

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, State Board of Examiners in Speech-Language
 Pathology and Audiology**

IRRC Number: **3159**

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(2) Agency Number: **16A**
 Identification Number: **6803**

(3) PA Code Cite:
**49 Pa. Code §§ 43b.16a, 45.1, 45.2, 45.11-45.24, 45.102, 45.103, 45.301, 45.304, 45.305, 45.307,
 45.308, 45.401, 45.501, 45.505 and 45.507.**

(4) Short Title:
Fees; General Revisions

(5) Agency Contacts (List Telephone Number and Email Address):
 Primary Contact: **Judith Pachter Schulder, Board Counsel, State Board of Examiners in Speech-
 Language Pathology and Audiology, 2601 N. Third Street, P.O. Box 69523, Harrisburg, PA 17106-
 9523; (717) 783-7200; Fax: (717) 787-0251; Email: jschulder@pa.gov**
 Secondary Contact: **Cynthia K. Montgomery, Deputy Chief Counsel, Department of State
 2601 N. Third Street, P.O. Box 69523, Harrisburg, PA 17106-9523; Phone: (717) 783-7200; Fax:
 (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)

This rulemaking implements the amendments to the Speech-Language Pathologists and Audiologists Licensure Act (act) (63 P.S. § 1701-1719) made by the act of July 2, 2014 (P.L. 971, No. 106) (Act 106 of 2014), adopts new fees related to provisional licenses and certificate for audiologists to perform neurophysiologic intraoperative monitoring (IOM), and increases initial license application and biennial renewal fees.

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

Section 5(2) of the Speech-Language Pathologists and Audiologists Licensure Act (act) (63 P.S. § 1705(2)) authorizes the Board to adopt and revise rules and regulations consistent with the act as may be necessary to implement the provisions of the act. Section 5(7) of the act specifically authorizes the Board to establish standards of eligibility for license renewal, which includes demonstration of satisfactory completion of continuing education. Additionally, section 8.1 of the act (63 P.S. § 1708.1) requires that the Board issue certifications to audiologists utilizing neurophysiologic intraoperative monitoring (IOM).

In connection with the fees, section 7(d)(1) of the act (63 P.S. § 1707(d)(1)) authorizes the Board to issue provisional licenses to qualifying applicants who submit an application and an accompanying fee. Additionally, section 8(a) of the act (63 P.S. § 1708(a)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period. Finally, section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P. S. § 279.1(3) and (7)) authorizes the Commissioner to issue all certificates and other official documents of the various professional and occupational examining boards and, unless otherwise provided by law, to fix the fees to be charged by the boards within the Bureau of Professional and Occupational Affairs (Bureau).

With regard to the schedule of civil penalties, section 5 of the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. § 2205) authorizes the Commissioner, upon consultation with the Board, to adopt a schedule of civil penalties for violations under the act and regulations of the Board.

(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.

Yes. Act 106 of 2014 mandates that the Board promulgate regulations implementing the revisions to the act. In addition, section 8(a) of the act requires the Board to increase fees when expenditures outpace revenue.

(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.

The act of July 2, 2014 (P.L. 971, No. 106) (Act 106 of 2014), significantly amended the act regulating the practice of speech language pathology and audiology. In addition to renaming the act and the Board, the amendments eliminated a class of licensee, teachers of the hearing impaired, from the Board's regulatory authority. (This licensee class consisted of fewer than 100 licensees.) The amendments further defined "speech-language pathologist" and the "practice of speech-language pathology" and "audiologist" and the "practice of audiology," authorized the Board to issue provisional licenses, increased the licensure requirements for audiologists and added a certification requirement for audiologists performing IOM. In addition, the amendments added provisions contained in other professional and occupational licensure acts including the forfeiture of a Board member's seat for failure to attend meetings, authorization to compel mental or physical examinations, authorization to require evidence of continued competency to reinstate a license if the license has been expired for 5 or more years, and addition of title protection and civil penalty authority for unlicensed practice. This regulation reflects the changes made to the act by Act 106 of 2014.

As part of this rulemaking, the Board and Commissioner set fees for provisional licenses and IOM certificates provided for by Act 106 of 2014. In so doing, the Board considered its entire fee structure to assure that the fees were equitable and that the new fees would produce adequate revenue to support the operations of the Board. In connection with fees, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, section 8(a) of the act requires the Board to increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the majority (approximately 85%) of its revenue through biennial renewal fees. A small percentage (approximately 15%) of its revenue comes from other fees, fines and civil penalties. The last biennial renewal fee increase was in 1988.

At the Board's meeting on February 27, 2015, representatives from the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's actual revenue and expenses for fiscal years 2007—2008 through 2014—2015 and projected revenue and expenses through fiscal years 2025—2026 with a recommendation for a biennial renewal fee increase and new fees for provisional licenses, provisional license renewals and IOM certifications based upon the costs of issuing the licenses/certifications. At the request of the Board, BFO submitted revised budgetary information for that same period with an alternative recommendation that also included an initial license increase. The Board reviewed the revised budgetary information at its June 26, 2015 meeting.

BFO pointed out to the Board that at the current fee levels, with the elimination of the teacher of the hearing impaired licensure classification, the Board receives revenue of approximately \$425,000 over a 2-year period, while budgeted expenditures for fiscal years 2015—2016 and 2016—2017 are projected at \$519,000 – a deficit of \$94,000. Without an increase in fees, these operating deficits will continue to grow due to ever-increasing expenses of operating the Board and its required enforcement efforts. Even with the addition of fees related to the issuance of provisional licenses, expenditures will continue to outpace revenue.

For these reasons, the Board determined it was necessary to consider its entire fee structure at this time. In addition to setting the three new fees (IOM certification application fee, provisional license application fee and provisional license renewal fee), the Board considered two alternatives. The first involved an increase only to the biennial renewal fees for speech-language pathologists and audiologists from \$46 to \$75. The second option considered was to increase the initial licensure fee for pathologists and audiologists from \$20 to \$50, and only increase the biennial renewal fee to \$65. The Board believes that the latter option is a better approach as it more accurately reflects the costs of issuing the initial license and spreads the Board's costs over new and existing licensees.

As a result, the Board voted at its June 26, 2015, meeting to increase initial license fees from \$20 to \$50 and biennial renewal fees from \$46 to \$65, in addition to setting provisional license fees at \$50, provisional license renewal fees at \$30, and IOM certification fees at \$15. With approximately 8,300 active licensees and approximately 650 applicants for licensure annually, the Board believes that these fees will be adequate to continue a positive balance for at least 6 years. Beginning with projected FY 2018—2019 and continuing through projected FY 2027—2028, with the advent of the new fees, the Board's biennial revenues are anticipated to grow to \$670,000 per biennium while expenditures for the same period would grow from \$595,000 (in FY 2018—2019 and 2019—2020) to \$631,000 (in FY 2020—2021 and 2021—2022), to \$670,000 (in FY 2022—2023 and 2023-2024), to \$711,000 (in FY 2024—2025 and 2025—2026) and to \$755,000 (in FY 2026—2027 and 2027—2028). If the projections hold, the Board will evaluate the renewal fees again in FY 2022—2023.

(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.

No. There are no applicable federal licensure standards.

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

In New Jersey, applicants for licensure pay an initial application fee of \$245, a biennial renewal fee \$250 and a temporary license fee (akin to a provisional license fee) of \$100.

In Maryland, applicants for licensure pay an initial application fee of \$150, a biennial renewal fee \$170 and a limited license fee (akin to a provisional license fee) of \$125.

In Ohio, applicants for licensure pay an initial application fee of \$200, a biennial renewal fee \$120 and a conditional license fee (akin to a provisional license fee) of \$10.

In Virginia, applicants for licensure pay an initial application fee of \$135, a biennial renewal fee \$75 and a provisional license fee of \$50.

In Delaware, applicants for licensure pay an initial application fee of \$117 and a temporary license fee (akin to a provisional license fee) of \$65. Licensees are notified of the biennial renewal fee several weeks before their expiration date.

In New York, applicants for licensure pay an initial application fee of \$294, and a triennial registration fee of \$179 (plus a \$45 continuing education fee).

Because the initial and biennial licensure fees are considerably lower than those same fees charged in neighboring states, the regulations do not adversely affect Pennsylvania's ability to compete 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 does 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.)

At the Board's meeting on February 27, 2015, BFO made a recommendation for a biennial renewal fee increase and new fees for provisional licenses, provisional license renewals and IOM certifications. At the request of the Board, at its June 26, 2015 meeting, the Board considered BFO's revised budgetary information for that same period with an alternative recommendation that also included an initial license increase.

In addition to discussing the regulation during regularly scheduled Board meetings since the amendments to the act were enacted on July 2, 2014, in preparing this rulemaking, the Board shared drafts of the proposed amendments with stakeholders and interested parties including the two professional associations involving audiologists and speech-language pathologists, the Pennsylvania Academy of Audiology (PAA) and the Pennsylvania Speech-Language-Hearing Association (PSHA). The Board also discussed the pre-draft comments received by the associations at subsequent meetings.

Notice of the proposed rulemaking was published at 46 Pa.B. 6853 (October 29, 2016). Publication was followed by a 30-day public comment period during which the Board received comments from Anne Gilbertson, President, PSHA; Roy Shinn, Ph.D., Professor and Chair, Speech, Language and Hearing Department, Edinboro University; and James L. Shafer, Au.D., Vice-President of Governmental Affairs, PAA. The Independent Regulatory Review Commission (IRRC) also submitted comments. Neither the House Professional Licensure Committee (HPLC) nor the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) submitted comments. At its January 13, 2017 meeting, in public session the Board discussed the comments in response to publication of proposed rulemaking. Representatives of the professional associations attended the meeting and commented on various provisions. Following those discussions, the Board approved the final rulemaking.

(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 are affected by the rulemaking.

According to the Pennsylvania Department of Labor and Industry, in 2014, 30.1% of speech-language pathologists in Pennsylvania were employed in elementary and secondary schools, 22.2% were employed in offices of health care practitioners other than physicians, 9.6% were employed by general medical and surgical hospitals, 7.5% were employed in specialty hospitals, 7.2% were employed in nursing care facilities, 5.5% were self-employed, 4.7% were employed by home healthcare services, 2.0% were employed in community care facilities for the elderly, 1.7% were employed in outpatient care centers, and 1.4% were employed in individual and family services. According to L&I, in 2014, 22.4% of audiologists in Pennsylvania were employed in physician offices, 8.2% in elementary and secondary schools, the remainder were self-employed, were employed in general medical and surgical hospitals, health and personal care stores, offices of other health care practitioners, other hospitals, electronic instrument manufacturing, outpatient care centers and other ambulatory healthcare services.

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 million 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 if 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 majority of licensees work in small businesses.

Licensees who are considered "small businesses" and all other licensees would be affected by the \$19 increase in the biennial renewal licensure fees. Applicants for licensure would be affected by the \$30 increase in the initial licensure fee and, as applicable, the \$50 provisional license and \$30 provisional license renewal fees. Audiologists who perform IOM would also be affected by the \$15 certification fee. The proposed amendments impose no additional paperwork requirements, aside from audiologists who may apply for IOM certification, 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.

All licensees of the Board are required to comply with the rulemaking. The Board currently licenses approximately 7,353 speech-language pathologists and 947 audiologists. It is anticipated that approximately 500 applicants will apply for provisional licenses with approximately 35 of those applicants seeking renewal of their provisional licenses and approximately 12 audiologists will seek IOM certification. In addition, there are approximately 650 applicants who apply for initial licensure annually. Small businesses would be impacted to the degree that they pay their employees' licensure fees.

(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.

All licensed speech-language pathologists and audiologists are required to pay an additional \$19 every 2 years beginning in 2018 in order to renew a license. Additionally, all applicants would be required to pay the increased initial license fee and, if desired, a provisional licensure fee. Audiologists who wish to perform IOM will incur the \$15 application fee. These new fees and increased fees are necessary to ensure the fiscal integrity of the Board and to assure that the Board's mandate to protect the health, safety and welfare of the public is carried out. Additionally, the regulations benefit the regulated community and consumers of speech-language pathology and audiology by implementing the 2014 amendments to the act.

