renewal period in which the licensee was first licensed to renew for the next biennium.

(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 statement of how much continuing education the licensee has completed and a description of circumstances sufficient to show why compliance is impossible. Except for good cause shown, a licensee seeking a waiver shall submit the request to the Board at least 60 days before the current expiration date of the license for the Board to evaluate the request prior to expiration of the license. 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. A waiver request seeking an extension of time to complete required continuing education shall also include the licensee's plan to complete the required continuing education. The Board will send written notification of its approval or denial of a waiver request.

§ 45.503. Continuing education requirement for [biennial renewal] reactivation of inactive and lapsed licenses.

A licensee seeking to [reinstate] reactivate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennial period. Only continuing education obtained during the 24-month period immediately preceding application for reactivation may be used to justify reactivation. This continuing education is in addition to any continuing education required to subsequently renew the license under § 45.501(c) (relating to credit hour requirements).

§ 45.504. Reporting completion of continuing education.

(a) [Applicants at the time of] Licensees applying for biennial 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 includes the following:

* * * * *

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

(d) Instead of the continuing education record required under subsection (b), a licensee who successfully completed a program preapproved under § 45.505(d)(3) (relating to approval of continuing education programs) may document completion by means of an official transcript of the institution.

§ 45.505. Approval of continuing education programs.

* * * * *

(c) An application must contain:

* * * * *

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

* * * * *

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

* * * * *

(3) Courses and programs offered for credit 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.

* * * * *

§ 45.507. Disciplinary action authorized.

* * * * *

(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) Notwithstanding any discipline imposed by the Board under subsection (b), whether by formal disciplinary proceedings or by issuance of a citation as set forth in § 43b.16a (relating to schedule of civil penalties – audiologists, speech-language pathologists and teachers of the hearing impaired), a licensed speech-language pathologist, audiologist or teacher of the hearing impaired who has been found to be deficient in continuing education hours shall make up deficiencies within 6 months of receiving notice of the deficiency.

(d) Failure to make up deficient continuing education hours as required under subsection (c) may subject the licensed speech-language pathologist, audiologist or teacher of the hearing impaired to further discipline under section 10 of the act.

* * * * *



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

**Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-1389**

August 27, 2014

The Honorable John F. Mizner, Esq., Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Examiners in Speech-Language and Hearing
16A-6807: CONTINUING EDUCATION

Dear Chairman Mizner:

Enclosed is a copy of a final rulemaking package of the State Board of Examiners in Speech-Language and 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, appearing to read "James L. Shafer".

James L. Shafer, AuD, Chairperson
State Board of Examiners in Speech-Language
and Hearing

JLS/TAB:rs
Enclosure

cc: Travis N. Gery, Esq., Commissioner of
Professional and Occupational Affairs
Patricia Allan, Director of Policy, Department of State
Kevin Schmidt, Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Judith Pachter Schulder, Counsel
State Board of Examiners in Speech-Language and Hearing
State Board of Examiners in Speech-Language and Hearing

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

I.D. NUMBER: 16A-6807

SUBJECT: Continuing Education

AGENCY: DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND
HEARING

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



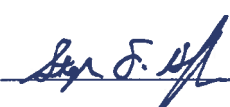
Delivery of Tolled Regulation

a. With Revisions b. Without Revisions

2014 AUG 27 AM 10:14

RECEIVED
IRRC

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
<i>HOUSE COMMITTEE ON PROFESSIONAL LICENSURE</i>		
8/27/14		MAJORITY CHAIR <u>Julie Harhart</u>
		MINORITY CHAIR _____
<i>SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE</i>		
8-27-14		MAJORITY CHAIR <u>Robt. M. Tomlinson</u>
		MINORITY CHAIR _____
<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i>		
8/27/14		
<i>ATTORNEY GENERAL (for Final Omitted only)</i>		
<i>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</i>		

August 20, 2014