The Board does not expect this rulemaking to have any other 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.

Provisional licensure is authorized by section 7(d)(1) of the act which enables the Board to issue provisional licenses to qualifying applicants. The IOM certificates are mandated by section 8.1 of the act which requires that the Board issue certifications to audiologists utilizing IOM.

The initial licensure and biennial renewal fee increases are mandated by section 8(a) of the act which requires the Board to increase fees by regulation to meet or exceed projected expenditures if revenues raised by fees, fines and civil penalties imposed under the act are not sufficient to meet expenditures over a 2-year period. The rulemaking benefits every citizen of the Commonwealth in that it would ensure the fiscal integrity of the Board and allow the Board to carry out its mission. The costs to licensees are outweighed by the Board's duty to license and regulate speech-language pathologists and audiologists in the public interest.

(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.

Each licensee is required to pay a renewal fee with an increase of \$19 in order to renew each biennium beginning in July of 2018. Additionally, applicants for licensure would be required to pay a \$30 increase in the initial licensure fee and, as applicable, the \$50 provisional license and \$30 provisional license renewal fees. Audiologists who use IOM would also be required to pay a \$15 certification fee. There are no other costs or savings to the regulated community associated with compliance with the rulemaking.

Increases in costs to the regulated community were calculated as follows:

Current fiscal year (FY 16-17) – \$ 0 –Publication of the final-form rulemaking is not anticipated before mid/late-FY 16-17.

Fiscal year + 1 (FY 17-18) - \$44,680 calculated as follows:

650 applicants x \$30 increase to the application fee = \$19,500
500 applicants for provisional license x \$50 fee = \$25,000
12 applicants for IOM certification x \$15 fee = \$180

Fiscal year + 2 (FY 18-19) - \$203,430 calculated as follows:

8,300 biennial renewals x \$19 increase = \$157,700
650 applicants x \$30 increase to the application fee = \$19,500
500 applicants for provisional license x \$50 fee = \$25,000
35 applicants for renewal of provisional license x \$30 fee = \$1,050
12 applicants for IOM certification x \$15 fee = \$180

Fiscal year + 3 (FY 19-20) - \$44,680 calculated as follows:

650 applicants x \$30 increase to the application fee = \$19,500
500 applicants for provisional license x \$50 fee = \$25,000
12 applicants for IOM certification x \$15 fee = \$180

Fiscal year + 4 (FY 20-21) - \$203,430 calculated as follows:

8,300 biennial renewals x \$19 increase = \$157,700
650 applicants x \$30 increase to the application fee = \$19,500
500 applicants for provisional license x \$50 fee = \$25,000
35 applicants for renewal of provisional license x \$30 fee = \$1,050
12 applicants for IOM certification x \$15 fee = \$180

Fiscal year + 5 (FY 21-22) - \$44,680 calculated as follows:

650 applicants x \$30 increase to the application fee = \$19,500
500 applicants for provisional license x \$50 fee = \$25,000
12 applicants for IOM certification x \$15 fee = \$180

(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.

With the elimination of the “teacher of the hearing impaired” licensure category, the Board is losing revenues associated with initial application fees and biennial renewal fees. This licensure class was fewer than 100 licensees, so the reduction in revenue is fairly small (approximately \$5,000 biennially). The regulation requires the Board to alter some of its forms to reflect the new fees and create new applications for provisional licenses and IOM certifications. However, these costs are offset by the new and increased fees.

(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.

Applicants for provisional licenses and IOM certification will incur additional paperwork requirements associated with the application process. This rulemaking does not require any additional recordkeeping or other paperwork, nor will there be any legal, accounting or consulting procedures required for implementation of the rulemaking.

(22a) Are forms required for implementation of the regulation?

New forms and amended forms are required for implementation of the rulemaking.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here.** If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

Attached.

(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.

	Current FY Year (15-16)	FY +1 Year (16-17)	FY +2 Year (17-18)	FY +3 Year (18-19)	FY +4 Year (19-20)	FY +5 Year (20-21)
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	\$0	\$0	\$0	\$0	\$0	\$0
COSTS:						
Regulated Community	\$0	\$44,680	\$203,430	\$44,680	\$203,430	\$44,680
Local Government						
State Government						
Total Costs	\$0	\$44,680	\$203,430	\$44,680	\$203,430	\$44,680
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government	\$3,680	\$250	\$5,200	\$250	\$5,200	\$250
Total Revenue Losses	\$3,680	\$250	\$5,200	\$250	\$5,200	\$250

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

Program	FY -3 (13-14)	FY -2 (14-15)	FY -1 (15-16)	Current FY (16-17)
State Board of Examiners in Speech-Language Pathology and Audiology	(actual) \$209,070.77	(actual) \$224,880.66	(actual) \$245,226.36	(budgeted) \$262,000.00

(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.

(a) All “small businesses” as that term is defined by the Regulatory Review Act and the SBA, that employ licensees would be subject to the rulemaking.

(b) There are no projected reporting, or recordkeeping costs required for compliance. There are no additional administrative costs required for compliance. (The administrative costs associated with filling out the biennial renewal form or online renewal application and either writing a check or processing the payment of the fee. These costs would be the same regardless of the increase in the fee. The administrative costs associated with filling out the initial and provisional licensure applications and either writing a check or processing the payment of the fee are negligible.)

(c) The probable effect on impacted small businesses would be (assuming the small business pays its employees’ licensure fees) a \$19 increase in the biennial renewal fee for each licensee employed by the small business, a \$30 increase in initial application fees plus, if applicable, a \$50 provisional licensure application fee for each applicant employed by the small business, and if applicable, a \$15 fee for IOM certification for any audiologists employed by the small business who perform IOM.

(d) The Board considered two alternatives in addition to setting the three new fees: solely increase the biennial renewal fees to \$75 for the two licensed classes or reduce the biennial fee increase to \$65 and increase the initial licensure fee to \$50. The Board believes that the latter is a better approach as it more accurately reflects the costs of issuing the initial license and spreads the Board’s costs over new and existing licensees.

(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.

The only alternative that was considered was with reference to the fee structure. The Board believes the least burdensome alternative has been selected.

(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 performance 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.

- a) & b) All licenses renew biennially and applicants seeking licensure, certification and/or provisional licensure are required to apply for licensure, certification and/or provisional licensure. The Board did not consider less stringent reporting requirements or deadlines for small businesses or for licensees who work for small businesses.**
- c) There are no compliance or reporting requirements that could be consolidated or simplified. The initial, provisional, biennial renewal and certification processes are the same whether a particular licensee/applicant is employed by a small business or a large business.**
- d) The regulations do not contain design or operational standards that need to be altered for small businesses.**
- e) To exclude any licensees/applicants from the requirements contained in the rulemaking based on the size of the business would not be consistent with public health and welfare because it would prevent the Board from obtaining adequate revenue to meet projected expenditures and it would not be able to carry out its legislative mandate.**

(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 length of the public comment period: **Thirty days - the public comment period ended on November 28, 2016.**

B. The date or dates on which any public meetings or hearings will be held: **No specific date has been scheduled. The Board holds regularly scheduled meetings and considers public comment at those meetings. The Board's upcoming meeting schedule is provided in item (30) below.**

C. The expected date of delivery of the final-form regulation: **Spring 2017**

D. The expected effective date of the final-form regulation: **Date of publication of final form regulation in the Pennsylvania Bulletin – Spring/Summer 2017**

E. The expected date by which compliance with the final-form regulation will be required: **Date of publication of final form regulation in the Pennsylvania Bulletin – Spring/Summer 2017**

F. The expected date by which required permits, licenses or other approvals must be obtained: **To the extent that an audiologist performs neurophysiologic intraoperative monitoring and/or an individual needs a provisional license, the date of publication of the final-form regulation in the Pennsylvania Bulletin – Spring/Summer 2017**

(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 will meet on the following remaining dates in 2017: July 7, September 8 and December 8, 2017. More information can be found on the Board's website (linked under boards & commissions from professional licensing on the Department's website at www.dos.pa.gov).

State Board of Examiners in Speech-Language Pathology, and Audiology
 PROPOSED BIENNIAL RENEWAL FEE INCREASE
 APPLICATION AND 40% BIENNIAL LICENSE FEE INCREASE

BOARD APPROVED NOVEMBER 2015

All license classes renew in July of even years.
 New fees effective in July 2018.

LICENSE CLASSES	LICENSE COUNT	CURRENT RENEWAL FEE	TOTAL RENEWAL FEES	LICENSE COUNT	PROPOSED RENEWAL FEE 40% biennial increase	TOTAL REVENUE
Speech-Language Pathologist	7,204	\$ 48.00	\$ 351,384.00	7,204	\$ 65.00	\$ 468,260.00
Audiologist	932	\$ 48.00	\$ 42,816.00	932	\$ 65.00	\$ 60,580.00
Provisional License	8,138	\$ -	\$ -	8,138	\$ 30.00	\$ 245,000.00
TOTAL BIENNIAL RENEWAL REVENUE:			\$ 374,200.00			\$ 533,840.00
TOTAL BIENNIAL NON-RENEWAL APPLICATION REVENUE:	1,203	\$ 20.00	\$ 24,060.00	1,203	\$ 50.00	\$ 60,150.00
TOTAL BIENNIAL NON-RENEWAL PROVISIONAL LICENSE APPLICATION REVENUE:	1,000	\$ -	\$ -	1,000	\$ 50.00	\$ 50,000.00
TOTAL BIENNIAL OTHER (BIRTH) CERTIFICATION REVENUE:	12	\$ 15.00	\$ 180.00	12	\$ 15.00	\$ 180.00
TOTAL BIENNIAL OTHER NON-RENEWAL REVENUE:			\$ 30,000.00			\$ 30,000.00
TOTAL BIENNIAL BOARD REVENUE:			\$ 428,318.00			\$ 674,170.00

FINANCIAL STATUS	Actual FY 12-13	Actual FY 13-14	Actual FY 14-15	Actual FY 15-16	Projected FY 16-17	Projected FY 17-18	Projected FY 18-19	Projected FY 19-20	Projected FY 20-21	Projected FY 21-22	Projected FY 22-23	Projected FY 23-24	Projected FY 24-25	Projected FY 25-26	Projected FY 26-27	Projected FY 27-28
Beginning Balance:	753,178.88	728,307.93	709,772.91	695,169.66	648,987.88	602,487.88	517,487.88	580,487.88	592,487.88	637,487.88	631,487.88	657,487.88	631,487.88	637,487.88	590,487.88	574,487.88
Revenue:	176,148.78	192,835.75	210,277.41	194,920.49	229,000.00	199,000.00	359,000.00	314,000.00	359,000.00	314,000.00	369,000.00	314,000.00	359,000.00	314,000.00	359,000.00	314,000.00
Total Available:	929,327.66	921,143.68	920,050.32	890,090.15	877,987.88	801,487.88	876,487.88	894,487.88	948,487.88	951,487.88	1,000,487.88	971,487.88	1,016,487.88	951,487.88	949,487.88	888,487.88
Expenses/Budget:	203,017.83	209,070.77	224,880.86	241,102.27	275,505.00	284,000.00	283,000.00	302,000.00	311,000.00	320,000.00	330,000.00	340,000.00	350,000.00	357,000.00	372,000.00	383,000.00
Remaining Balance:	726,309.83	709,772.91	695,169.66	648,987.88	602,487.88	517,487.88	593,487.88	592,487.88	637,487.88	631,487.88	670,487.88	631,487.88	666,487.88	594,487.88	577,487.88	505,487.88

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
P O BOX 2649
HARRISBURG, PA 17105
717-783-1389

www.dos.pa.gov/speech

st-speech@pa.gov

**APPLICATION INSTRUCTIONS FOR A PROVISIONAL LICENSE AS AN AUDIOLOGIST
TO COMPLETE POST-GRADUATE PROFESSIONAL EXPERIENCE**

1. Complete pages 1 and 2. An original signature is required; a faxed copy will not be accepted.
2. Attach the \$50.00 application fee (non-refundable) made payable to Commonwealth of Pennsylvania. (A processing fee of \$20.00 will be charged for any check or money order returned unpaid by the bank, regardless of the reason for non-payment.)
3. Request the school to submit an official transcript that reflects the awarding of a doctoral degree in audiology directly to the Board.
4. Provide a Self-Query from the National Practitioner Data Bank completed within 6 months of submission of this application to the Board. A Self-Query can be requested online at <https://www.npdb.hrsa.gov/>. When you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. (Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.)
5. Attach a letter explaining your plans for completing the supervised post-graduate professional experience including the name of your proposed supervisor who holds a current license as an audiologist in Pennsylvania.
6. Complete page 3 only if you will have a Pennsylvania Employer. Fill in the top section of page 3 and provide it to your employer. Submit this completed form directly to the Board. This form is not required if self-employed or employed by a school district or intermediate unit.
7. Request letter(s) of good standing to be forwarded directly in an official sealed envelope, to the Board from any other state in which you have ever held a license to practice.
8. If a different name is used on documentation submitted to the Board, a copy of a legal name change document (marriage certification, court order, divorce decree) showing change of name is required.
9. All persons applying for issuance of an initial license shall be required to complete 3 hours of Dept. of Human Services-approved training in child abuse recognition and reporting requirements as a condition of licensure. Please review the Board website for further information on approved CE providers. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board.

THIS PROVISIONAL LICENSE IS VALID FOR 18 MONTHS FROM THE DATE ISSUED.

PLEASE NOTE:

If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Board shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance.

The following questions must be answered, please check the appropriate box		Yes	No
1.	Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any health-related profession in any state or jurisdiction? If yes, please list all professions and states where you have been licensed and request a letter of good standing be sent from each state board to the Pennsylvania Board. _____		
2.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a professional or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?		
3.	Do you currently have any disciplinary charges pending against our professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
4.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapplication for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
5.	Have you been convicted (found guilty, pled guilty or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, including any drug law violations? Note: You are not required to disclose any ARD or other criminal matter that has been expunged by order of a court.		
6.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?		
7.	Do you have any mental or physical condition that would prevent you from practicing as a Speech Language Pathologist or Audiologist with reasonable skill?		
8.	Do you currently engage in or have you ever engaged in the intemperance or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?		
9.	Have you ever had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?		
10.	Have you ever had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?		
11.	Have you ever been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?		

IF YOU HAVE ANSWERED YES TO ANY QUESTIONS 2 THROUGH 11, PLEASE ATTACH AN 8 ½ X 11 SHEET OF PAPER PROVIDING A DETAILED EXPLANATION OF THE CIRCUMSTANCES AND THE OUTCOME. INCLUDE CERTIFIED COPIES FROM THE COURT IF YOU ANSWERED YES TO #4.

VERIFICATION

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties form tampering with public records or information under 18 Pa.C.S. § 49.1. I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

APPLICANT'S SIGNATURE

DATE

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number. In addition, Social Security Numbers are required in order for the Board to comply with the reporting requirements of the U.S. Department of Health and Human Services, National Practitioner Data Bank.

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

P O BOX 2649

HARRISBURG, PA 17105

717-783-1389

www.dos.pa.gov/speech

st-speech@pa.gov

**APPLICATION INSTRUCTIONS FOR A PROVISIONAL LICENSE AS AN AUDIOLOGIST
BASED ON EDUCATION AND EXAMINATION**

1. Complete pages 1 and 2. An original signature is required; a faxed copy will not be accepted.
2. Attach the \$50.00 application fee (non-refundable) made payable to Commonwealth of Pennsylvania. (A processing fee of \$20.00 will be charged for any check or money order returned unpaid by the bank, regardless of the reason for non-payment.)
3. Request the school to submit an official transcript that reflects the awarding of a doctoral degree in audiology directly to the Board.
4. Request the examination results be sent from the Examiner (1-800-772-9476) directly to the board. (Use code 8053 for Pennsylvania when requesting scores.)
5. Provide a Self-Query from the National Practitioner Data Bank completed within 6 months of submission of this application to the Board. A Self-Query can be requested online at <https://www.npdb.hrsa.gov/>. When you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. (Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.)
6. Complete page 3 only if you will have a Pennsylvania Employer. Fill in the top section of page 3 and provide it to your employer. Submit this completed form directly to the Board. This form is not required if self-employed or employed by a school district or intermediate unit.
7. Request letter(s) of good standing to be forwarded directly in an official sealed envelope, to the Board from any other state in which you have ever held a license to practice.
8. If a different name is used on documentation submitted to the Board, a copy of a legal name change document (marriage certification, court order, divorce decree) showing change of name is required.
9. All persons applying for issuance of an initial license shall be required to complete 3 hours of Dept. of Human Services-approved training in child abuse recognition and reporting requirements as a condition of licensure. Please review the Board website for further information on approved CE providers. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board.

IF YOU ARE APPLYING FOR BOTH A PROVISIONAL LICENSE AND AN INITIAL LICENSE BE AWARE THAT THE PROCESSING TIME PERIODS FOR THESE APPLICATIONS ARE IDENTICAL.

THIS PROVISIONAL LICENSE IS VALID FOR 6 MONTHS FROM THE DATE ISSUED.

PLEASE NOTE:

If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Board shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance.

The following questions must be answered, please check the appropriate box		Yes	No
1.	Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any health-related profession in any state or jurisdiction? If yes, please list all professions and states where you have been licensed and request a letter of good standing be sent from each state board to the Pennsylvania Board.		
2.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a professional or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?		
3.	Do you currently have any disciplinary charges pending against our professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
4.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapplication for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
5.	Have you been convicted (found guilty, pled guilty or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, including any drug law violations? (Note: You are not required to disclose any ARD or other criminal matter that has been expunged by order of a court.)		
6.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?		
7.	Do you have any mental or physical condition that would prevent you from practicing as a Speech Language Pathologist or Audiologist with reasonable skill?		
8.	Do you currently engage in or have you ever engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?		
9.	Have you ever had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?		
10.	Have you ever had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?		
11.	Have you ever been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?		

IF YOU HAVE ANSWERED YES TO ANY QUESTIONS 2 THROUGH 11, PLEASE ATTACH AN 8 ½ X 11 SHEET OF PAPER PROVIDING A DETAILED EXPLANATION OF THE CIRCUMSTANCES AND THE OUTCOME. INCLUDE CERTIFIED COPIES FROM THE COURT IF YOU ANSWERED YES TO #4.

VERIFICATION

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties form tampering with public records or information under 18 Pa.C.S. § 49.1. I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

APPLICANT'S SIGNATURE

DATE

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number. In addition, Social Security Numbers are required in order for the Board to comply with the reporting requirements of the U.S. Department of Health and Human Services, National Practitioner Data Bank.

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
P O BOX 2649
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st-speech@pa.gov

**APPLICATION INSTRUCTIONS FOR PROVISIONAL LICENSURE AS AN AUDIOLOGIST
BASED ON A CURRENT UNRESTRICTED LICENSE IN ANOTHER STATE**

1. Complete pages 1 and 2. An original signature is required; a faxed copy will not be accepted.
2. Attach the \$50.00 application fee (non-refundable) made payable to Commonwealth of Pennsylvania. (A processing fee of \$20.00 will be charged for any check or money order returned unpaid by the bank, regardless of the reason for non-payment.)
3. Request letter(s) of good standing to be forwarded directly in an official sealed envelope, to the Board from any other state in which you have ever held a license to practice.
4. Provide a Self-Query from the National Practitioner Data Bank completed within 6 months of submission of this application to the Board. A Self-Query can be requested online at <https://www.npdb.hrsa.gov/>. When you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. (Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.)
5. Complete page 3 only if you will have a Pennsylvania Employer. Fill in the top section of page 3 and provide it to your employer. Submit this completed form directly to the Board. This form is not required if self-employed or employed by a school district or intermediate unit.
6. If a different name is used on documentation submitted to the Board, a copy of a legal name change document (marriage certification, court order, divorce decree) showing change of name is required.
7. All persons applying for issuance of an initial license shall be required to complete 3 hours of Dept. of Human Services approved training in child abuse recognition and reporting requirements as a condition of licensure. Please review the Board website for further information on approved CE providers. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc. to the Board.

THIS PROVISIONAL LICENSE IS VALID FOR 90 DAYS FROM ISSUANCE.

PLEASE NOTE:

If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Board shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance.

The following questions must be answered, please check the appropriate box		Yes	No
1.	Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any health-related profession in any state or jurisdiction? If yes, please list all professions and states where you have been licensed and request a letter of good standing be sent from each state board to the Pennsylvania Board.		
2.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a professional or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?		
3.	Do you currently have any disciplinary charges pending against our professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
4.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapplication for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
5.	Have you been convicted (found guilty, pled guilty, or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, including any drug law violations? Note: You are not required to disclose any ARD or other criminal matter that has been expunged by order of a court.		
6.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?		
7.	Do you have any mental or physical condition that would prevent you from practicing as a Speech Language Pathologist or Audiologist with reasonable skill?		
8.	Do you currently engage in or have you ever engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?		
9.	Have you ever had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?		
10.	Have you ever had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?		
11.	Have you ever been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?		

IF YOU HAVE ANSWERED YES TO ANY QUESTIONS 2 THROUGH 11, PLEASE ATTACH AN 8 ½ X 11 SHEET OF PAPER PROVIDING A DETAILED EXPLANATION OF THE CIRCUMSTANCES AND THE OUTCOME. INCLUDE CERTIFIED COPIES FROM THE COURT IF YOU ANSWERED YES TO #4.

VERIFICATION

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information under 18 Pa.C.S. § 49.1. I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

APPLICANT'S SIGNATURE

DATE

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number. In addition, Social Security Numbers are required in order for the Board to comply with the reporting requirements of the U.S. Department of Health and Human Services, National Practitioner Data Bank.

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
P O BOX 2649
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st-speech@pa.gov

APPLICATION INSTRUCTIONS FOR A PROVISIONAL LICENSE AS A SPEECH-
LANGUAGE PATHOLOGIST
TO COMPLETE SUPERVISED PROFESSIONAL EXPERIENCE

If you hold an unrestricted license in another state, complete the application for initial licensure.

1. Complete pages 1 and 2. An original signature is required; a faxed copy will not be accepted.
2. Attach the \$50.00 application fee (non-refundable) payable to Commonwealth of Pennsylvania. (A processing fee of \$20.00 will be charged for any check or money order returned unpaid by the bank, regardless of the reason for non-payment.)
3. Request the school to submit an official transcript that reflects the awarding of a master's or doctoral degree in Speech-Language Pathology directly to the Board.
4. Attach a letter explaining your plans for completing the supervised professional experience including the name of your planned supervisor who holds an unrestricted license as a speech-language pathologist in Pennsylvania.
5. Provide a Self-Query from the National Practitioner Data Bank completed within 6 months of submission of this application to the Board. A Self-Query can be requested online at <https://www.npdb.hrsa.gov/>. When you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. (Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.)
6. Complete page 3 only if you will have a Pennsylvania Employer. Fill in the top section of page 3 and provide it to your employer. Submit this completed form directly to the Board. This form is not required if employed by a school district or intermediate unit.
7. Request letter(s) of good standing to be forwarded directly in an official sealed envelope, to the Board from any other state in which you have ever held a license to practice.
8. If a different name is used on documentation submitted to the Board, a copy of a legal name change document (marriage verification, court order, divorce decree) showing change of name is required.
9. All persons applying for issuance of an initial license shall be required to complete 3 hours of Dept. of Human Services-approved training in child abuse recognition and reporting requirements as a condition of licensure. Please review the Board website for further information on approved CE providers. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc. to the Board.

THIS PROVISIONAL LICENSE IS VALID FOR 18 MONTHS FROM THE DATE ISSUED.

PLEASE NOTE:

If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Board shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance.

The following questions must be answered, please check the appropriate box		Yes	No
1.	Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any health-related profession in any state or jurisdiction? If yes, please list all professions and states where you have been licensed and request a letter of good standing be sent from each state board to the Pennsylvania Board. _____		
2.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a professional or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?		
3.	Do you currently have any disciplinary charges pending against our professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
4.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapplication for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
5.	Have you been convicted (found guilty, pled guilty or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, including any drug law violations? Note: You are not required to disclose any ARD or other criminal matter that has been expunged by order of a court.		
6.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?		
7.	Do you have any mental or physical condition that would prevent you from practicing as a Speech Language Pathologist or Audiologist with reasonable skill?		
8.	Do you currently engage in or have you ever engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?		
9.	Have you ever had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?		
10.	Have you ever had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?		
11.	Have you ever been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?		

IF YOU HAVE ANSWERED YES TO ANY QUESTIONS 2 THROUGH 11, PLEASE ATTACH AN 8 1/2 X 11 SHEET OF PAPER PROVIDING A DETAILED EXPLANATION OF THE CIRCUMSTANCES AND THE OUTCOME. INCLUDE CERTIFIED COPIES FROM THE COURT IF YOU ANSWERED YES TO #4.

VERIFICATION

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties from tampering with public records or information under 18 Pa.C.S. § 49.11. I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

APPLICANT'S SIGNATURE

DATE

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number. In addition, Social Security Numbers are required in order for the Board to comply with the reporting requirements of the U.S. Department of Health and Human Services, National Practitioner Data Bank.

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

Regular Mail
P O BOX 2649
HARRISBURG, PA 17105
717-783-1389

Courier Delivery
2601 N THIRD ST
HARRISBURG, PA 17110

CURRENT PENNSYLVANIA EMPLOYER

APPLICANT – Complete top section and send to Pennsylvania employer. If you have more than one employer, make copies of this page and send a copy to each one. If you do not have a current Pennsylvania employer, you are not required to submit this page.

Last Name	First	Middle	Maiden Name
Date of Birth		Social Security Number	

EMPLOYER – Complete bottom section and submit directly to the Board office.

In accordance with Sections 16 and 17 of the Speech-Language and Hearing Licensure Act of December 21, 1984, PL 1253, 63 P.S. §§ 1716 and 1717, I, the undersigned, being duly authorized, certify that _____, is the name (Name of corporation, partnership, trust, association, company or organization must be listed here) of a corporation, partnership, trust, association, company, or organization, which engages in the practice of Speech Language Pathology or Audiology by the employment of individuals licensed under the provisions of this act, submits itself to the rules and regulations of the State Board of Examiners in Speech-Language Pathology and Audiology and the provisions of the Act which the Board considers applicable.

VERIFICATION

I verify that the statements on this page are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 PA C.C § 4904 (relating to unsworn falsification to authorities) and may result in the suspension or revocation of my license. (Notarization not required.)

Pennsylvania Employer's Signature	Title	Date
-----------------------------------	-------	------

Mailing Address of Place of Employment	City	State, Zip Code
--	------	-----------------

Print or type name of Pennsylvania Employer

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

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HARRISBURG, PA 17105

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**Application instructions for a Provisional License as a Speech-Language Pathologist
Based on Master's/Doctoral Degree, Supervised Professional Experience and Praxis Examination**

(If you need to complete your year of supervised professional experience, complete the Application for a Provisional License as a Speech-Language Pathologist to complete Supervised Professional Experience)

1. Complete pages 1 and 2. An original signature is required; a faxed copy will not be accepted.
2. Attach the \$50.00 application fee (non-refundable) made payable to Commonwealth of Pennsylvania. (A processing fee of \$20.00 will be charged for any check or money order returned unpaid by the bank, regardless of the reason for non-payment.)
3. Request the school to submit an official transcript that reflects the awarding of a master's or doctoral degree in speech-language pathology directly to the Board.
4. Complete the top section of page 3 and provide the Verification of Supervised Professional Experience form to Institution wherein you completed the experience. Your supervisor must verify that you have completed **9 full months** of supervised experience comprised of no less than 1260 hours. The Verification must be received directly from the supervisor. The Verification must either possess the institution's seal or be notarized if the institution does not have a seal.
5. Request the examination results be sent from the Examiner (1-800-772-9476) directly to the board. (Use code 8053 for Pennsylvania when requesting scores.)
6. Provide a Self-Query from the National Practitioner Data Bank completed within 6 months of submission of this application to the Board. A Self-Query can be requested online at <https://www.npdb.hrsa.gov/>. When you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. (Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.)
7. Complete page 4 ~~only~~ if you will have a Pennsylvania Employer. Fill in the top section of page 4 and provide it to your employer. Submit this completed form directly to the Board. This form is not required if self-employed or employed by a school district or intermediate unit.
8. Request letter(s) of good standing to be forwarded directly in an official sealed envelope, to the Board from any other state in which you have ever held a license to practice.
9. If a different name is used on documentation submitted to the Board, a copy of a legal name change document (marriage certification, court order, divorce decree) showing change of name is required.
10. All persons applying for issuance of an initial license shall be required to complete 3 hours of Dept. of Human Services approved training in child abuse recognition and reporting requirements as a condition of licensure. Please review the Board website for further information on approved CE providers. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board.

IF YOU ARE APPLYING FOR BOTH A PROVISIONAL LICENSE AND AN INITIAL LICENSE, BE AWARE THAT PROCESSING TIME PERIODS FOR THESE APPLICATIONS ARE IDENTICAL.

THIS PROVISIONAL LICENSE IS VALID FOR 6 MONTHS FROM THE DATE ISSUED.

PLEASE NOTE:

If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Board shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance.

The following questions must be answered, please check the appropriate box		Yes	No
1.	Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any health-related profession in any state or jurisdiction? If yes, please list all professions and states where you have been licensed and request a letter of good standing be sent from each state board to the Pennsylvania Board. _____		
2.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a professional or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?		
3.	Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
4.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapplication for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
5.	Have you been convicted (found guilty, pled guilty, or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, including any drug law violations? Note: You are not required to disclose any ARD or other criminal matter that has been expunged by order of a court.		
6.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?		
7.	Do you have any mental or physical condition that would prevent you from practicing as a Speech Language Pathologist or Audiologist with reasonable skill?		
8.	Do you currently engage in or have you ever engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?		
9.	Have you ever had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?		
10.	Have you ever had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?		
11.	Have you ever been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?		

IF YOU HAVE ANSWERED YES TO ANY QUESTIONS 2 THROUGH 11, PLEASE ATTACH AN 8 ½ X 11 SHEET OF PAPER PROVIDING A DETAILED EXPLANATION OF THE CIRCUMSTANCES AND THE OUTCOME. INCLUDE CERTIFIED COPIES FROM THE COURT IF YOU ANSWERED YES TO #4.

VERIFICATION

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information under 18 Pa.C.S. § 49.11. I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

APPLICANT'S SIGNATURE

DATE

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number. In addition, Social Security Numbers are required in order for the Board to comply with the reporting requirements of the U.S. Department of Health and Human Services, National Practitioner Data Bank.

STATE BOARD OF EXAMINERS IN SPEECH, LANGUAGE PATHOLOGY AND AUDIOLOGY

Regular Mail
P O BOX 2649
HARRISBURG, PA 17105
717-783-1389

Courier Delivery
2601 N THIRD ST
HARRISBURG, PA 17110

VERIFICATION OF SUPERVISED PROFESSIONAL EXPERIENCE
9 FULL MONTHS COMPRISED OF NO LESS THAN 1260 HOURS MUST BE COMPLETED

APPLICANT – Complete top section and send to institution where supervised professional experience was completed.

_____	_____	_____	_____
Last name	First	Middle	Maiden Name
_____			_____
Street Address			Social Security Number
_____	_____	_____	_____
City	State	Zip Code	

INSTITUTION – *The licensed supervisor, who holds the same type of license as the applicant shall complete the bottom section and return the completed form directly to the Board Office.*

Name of Institution			

Street Address			
_____	_____	_____	_____
City	State	Zip Code	

Nine months of Supervised Professional Experience

_____	_____	_____	_____	_____	_____	_____
Beginning- Month	Day	Year	Ending- Month	Day	Year	

List number of months of Supervised Professional Experience by specialty. Total must be at least 9 full months.

Specialty	Number of Months	Hours per Week Worked
Speech Language Pathology	_____	_____

(Seal of Institution or Notary)

_____	_____
Supervisor's Signature	PA license number
_____	_____
Supervisor's Title	Date

If institution does not have seal, the form must be notarized.

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
P O BOX 2649
HARRISBURG, PA 17105
717-783-1389

www.dos.pa.gov/speech

st-speech@pa.gov

**Application Instructions For A Provisional License As A Speech-Language Pathologist
Based On A Current Unrestricted License In Another State**

(If you need to complete your year of supervised professional experience, complete the Application for a Provisional License as a Speech-Language Pathologist to complete Supervised Professional Experience)

1. Complete pages 1 and 2. An original signature is required; a faxed copy will not be accepted.
2. Attach the \$50.00 application fee (non-refundable) made payable to Commonwealth of Pennsylvania. (A processing fee of \$20.00 will be charged for any check or money order returned unpaid by the bank, regardless of the reason for non-payment.)
3. Request letter(s) of good standing to be forwarded directly in an official sealed envelope, to the Board from any other state in which you have ever held a license to practice.
4. Provide a Self-Query from the National Practitioner Data Bank completed within 6 months of submission of this application to the Board. A Self-Query can be requested online at <https://www.npdb.hrsa.gov/>. When you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.
5. Complete page 3 only if you will have a Pennsylvania Employer. Fill in the top section of page 3 and provide it to your employer. Submit this completed form directly to the Board. This form is not required if self-employed or employed by a school district or intermediate unit.
6. If a different name is used on documentation submitted to the Board, a copy of a legal name change document (marriage certification, court order, divorce decree) showing change of name is required.
7. All persons applying for issuance of an initial license shall be required to complete 3 hours of Dept. of Human Services-approved training in child abuse recognition and reporting requirements as a condition of licensure. Please review the Board website for further information on approved CE providers. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board.

THIS LICENSE IS VALID FOR 90 DAYS FROM THE DATE ISSUED.

PLEASE NOTE:

If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Board shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance.

The following questions must be answered, please check the appropriate box		Yes	No
1.	Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any health-related profession in any state or jurisdiction? If yes, please list all professions and states where you have been licensed and request a letter of good standing be sent from each state board to the Pennsylvania Board.		
2.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a professional or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?		
3.	Do you currently have any disciplinary charges pending against our professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
4.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapplication for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
5.	Have you been convicted (found guilty, pled guilty or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, including any drug law violations? Note: You are not required to disclose any ARD or other criminal matter that has been expunged by order of a court.		
6.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?		
7.	Do you have any mental or physical condition that would prevent you from practicing as a Speech Language Pathologist or Audiologist with reasonable skill?		
8.	Do you currently engage in or have you ever engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?		
9.	Have you ever had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?		
10.	Have you ever had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?		
11.	Have you ever been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?		

IF YOU HAVE ANSWERED YES TO ANY QUESTIONS 2 THROUGH 11, PLEASE ATTACH AN 8 ½ X 11 SHEET OF PAPER PROVIDING A DETAILED EXPLANATION OF THE CIRCUMSTANCES AND THE OUTCOME. INCLUDE CERTIFIED COPIES FROM THE COURT IF YOU ANSWERED YES TO #4.

VERIFICATION

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties form tampering with public records or information under 18 Pa.C.S. § 49.11. I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

APPLICANT'S SIGNATURE

DATE

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number. In addition, Social Security Numbers are required in order for the Board to comply with the reporting requirements of the U.S. Department of Health and Human Services, National Practitioner Data Bank.

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

Regular Mail
P O BOX 2649
HARRISBURG, PA 17105
717-783-1389

Courier Delivery
2601 N THIRD ST
HARRISBURG, PA 17110

CURRENT PENNSYLVANIA EMPLOYER

APPLICANT – Complete top section and send to Pennsylvania employer. If you have more than one employer, make copies of this page and send a copy to each one. If you do not have a current Pennsylvania employer, you are not required to submit this page.

Last Name	First	Middle	Maiden Name
Date of Birth		Social Security Number	

EMPLOYER – Complete bottom section and submit directly to the Board office.

In accordance with Sections 16 and 17 of the Speech-Language and Hearing Licensure Act of December 21, 1984, PL 1253, 63 P.S. § 1716 and 1717, I the undersigned, being duly authorized, certify that _____, is the name
(Name of corporation, partnership, trust, association, company or organization must be listed here)
of a corporation, partnership, trust, association, company, or organization, which engages in the practice of Speech-Language Pathology or Audiology by the employment of individuals licensed under the provisions of this act, submits itself to the rules and regulations of the State Board of Examiners in Speech-Language Pathology and Audiology and the provisions of the Act which the Board considers applicable.

VERIFICATION

I verify that the statements on this page are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 PA C.C § 4904 (relating to unsworn falsification to authorities) and may result in the suspension or revocation of my license. (Notarization not required.)

Pennsylvania Employer's Signature	Title	Date
-----------------------------------	-------	------

Mailing Address of Place of Employment	City	State, Zip Code
--	------	-----------------

Print or type name of Pennsylvania Employer

KEEP A COPY OF THIS APPLICATION FOR YOUR RECORDS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
717-783-1389

PROVISIONAL LICENSE RENEWAL APPLICATION

Provisional License Number _____

Full Name _____

Street Address _____

City _____ State _____ Zip Code _____

Return To:
State Board of Examiners in Speech-Language
Pathology and Audiology
PO Box 8416
Harrisburg, PA 17105-8416

Check if appropriate

- ** ADDRESS CHANGE** – The address above is a new address and not on file with the Board
- ** NAME CHANGE** – The name above is not the current name on the licensure records. You must submit a photocopy of a legal document verifying the name change (i.e., marriage certificate, divorce decree indicating retaining of a maiden name or legal court document).

SECTION A - CHECK "YES" OR "NO" FOR EACH QUESTION

YES	NO	If YES to #2 - #10 – provide details AND certified copies of legal document(s).
		1. Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice a profession or occupation in any state or jurisdiction? If "YES", List each here:
		2. Since your initial application , have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?
		3. Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		4. Since your initial application , have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		5. Since your initial application , have you been convicted (found guilty, pled guilty or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, including any drug law violations? Note: You are not required to disclose any ARD or other criminal matter that has been expunged by order of a court.
		6. Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?
		7. Since your initial application , have you had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?
		8. Since your initial application , have you ever had practice privileges denied, revoked, suspended, or restricted by a hospital or any health care facility?
		9. Since your initial application , have you been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?
		10. Since your initial application , have you engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?
		11. Are you an employee of an organization which is a corporation, partnership, trust, association or company which engages in the practice of Audiology or Speech-Language Pathology? This does not include self-employment, or employment by a school district or intermediate unit.
		12. Did you report your current employment information to the Board? (If you are not employed or self-employed, check yes). Please list the name of your employer below: _____

If this is a new employer since your initial application, in order for this renewal to be processed, have your employer complete and submit the Current Pennsylvania Employer form. The form is available on the Board's website at www.dos.pa.gov/speech, then click on the link General Board Information and then click on the link Renewals.

SECTION B – PROVIDE RESPONSES TO THE FOLLOWING STATEMENTS.

1. Explain why the provisional license renewal is being requested.

2. Provide an update on the status of the supervised professional experience.

I verify that this form is in the original format as supplied by the Department of State, has not been altered or otherwise modified in any way and that the answers provided are true and correct. I am aware of the criminal penalties for tampering with public records or information pursuant to 18 PA C.S. 4911 and that any false statement made is subject to the penalties of 18 PA C.S. 4904 relating to unsworn falsification to authorities and may result in my license being disciplined.

Signature of Licensee (Mandatory): _____ Date: _____

EXPIRATION DATE: _____	_____
FEE – Payable to “COMMONWEALTH OF PENNSYLVANIA” Write your provisional license number on your payment. A \$20.00 fee will be assessed for returned payments.	Renewal fee: \$30.00 (NON-REFUNDABLE)
	PRACTICING ON AN EXPIRED LICENSE MAY RESULT IN DISCIPLINARY ACTIONS AND ADDITIONAL MONETARY PENALTIES

DRAFT

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

Regular Mail
P O BOX 2649
HARRISBURG, PA 17105
717-783-1389

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HARRISBURG, PA 17110

CURRENT PENNSYLVANIA EMPLOYER

APPLICANT – Complete top section and send to Pennsylvania employer. If you have more than one employer, make copies of this page and send a copy to each one. If you do not have a current Pennsylvania employer, you are not required to submit this page.

Last Name _____ First _____ Middle _____ Maiden Name _____

Date of Birth _____ Social Security Number _____

EMPLOYER – Complete bottom section and submit directly to the Board office.

In accordance with Sections 16 and 17 of the Speech Language and Hearing Licensure Act of December 21, 1984, PL 1253, 63 P.S. § 1716 and 1717, I the undersigned, being duly authorized, certify that _____, is the name
(Name of corporation, partnership, trust, association, company or organization must be listed here)
of a corporation, partnership, trust, association, company, or organization, which engages in the practice of Speech Language Pathology or Audiology by the employment of individuals licensed under the provisions of this act, submits itself to the rules and regulations of the State Board of Examiners in Speech-Language Pathology and Audiology and the provisions of the Act which the Board considers applicable.

VERIFICATION

I verify that the statements on this page are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 PA C.C § 4904 (relating to unsworn falsification to authorities) and may result in the suspension or revocation of my license. (Notarization not required.)

Pennsylvania Employer's Signature _____ Title _____ Date _____

Mailing Address of Place of Employment _____ City _____ State, Zip Code _____

Print or type name of Pennsylvania Employer

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
P O BOX 2649
HARRISBURG, PA 17105
717-783-1389

www.dos.pa.gov/speech

st-speech@pa.gov

**APPLICATION INSTRUCTIONS FOR NEUROPHYSIOLOGIC INTRAOPERATIVE MONITORING
CERTIFICATION**

1. Complete pages 1 and 2. An original signature is required; a faxed copy will not be accepted.
2. Attach the \$15.00 certification fee (non-refundable) made payable to Commonwealth of Pennsylvania.
3. (A processing fee of \$20.00 will be charged for any check or money order returned unpaid by the bank, regardless of the reason for non-payment.)
4. Attach current certification as a:
 - a) Board Certified Specialist in Intraoperative Monitoring (BCS-IOM) from the American Audiology Board of Intraoperative Monitoring OR
 - b) Diplomat certification (DABNM) from the American Board of Neurophysiologic Monitoring.
5. You must hold a current audiologist license in Pennsylvania.
6. If a different name is used on documentation submitted to the Board, a copy of a legal name change document (marriage certification, court order, divorce decree) showing change of name is required.
7. Provide a Self-Query from the National Practitioner Data Bank completed within 6 months of submission of this application to the Board. A Self-Query can be requested online at <https://www.npdb.hrsa.gov/>. When you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. (Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.)

PLEASE NOTE:

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In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance.

The following questions must be answered, please check the appropriate box		Yes	No
4.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapplication for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
5.	Have you been convicted (found guilty, pled guilty or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, including any drug law violations? Note: You are not required to disclose any ARD or other criminal matter that has been expunged by order of a court.		
6.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?		
7.	Do you have any mental or physical condition that would prevent you from practice as a Speech-Language Pathologist or Audiologist with reasonable skill?		
8.	Have you ever had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?		
9.	Have you ever had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?		
10.	Have you been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in the other research misconduct?		
11.	Have you engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substance that may impair judgment or coordination?		

IF YOU HAVE ANSWERED YES TO ANY QUESTIONS 2 THROUGH 10, PLEASE ATTACH AN 8 1/2 X 11 SHEET OF PAPER PROVIDING A DETAILED EXPLANATION OF THE CIRCUMSTANCES AND THE OUTCOME. INCLUDE CERTIFIED COPIES FROM THE COURT IF YOU ANSWERED YES TO #4.

VERIFICATION

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information under 18 Pa.C.S. § 49.11. I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

 APPLICANT'S SIGNATURE

 DATE

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number. In addition, Social Security Numbers are required in order for the Board to comply with the reporting requirements of the U.S. Department of Health and Human Services, National Practitioner Data Bank.

Post-publication Commentators
16A-6803--Fees; General Revisions

Anne Gilbertson, President
Pennsylvania Speech-Language-Hearing Association
700 McKnight Park Drive
Suite 708
Pittsburgh, PA 15237
PSHA@psha.org

Roy Shinn, Ph.D., Professor and Chair, Speech, Language and Hearing Department
Edinboro University
112 Wiley Arts and Science Center
Edinboro, PA 16444
shinn@edinboro.edu

James L. Shafer, Au.D., Vice-President of Governmental Affairs
Pennsylvania Academy of Audiology
908 North Front Street
Harrisburg, PA 17102

2017 MAY 15 AM 10:36

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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:

Copy below is approved as to form and legality. Executive or Independent Agencies.

State Board of Examiners in Speech-Language Pathology and Audiology, Bureau of Professional and Occupational Affairs

MAY 12 2017

BY: _____
(DEPUTY ATTORNEY GENERAL)

(AGENCY)

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-6803

DATE OF ADOPTION: _____

DATE OF APPROVAL

Marisa H. Z. Lehr

Deputy General Counsel
~~Chief Counsel,~~
~~Independent Agency~~
(Strike inapplicable Title)

- Check if applicable
Copy not approved.
Objections attached
- Check if applicable.
No Attorney General approval
or objection within 30 days
after submission.

BY: *Jonette B. Owen*

Jonette B. Owen, Au.D.
State Board of Examiners in Speech-Language Pathology and Audiology

BY: *Ian Harlow*

Ian Harlow, Commissioner
Bureau of Professional and Occupational Affairs

FINAL RULEMAKING

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

49 PA. CODE CHAPTERS 43b and 45

§§ 43b.16a, 45.1, 45.2, 45.11-45.24, 45.102, 45.103, 45.301, 45.304, 45.305, 45.307, 45.308, 45.401, 45.501, 45.505 and 45.507

FEES; GENERAL REVISIONS

The State Board of Examiners in Speech-Language Pathology and Audiology (Board) and the Commissioner of Professional and Occupational Affairs (Commissioner) hereby jointly amend §§ 43b.16a, 45.1, 45.2, 45.11—45.17, 45.20—45.22, 45.102, 45.103, 45.301, 45.304, 45.305, 45.307, 45.308, 45.401, 45.501, 45.505 and 45.507, rescind §§ 45.18 and 45.19 (relating to criteria for master’s degree equivalent; and practicum) and add §§ 45.23, and 45.24 (relating to provisional licenses; and certification to utilize neurophysiologic intraoperative monitoring) 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

Section 5(2) of the Speech-Language Pathologists and Audiologists Licensure Act (act) (63 P.S. § 1705(2)) authorizes the Board to adopt and revise rules and regulations consistent with the act as may be necessary to implement the provisions of the act. Section 5(7) of the act specifically authorizes the Board to establish standards of eligibility for license renewal, which includes demonstration of satisfactory completion of continuing education. Additionally, section 8.1 of the act (63 P.S. § 1708.1) requires that the Board issue certifications to audiologists utilizing neurophysiologic intraoperative monitoring (IOM).

In connection with the fees, section 7(d)(1) of the act (63 P.S. § 1707(d)(1)) authorizes the Board to issue provisional licenses to qualifying applicants who submit an application and an accompanying fee. Additionally, section 8(a) of the act (63 P.S. § 1708(a)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period. Finally, section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P. S. § 279.1(3) and (7)) authorizes the Commissioner to issue all certificates and other official documents of the various professional and occupational examining boards and, unless otherwise provided by law, to fix the fees to be charged by the boards within the Bureau of Professional and Occupational Affairs (Bureau).

With regard to the schedule of civil penalties, section 5 of the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. § 2205) authorizes the Commissioner, upon consultation with the Board, to adopt a schedule of civil penalties for violations under the act and regulations of the Board.

Background and Purpose

The final-form rulemaking implements the act of July 2, 2014 (P.L. 971, No. 106) (Act 106) by regulating the practice of speech-language pathology and audiology, eliminating all references to teachers of the hearing impaired and adding new credentials for provisional licenses and certificates to utilize Neurophysiologic Interoperative Monitoring (IOM). It also adopts related fees and increases biennial renewal fees.

Summary and Responses to Comments

Notice of the proposed rulemaking was published at 46 *Pa.B.* 6853 (October 29, 2016). Publication was followed by a 30-day public comment period during which the Board received comments from Anne Gilbertson, President, Pennsylvania Speech-Language Hearing Association (PSHA); Roy Shinn, Ph.D., Professor and Chair, Speech, Language and Hearing Department, Edinboro University; and James L. Shafer, Au.D., Vice-President of Governmental Affairs, Pennsylvania Academy of Audiology (PAA). The Independent Regulatory Review Commission (IRRC) also submitted comments. Neither the House Professional Licensure Committee (HPLC) nor the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) submitted comments.

§ 45.1. Fees.

In proposed form the Board provided a fiscal analysis for the additional revenue that it expects to be produced by the new provisional license and IOM certificate fees and the increased biennial renewal fees. IRRC asked the Board to provide the expected expenditures for the same period. The Department of State's Bureau of Finance and Operations (BFO) pointed out to the Board that at the current fee levels, with the elimination of the teacher of the hearing impaired licensure classification, the Board currently receives revenue of approximately \$425,000 over a 2-year period. Conversely, budgeted expenditures for the next 2 fiscal years (FY 2016—2017 and 2017—2018) are currently projected at \$ 510,000 – an operating deficit of \$85,000. The Board raises the majority (approximately 85%) of its revenue through biennial renewal fees. A small percentage (approximately 15%) of its revenue comes from other fees, fines and civil penalties. Beginning with projected FY 2018—2019 and continuing through projected FY 2027—2028, with the advent of the new fees, the Board's biennial revenues are anticipated to grow to \$670,000 per biennium while expenditures for the same period would grow from \$595,000 (in FY 2018—2019 and 2019—2020) to \$631,000 (in FY 2020—2021 and 2021—2022), to \$670,000 (in FY 2022—2023 and 2023—2024), to \$711,000 (in FY 2024—2025 and 2025—2026) and to \$755,000 (in FY 2026—2027 and 2027—2028). If the projections hold, the Board will evaluate the renewal fees again in FY 2022—2023. BFO's projections are attached to the Regulatory Analysis Form provided to the Independent Regulatory Review Commission and are available upon request.

§ 45.2. Definitions.

IRRC recommended that the Board add a definition for IOM and amend proposed definitions for “practice of audiology” and “practice of speech-language pathology” by including meaningful statutory provisions. Owing to IRRC's concerns, the Board inserted the statutory definition of “neurophysiologic intraoperative monitoring.” In addition, the Board inserted the specific examples delineated in section 3 of the act (63 P.S. § 1703) into the regulatory definition of the “practice of audiology” in § 45.2 and the instances of unprofessional conduct in § 45.103(22) and (23) (relating to unprofessional conduct).

The Board did not revise the definition of the practice of speech-language pathology because it is the Board's position that the proposed definition closely interprets the provisions in the definition provided in section 3 of the act. Subsections (vii) and (ix) in the regulatory

definition encompass elective modification of communication behaviors and enhancement of communication specified in paragraph (1) of the statutory definition. Subsection (vi) in the regulatory definition addresses the identification of nonmedical speech, language, swallowing, cognitive and social aspects of communication by developing and providing speech, language, voice, swallowing, cognitive and social aspects of communication-related screening programs for persons of all ages as listed in paragraph (2) of the statutory definition. Subsections (ii), (iii), (iv), (vii) and (x) in the regulatory definition encompass providing nonmedical diagnosis, evaluation and remediation services for disorders of speech, language, voice, swallowing, cognitive and social aspects of communication specified in paragraph (3) of the statutory definition. Subsections (iv) and (vi) in the regulatory definition encompass establishing augmentative and alternative communication techniques and strategies, including selecting, recommending and dispensing of augmentative aids and devices specified in paragraph (4) of the statutory definition. Subsections (v), (vii), (viii) and (ix) in the regulatory definition describe the provision of nonmedical services to individuals with hearing loss and their families, that is auditory training, speech reading and speech and language intervention secondary to hearing loss specified in paragraph (5) of the statutory definition. Subsection (i) in the regulatory definition corresponds to the statutory requirement in paragraph (6) to provide hearing screening limited to pass or fail for the purposes of identification of individuals with potential disorders of hearing. Subsections (iv), (vi), (viii) and (x) of the regulatory definition include the statutory requirement in paragraph (7) in the statute related to the training of individuals, their families and other communication partners in the use, selecting, fitting and establishment of effective use of appropriate prosthetic and adaptive devices for speaking and swallowing. Finally, subsections (i), (vi), (viii) and (x) of the regulatory definition relate to the paragraph (8) of the statutory definition involving the use of instrumental technology to provide nonmedical diagnosis, nonmedical treatment and nonmedical services for disorders of communication, voice and swallowing. Paragraph (9) of the statute's requirement of a medical evaluation is contained within § 45.103(23) (relating to unprofessional conduct). The Board did, however, make clarity edits to eliminate the need to refer to both the statutory and regulatory definitions because everything in the statutory definition is fairly covered by the regulatory definition.

PSHA requested and IRRC concurred that the Board should amend the reference to the American Speech-Language and Hearing Association's (ASHA) 2003 Scope of Practice in Audiology and the 2007 Scope of Practice of Speech-Language Pathology documents to reflect ASHA's recent adoption of updated documents in 2016 following the Board's adoption of the proposed regulation. The Board has reviewed the ASHA's 2016 definitions and finds them to be consistent with the definitions in the act. As such, the Board has implemented the recommendation and revised the date to reflect the most recent documents in both definitions.

PAA requested that the Board list the American Academy of Audiology (AAA) as a governing body in the definitions. In that the AAA is specifically listed in what is now subparagraph (xv)(B) of the definition of "practice of audiology," and is not used elsewhere in the regulation, the Board has not made further revision to the definitions. PAA also recommended that the Board eliminate the clause "provided there is no conflict with the act or this chapter" when incorporating the national professional organizations' definitions of the "practice of audiology" and the "practice of speech-language pathology." The Board did not make this change owing to concerns that doing so could be considered an improper delegation of

authority as the parameters for the scopes of practice are contained in the statutory definitions in section 3 of the act. This is further clarified by the requirement in section 5(9) of the act (63 P.S. § 1705(9)) that the Board promulgate a new regulation whenever the national professional organizations amend their scope of practice definitions.

§ 45.12. Licensure application procedures.

Section 45.12 requires applicants for licensure to submit the required fees, a completed, signed and dated application and applicable documentation. IRRC asked the Board to specify the specific documentation required in the final-form rulemaking. The documentation required is determined by the type of application submitted and the applicant's employer. For example, speech-language pathology applicants seeking licensure under section 7(a)(1) of the act (63 P.S. § 1707(a)(1)) must submit documentation verifying their supervised professional experience while audiology applicants seeking licensure under section 7(a)(2) need not submit experience documentation. Additionally, applicants seeking a waiver of the examination requirement under section 7(b)(1) of the act must submit a letter of good standing from the state(s) wherein applicant holds/held a license and a copy of the applicable laws and regulations from those states so that the Board can determine equivalence with the educational requirements. Applicants seeking a waiver based upon current ASHA certification under section 7(b)(2) of the act must submit a verification from ASHA that applicant possesses a current Clinical Competence from ASHA's Council for Clinical Certification based upon having obtained the required education and passing the licensure examination. Similarly, applicants seeking a waiver under the grandfather provision set forth in section 7(c) of the act must submit the specific education and employment verifications to meet the requirements of the provision.

Applicants who are employed by organizations or corporations that engage in the practice of speech-language pathology or audiology also must submit employer certifications with their applications pursuant to sections 16 and 17 of the act (63 P.S. §§ 1716 and 1717). Similarly, applicants who have different names than the ones used to apply for licensure must submit a copy of the legal name document(s). Because of the various permutations, the Board has not set forth the specific documentation required. Rather, the instructions for the various applications, which appear on the Board's web page, specifically set forth the applicable documentation required.

§ 45.14. Reactivation of licensure status.

In proposed form, subsection (a) requires licensees who wish to reactivate an expired or inactive license to apply for reactivation, pay the registration fee and submit a "verification of non-practice." IRRC asked the Board to clarify what documentation would need to be submitted and how it is to be submitted to the Board. In final form rulemaking, the Board clarified that a licensee is required to verify that the licensee has not practiced in this Commonwealth while the license was expired or inactive. This verification, as is set forth in the reactivation instructions, can be contained in a letter to the Board, submitted on a form provided by the Board or, in the future as the Board converts many of its applications to online formats, submitted electronically through an online verification.

§§ 45.17—45.19. Education requirements; criteria for master's degree equivalent; and practicum.

Professor Shinn recommended that the Board retain the educational requirements currently in the regulations in addition to the accreditation requirements so that the Board does not become dependent on the accreditation standards, some of which the Board may not support. The changes to § 45.17 track the changes to section 7 of the act. For speech-language pathologists, applicants must possess a master's degree from an academic program accredited by an accrediting agency approved by the Board. For audiologists, applicants must possess a doctoral degree in audiology from an academic program accredited by an accrediting agency approved by the Board and the United States Department of Education or the Council for Higher Education Accreditation. The Board will not approve an accrediting agency with standards that the Board does not support. The Board will post a list of approved accrediting agencies on its website.

In light of the educational changes in section 7 of the act, the Board is divested from imposing any additional educational standards or permitting alternative educational pathways. As a result, §§ 45.18 and 45.19 (relating to criteria for master's degree equivalent; and practicum) are no longer applicable and continue to be deleted in the final-form rulemaking.

§ 45.20. Supervised professional experience.

In the preamble to the proposed regulation, the Board clarified that unlike audiology students who complete their supervised professional experience during the last year of their doctoral degree program, speech-language pathology students complete their supervised professional experience after their degrees are conferred. IRRC requested that the Board specify in the final-form regulation that this provision only applies to persons seeking licensure as speech-language pathologists. Owing to IRRC's request, the Board has renamed the provision "Supervised professional experience required for licensure as a speech-language pathologist."

Like the current regulation, § 45.20 requires that the experience be supervised by a currently licensed speech-language pathologist in the state or jurisdiction where the supervised professional experience is being obtained. PSHA recommended that the Board replace "supervisor" and "supervision" with "mentor" and "mentoring" in subsection (d) to conform to Principle I(D) of ASHA's Code of Ethics. Supervisor and supervision are also used in subsections (a) and (c). In light of the specific statutory language in section 7(a)(1) of the act requiring supervised professional experience in the field of speech-language pathology, the Board believes it should not replace supervisor with mentor or supervision with mentoring.

§ 45.22. Foreign-trained applicants.

In proposed form, the Board split § 45.22 into separate subsections for speech-language pathologists and audiologists because the educational requirements for the two professions differ as set forth in section 7(a) of the act. Although both subsections mentioned the requirement that foreign-trained applicants for licensure take the licensure examination, the removal of current subsection (b) in the proposal, which specifically required passing the examination, caused confusion such that both IRRC and Professor Shinn questioned why the Board removed the requirement. Professor Shinn recommended that the Board reinsert it.

Because it was not the Board's intention to remove the examination requirement as a pre-condition for licensure of foreign-trained applicants, the Board has reinserted the provision in final form. In addition, the Board has amended subsection (a) to include the requirements for both speech-language pathology and audiology applicants.

§ 45.23. Provisional licenses.

Section 45.23 stems from the authorization in section 7(d) of the act to issue provisional licenses to: (1) speech-language pathologists and audiologists licensed in other states, (2) speech-language pathologists who are completing their supervised professional experience, and (3) audiologists who are applying for licensure or post-doctoral graduate students completing additional post-graduate professional experience. Subsection (a)(1)(i) and (2)(i) tracks the statutory time frame of 6 months because the applicant has completed all of the requirements for licensure but is awaiting the issuance of the license by the Board. Subsection (a)(1)(ii) and (2)(ii) tracks the statutory time frame of 18 months enabling individuals to practice speech-language pathology or audiology while completing the professional experience. Because audiologists complete their supervised professional experience as part of their audiology degree, the Board understands this provision to apply to individuals seeking additional education, for example, a doctorate in education (Ed.D.) following the conferral of a doctorate in audiology (AuD). Subsection (a)(3) tracks the statutory time frame of 90 days for applicants who hold licenses in other states.

IRRC questioned whether an audiologist holding a provisional license may renew the provisional license since subsection (d) only addresses speech-language pathologists. PAA also sought verification that audiologists may renew provisional licenses. As reflected in subsections (a)(1)(ii) and (2)(ii), which track section 7(d)(1) of the act (as well as the fee for the renewal of a provisional license in § 45.1), speech-language pathologists and audiologists who are obtaining professional experience are permitted to renew their provisional licenses. Proposed subsection (d) added the additional requirement that speech-language pathology provisional license holders who are completing their supervised professional experience must update the Board regarding their acquisition of supervised professional experience. Because the Board believed that audiology post-doctoral graduates would likely complete their additional post-graduate professional experience within the 18-month provisional license timeframe, it did not include this group in subsection (d). Owing to PAA's concern, however, in final form, the Board added audiologists who obtain a provisional license under subsection (a)(2)(ii) to subsection (d).

§ 45.102. Code of Ethics.

Principle of Ethics I(1) reiterates the prohibition in the definitions of "practice of audiology" and the "practice of speech-language pathology" against speech-language pathologists and audiologists providing medical diagnosis and medical treatments. PAA requested that the Board carve out an exemption for certain diagnostic codes for insurance billing purposes in subsection (c) so that there would be no confusion over insurance reimbursement for audiologic procedures that audiologists currently perform. The only changes made to this provision from its current version is the removal of all references to teachers of the hearing-impaired. The Board does not believe that it has, in any way, altered the standard for insurance

reimbursement for audiologic procedures that audiologists perform. In fact, the Board has no jurisdiction to regulate in any manner relating to insurance reimbursement. Given the specific statutory language in section 2 and throughout the act clearly referring to nonmedical diagnosis and treatment, the Board sees no reason to revise the language or to carve out exceptions related to specific insurance billing codes.

§ 45.103. Unprofessional conduct.

In proposed form, the Board added the requirement in paragraph (24) that licensees utilize universal precautions based upon the Center for Disease Control and Prevention's (CDC) recommendation for all healthcare providers as well as the standard in the professions enunciated by ASHA and the AAA. IRRC did not oppose the addition of this provision but requested that the Board add a more definitive explanation of what precautions and infection control methods would be acceptable since the violation of these precautions would subject a licensee to discipline. Owing to IRRC's concern, the Board amended Paragraph (24) to require licensees to follow the CDC's 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings posted on the CDC's website at <https://www.cdc.gov/hicpac/2007IP/2007isolationPrecautions.html>.

Subchapter E. Assistants.

In §§ 45.301, 45.304, 45.305, 45.307 and 45.308, the Board removes all references to teachers of the hearing-impaired. PAA requested that the Board further amend §§ 45.301 and 45.304 to enable audiologists to apply the same delegation rubric to assistants as the State Board of Medicine uses for physician delegation to assistants and technicians in Chapter 18, Subsection G, §§ 18.401 and 18.402 (related to definitions; and delegation). Under section 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1202), known as the Commonwealth Documents Law, the Board is precluded from making amendments to the final-form rulemaking that enlarge the original purpose of the proposed rulemaking. Because the only bases for this rulemaking was implementing the provisions of Act 106 of 2014 and increasing biennial renewal fees, the Board cannot, at this stage in the rulemaking process, add substantive provisions concerning delegation. In order to give stakeholders the opportunity to comment on such a proposal, the Board will consider addressing delegation in a subsequent rulemaking.

Fiscal Impact and Paperwork Requirements

The proposed amendments will increase the initial and biennial renewal fees for licensees of the Board and adopt a new fee for the issuance of provisional licenses. There are currently approximately 7,353 actively licensed speech-language pathologists and 947 actively licensed audiologists, or a total of approximately 8,300 licensees who will be required to pay \$19 more to renew their licenses. Additionally, approximately 650 applicants apply for licensure annually. The vast majority of licensees and applicants are considered to be working for small businesses. They will be impacted because their license fees will increase. The proposed regulation should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

The proposed rulemaking will require the Board to alter some of its forms to reflect the

new fee and create new applications for provisional licenses and IOM certifications. Audiologists seeking IOM certification will be required to file additional paperwork with the Board; however, the amendments will not create any other additional paperwork for the regulated community or for the private sector.

Sunset Date

The Board continuously monitors the 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 October 19, 2016, the Board submitted notice of this proposed rulemaking, published at 49 *Pa.B.* 6853 (October 29, 2016), to IRRC and the Chairpersons of the HPLC and 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(g)(3) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(g)(3) and (j.2)), on May 15, 2017 the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 15, 2017, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Sandra Matter, Board Administrator, State Board of Examiners in Speech-Language Pathology and Audiology, P.O. Box 2649, Harrisburg, PA 17105-2649.

Findings

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

- (1) Public notice of intention to adopt a regulation at 49 Pa. Code, Chapter 45, was given under sections 201 and 202 of the Act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201-1202) and the regulations promulgated under those sections at 1 Pa. Code §§ 7.1-7.2.
- (2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.

- (3) The amendments made to the final-form rulemaking do not enlarge the original purpose of the proposed rulemaking as published under section 201 of the Act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1201).
- (4) These amendments to the regulations of the State Board of Examiners in Speech-Language Pathology and Audiology are necessary and appropriate for the regulation of the practice of audiology and speech-language pathology in the Commonwealth.

Order

The Board therefore ORDERS that:

- (A) The regulations of the State Board of Examiners in Speech-Language Pathology and Audiology, 49 Pa. Code, Chapter 45, are amended to read as set forth in Annex A.
- (B) The Board shall submit a copy of Annex A to the Office of the Attorney General and the Office of General Counsel for approval as required by law.
- (C) The Board shall submit this order and Annex A to IRRC, the HPLC and the SCP/PLC as required by law.
- (D) The Board shall certify this Order and Annex and shall deposit them with the Legislative Reference Bureau as required by law.
- (E) The regulations shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

Jonette B. Owen, Au.D.
Chairperson
State Board of Examiners in Speech-
Language Pathology and Audiology

Ian Harlow, Commissioner
Bureau of Professional and Occupational
Affairs

ANNEX A

PENNSYLVANIA CODE

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL
AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL
PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.16a. Schedule of civil penalties—audiologists[, speech-language pathologists and teachers of the hearing impaired] and speech-language pathologists.

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE [AND HEARING]

PATHOLOGY AND AUDIOLOGY

<i>Violation under</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
63 P.S. [Section] §1706	Practicing as an audiologist[,] <u>or</u> speech-language pathologist [or teacher of the hearing impaired] on a lapsed license.	0-12 months -- \$50 per month Over 12 months—formal action 2 nd offense—formal action
49 Pa. Code § 45.501	Failure to complete 20 hours of approved continuing education during a biennial renewal period.	1 st offense--\$100 per clock hour 2 nd offense—formal action

**CHAPTER 45. STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY**

Subchapter A. GENERAL PROVISIONS

§ 45.1. Fees.

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

- (1) Initial license [—speech-language pathologist, audiologist or teacher of the hearing impaired][\$20] \$50
- (2) Certification of licensure.....\$15
- (3) Biennial renewal of license.....[\$46] \$65
- [(4)] Examination for teacher of the hearing impaired.....\$87]
- (4) Provisional license\$50
- (5) Provisional license renewal.....\$30
- (6) Certification to utilize neurophysiologic intraoperative monitoring.....\$15
- [(5)] (7) Application for continuing education approval (other than preapproved provider).....\$40

§ 45.2. Definitions.

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

ASHA—The American Speech-Language-Hearing Association.

Act—The Speech-Language [and Hearing] Pathologists and Audiologists Licensure Act (63 P.S.

§§ 1701—1719).

* * * * *

Board—The State Board of Examiners in Speech-Language [and Hearing of the Commonwealth] Pathology and Audiology.

* * * * *

Licensees—Speech-language pathologists[, audiologists and teachers of the hearing-impaired] and audiologists.

NEUROPHYSIOLOGIC INTRAOPERATIVE MONITORING—THE PROCESS OF CONTINUAL TESTING AND INTERPRETING OF RESULTS BY THE USE OF ELECTRODIAGNOSTIC MODALITIES TO IDENTIFY AND MONITOR THE FUNCTIONAL INTEGRITY OF NEUROLOGICAL STRUCTURES TO REDUCE THE RISK OF INJURY AND COMPLICATIONS RELATED TO THE NERVOUS SYSTEM DURING A SURGICAL PROCEDURE.

Practice of audiology—[The evaluation, counseling, habilitation and rehabilitation of individuals whose communication disorders center in whole or in part in the hearing function, including the prevention, identification, examination, diagnosis and treatment of conditions of the human auditory system, and including the examination for, and adapting and fitting of amplification or assistive devices] The application of principles, methods and procedures related to disorders of the auditory and vestibular systems including the areas of audiology practice in section 3 of the act (63 P.S. § 1703) and:

- (i) PREVENTION OF HEARING LOSS BY DESIGNING, IMPLEMENTING AND COORDINATING INDUSTRIAL, SCHOOL AND COMMUNITY-BASED HEARING CONSERVATION PROGRAMS.
- (ii) IDENTIFICATION OF DYSFUNCTION OF HEARING, BALANCE AND OTHER AUDITORY-RELATED SYSTEMS BY DEVELOPING AND OVERSEEING

HEARING AND BALANCE-RELATED SCREENING PROGRAMS FOR PERSONS OF ALL AGE, INCLUDING NEWBORN AND SCHOOL SCREENING PROGRAMS.

(iii) ADMINISTRATION OF SPEECH OR LANGUAGE SCREENING OR OTHER MEASURES FOR THE PURPOSE OF INITIAL IDENTIFICATION AND REFERRAL OF PERSONS WITH OTHER COMMUNICATIVE DISORDERS.

(iv) ASSESSMENT AND NONMEDICAL DIAGNOSIS AND TREATMENT OF HEARING AND VESTIBULAR DISORDERS THROUGH THE ADMINISTRATION OF BEHAVIORIAL, PSYCHOACOUSTIC, ELECTROPHYSIOLOGIC TESTS OF THE PERIPHERAL AND CENTRAL AUDITORY AND VESTIBULAR SYSTEMS USING STANDARDIZED TEST PROCEDURES, INCLUDING:

- (A) AUDIOMETRY.
- (B) TYMPANOMETRY.
- (C) ACOUSTIC REFLEX MEASURES.
- (D) OTOACOUSTIC EMISSIONS.
- (E) AUDITORY EVOKED POTENTIALS.
- (F) VIDEO AND ELECTRONYSTAGMOGRAPHY.
- (G) TESTS OF CENTRAL AUDITORY FUNCTION USING CALIBRATED INSTRUMENTATION LEADING TO THE DIAGNOSIS OF AUDITORY AND VESTIBULAR DYSFUNCTION ABNORMALITY.

(v) ASSESSMENT OF CANDIDACY OF PERSONS WITH HEARING LOSS FOR COCHLEAR IMPLANTS.

- (vi) NONMEDICAL TREATMENT FOR PERSONS WITH IMPAIRMENT OF AUDITORY FUNCTION UTILIZING AMPLIFICATION AND OTHER ASSISTIVE DEVICES.
- (vii) SELECTION, FITTING, EVALUATION AND DISPENSING OF HEARING AIDS AND OTHER AMPLIFICATION SYSTEMS.
- (viii) FITTING AND MAPPING OF COCHLEAR IMPLANT DEVICES AND AUDIOLOGIC REHABILITATION TO OPTIMIZE DEVICE USE.
- (ix) FITTING OF MIDDLE EAR IMPLANTABLE HEARING AIDS, FULLY IMPLANTABLE HEARING AIDS AND BONE-ANCHORED HEARING AIDS.
- (x) CONDUCTING OTOSCOPIC EXAMINATIONS.
- (xi) NONMEDICAL TREATMENT OF PERSONS WITH TINNITUS USING TECHNIQUES INCLUDING BIOFEEDBACK, MASKING, HEARING AIDS, EDUCATION AND COUNSELING.
- (xii) COUNSELING ON THE PSYCHOSOCIAL ASPECTS OF HEARING LOSS AND THE USE OF AMPLIFICATION SYSTEMS.
- (xiii) ADMINISTRATION OF ELECTROPHYSIOLOGIC MEASURES OF NEURAL FUNCTION, INCLUDING SENSORY AND MOTOR-EVOKED POTENTIALS AND PREOPERATIVE AND POSTOPERATIVE EVALUATION OF NEURAL FUNCTION.
- (xiv) USE OF NEUROPHYSIOLOGIC INTRAOPERATIVE MONITORING OF THE CENTRAL NERVOUS SYSTEM, SPINAL CORD AND CRANIAL NERVE FUNCTION BY AN AUDIOLOGIST HOLDING CERTIFICATION FROM THE BOARD UNDER § 45.24 (RELATING TO CERTIFICATION TO UTILIZE

NEUROPHYSIOLOGIC INTRAOPERATIVE MONITORING) AND UPON DELEGATION FROM AND UNDER THE OVERALL DIRECTION OF A PHYSICIAN.

~~(xv) Provided there is no conflict with the act or this chapter, engaging in acts~~ ACTS within the definition of the “practice of audiology,” in the following documents,

PROVIDED THERE IS NO CONFLICT WITH THE ACT OR THIS CHAPTER:

(A) ASHA’s Scope of Practice in Audiology statement developed by the Coordinating Committee for ASHA Vice President for Professional Practices in Audiology and approved in 2003 2016 by the Legislative Council.

(B) The American Academy of Audiology’s Scope of Practice document developed in 1992, and updated in 1996 and 2004.

(C) The Academy of Doctors of Audiology’s (ADA) Scope of Practice statement jointly crafted by the ADA and the Audiology Foundation of America (July 31, 2003).

~~(ii) Utilizing neurophysiologic intraoperative monitoring by an audiologist holding certification from the Board under § 45.24 (relating to certification to utilize neurophysiologic intraoperative monitoring) and upon delegation from and under the overall direction of a physician.~~

Practice of speech-language pathology—[The evaluation, counseling, habilitation and rehabilitation of individuals whose communicative disorders involve the functioning of speech, voice or language, including the prevention, identification, examination, diagnosis and treatment of conditions of the human speech-language system, and including the examination for, and adapting and use of assistive devices] The application of principles, methods and procedures of

prevention, screening, consultation, identification, assessment and evaluation, determination of disorders and service delivery model, nonmedical treatment and intervention, counseling, collaboration and referral services for persons with known or suspected language, cognitive and linguistic, social, speech (resonance and voice, fluency and sound production), feeding and swallowing, orofacial myofunctional disorders or communication disorders, including the acts in section 3 of the act and the following:

- (i) Screening individuals for hearing loss or middle ear pathology using conventional pure-tone air conduction methods, otoacoustic emissions screening and screening tympanometry.
- (ii) Providing intervention and support services for children and adults diagnosed with speech-language or auditory processing disorders.
- (iii) Using instrumentation to observe, collect data and measure parameters of communication and swallowing or other upper aerodigestive functions.
- (iv) Developing, selecting, and implementing multimodal augmentative and alternative communication systems, including aided and unaided strategies.
- (v) Providing amplification services to children and adults with hearing loss.
- (vi) Selecting, fitting and establishing effective use of devices for communication and swallowing other than hearing amplification.
- (vii) Providing nonmedical treatment and instruction on modification or enhancement of communication performance.
- (viii) Evaluating the functionality of amplification devices.
- (ix) Providing auditory training involving individuals with hearing loss.

(x) Teaching and implementing techniques to assure safety and efficiency in swallowing.

(xi) ~~Provided there is no conflict with the act or this chapter, engaging in acts~~ ACTS within the definition of the “practice of speech-language pathology,” developed by the ASHA’s Ad Hoc Committee on the Scope of Practice in Speech-Language Pathology and approved by the ASHA Legislative Council in ~~2007~~ 2016, PROVIDED THERE IS NO CONFLICT WITH THE ACT OR THIS CHAPTER.

*[Practice of teaching the hearing-impaired—*The evaluation and instruction in curriculum-based material and communication skills appropriate for individuals affected primarily by impaired hearing sensitivity, including the prevention, identification, assessment, diagnosis and remediation of conditions affecting the educational and vocational development of deaf or hearing-impaired persons, and including the examination for the adapting and use of assistive devices.

Practicum—

(i) All aspects of a training program related to the practice of speech-language pathology, audiology or teaching of the hearing-impaired which is recognized by an accredited academic institution, and which during the total practicum experience brings the student into direct contact with a person identified as having a communication or oral/motor problem, an individual, such as a family member, spouse or close friend, who has a significant personal relationship with a person identified as having a communication or oral/motor problem, and an allied professional for the purpose of providing services to a person identified as having a communication or oral/motor problem.

(ii) The term may include hours spent in externship, student teaching or directed clinical teaching experience.]

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.

[Qualified training supervisor—A person supervising a student in practicum or an applicant in the year of supervised professional experience, and who also holds one of the following:

- (i) A current Pennsylvania license in the appropriate area of specialization for the applicant or student.
- (ii) Equivalent licensure in the appropriate area of specialization from a state with which the Board has reciprocity.
- (iii) A current Certificate of Clinical Competence in speech-language pathology or audiology issued by the American Speech-Language and Hearing Association, or a current professional certificate issued by the Council on Education of the Deaf, whichever is applicable to the applicant's area of specialization and is a nonresident of this Commonwealth or is exempt from licensure under section 6(b)(2) of the act (63 P.S. 1706(b)(2)).

YSPE—Year of supervised professional experience.]

Subchapter B. LICENSURE AND CERTIFICATION

§ 45.11. Licenses and certifications.

[(a)] The Board issues the following licenses and certifications:

- (1) Speech-language pathologist license.
- (2) Audiologist license.

(3) [Teacher of the hearing-impaired] Provisional license as a speech-language pathologist.

(4) Provisional license as an audiologist.

(5) Certification for an audiologist to utilize neurophysiologic intraoperative monitoring.

[(b) The Board will issue a permanent certificate indicating initial licensure and a wallet card showing the current license period.]

§ 45.12. [Application] Licensure application procedures.

[(a) Upon request, the Board will furnish a candidate for licensure an application form, a copy of the act and a copy of this chapter.

(b) The applicant shall send to the Board, along with required fees, as provided by § 45.1 (relating to fees), and documentation, a complete, signed, dated and notarized application.

(c) The applicant shall file with the Board evidence that the applicant has:

(1) Met the educational requirements of § 45.17 or § 45.18 (relating to education requirements: master's degree or equivalent; and criteria for master's degree equivalent).

(2) Completed the practicum requirements of § 45.19 (relating to practicum).

(3) Completed the year of supervised professional experience requirements of § 45.20 (relating to YSPE).

(4) Has passed an examination approved by the Board.

(5) Is of good moral character.

(d) An applicant who wishes to apply for more than one license specified in § 45.11(a) (relating to licenses), shall submit a separate application for each license.]

(a) The applicant for licensure shall submit to the Board, along with required fees as provided by § 45.1 (relating to fees), a completed, signed and dated application and applicable documentation.

(b) Excluding applicants who fall within the exclusions in section 6(b) of the act (63 P. S. § 1706(b)), the applicant for licensure shall file with the Board evidence that the applicant has:

(1) *Speech-language pathologists.*

(i) Met the educational requirements of § 45.17(a) (relating to education requirements).

(ii) Completed 9 months of supervised professional experience requirements of § 45.20 (relating to supervised professional experience).

(iii) Passed an examination approved by the Board.

(iv) Demonstrated that the applicant is of good moral character.

(2) *Audiologists.*

(i) Met the educational requirements of § 45.17(b).

(ii) Passed an examination approved by the Board.

(iii) Demonstrated that the applicant is of good moral character.

(c) An applicant who wishes to apply for more than one Board-issued license or provisional license specified in § 45.11 (relating to licenses and certifications) shall submit a separate application for each license or provisional license.

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

(a) Unless renewed for the upcoming biennium, licenses issued under this subchapter expire at the end of the current biennium.

(b) [Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board by the licensee.] Licenses, provisional licenses, certifications and documentation from the Board will be sent to the address provided to the Board by the licensee. Whenever the licensee changes [his mailing] an address of record, the licensee shall notify the Board in writing within 10 days after making the address change.

(c) The licensee shall renew his license in the manner prescribed by the Board and pay the required fee, as provided by 45.1 (related to fees). Unless a licensee requests that a license be placed on inactive status, at the end of a biennial period it will be marked expired until it is renewed or reactivated.

(d) When a license is renewed after the expiration date, a late fee, as provided for by section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225), will be charged for each month or part of a month that the licensee has engaged in practice beyond the expiration date. A licensee who practices under an expired license may be subject to criminal prosecution under section 18 of the act (63 P.S. § 1718).

(e) A license that is not renewed at the end of a biennium will be marked expired unless a licensee who does not intend to practice in this Commonwealth [may make written request that his] requested that the license be placed on inactive status.

(f) A licensee who fails to [pay the biennial renewal fee] renew a license or who requests to be placed on inactive status will not be sent [biennial renewal forms for following biennial renewal periods unless the licensee requests the Board, in writing, to reactivate the license] Board notifications until the license is renewed or reactivated.

(g) [Beginning with the renewal period commencing August 1, 2008, an application for renewal of a speech-language pathologist, audiologist or teacher of the hearing impaired] An application for renewal of a 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 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] license shall also include the documentation required [by § 45.504 (relating to reporting completion of continuing education)] under § 45.504 for the preceding biennial period.

§ 45.14. Reactivation of licensure status.

[A licensee who has allowed his licensure status to lapse may apply to the Board for reactivation of licensure status by satisfying the requirements of paragraph (1) on forms prescribed by the Board.

(1) A licensee applying for reactivation of licensure status is required to pay the current registration fee and submit a notarized affidavit setting forth the period of time in which the licensee did not practice in this Commonwealth.

(2) A licensee who seeks to reactivate his licensure status will not be assessed a late renewal fee for the preceding biennial registration periods in which the licensee did not engage in practice in this Commonwealth.]

(a) A licensee who wishes to reactivate an expired or inactive license shall apply for reactivation, pay the current registration fee and ~~submit a verification of non-practice~~ VERIFY

THAT THE LICENSEE HAS NOT PRACTICED in this Commonwealth WHILE THE LICENSE WAS EXPIRED OR INACTIVE.

(b) A licensee shall pay a late renewal fee for the preceding biennial registration periods in which the licensee engaged in practice in this Commonwealth while the license was expired or inactive.

[(3)] (c) With the exception of individuals exempt from licensure under section 6(b)(2) of the act (63 P. S. § 1706(b)(2)), [a licensee whose licensure status has lapsed due to the failure to register biennially with the Board, is prohibited from practicing in this Commonwealth unless the licensure status is reactivated. If a licensee who is not exempt from licensure engages in] licensees who practice in this Commonwealth during a period in which the licensees' registration is not renewed[, the licensee is required to] shall pay a late fee of \$5 for each month or part of a month beyond the date specified for renewal, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225), in addition to the prescribed biennial renewal fee. The payment of a late fee does not preclude the Board from taking disciplinary action against a licensee for practicing in this Commonwealth without a current license.

[(4) A person who fails to renew his license within 5 years after the date of its expiration may not renew it, and it will not be restored, reissued or reinstated thereafter, but the person may apply and obtain a new license, if the person meets the requirements of the act.]

(d) A licensee whose license has lapsed, been suspended or placed on inactive status for more than 5 years shall demonstrate continued competency to reactivate the license by doing one of the following:

(1) Successfully complete the initial licensing examination approved by the Board.

(2) Successfully complete the required continuing education in § 45.501(a) (relating to credit hour requirements) for the biennial periods during which the license was lapsed, suspended or inactive.

(3) Provide evidence to the Board that the applicant has a license in good standing to practice speech-language pathology or audiology in another jurisdiction that has substantially similar requirements for licensure and has engaged in practice in the other jurisdiction at some period within the last 5 years.

§ 45.15. Duplicate [certificates] licenses.

[Duplicate license certificates and wallet cards will be issued only upon [submission by the licensee of a notarized statement specifying the reason for the request—Fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-101--1401-501) shall be charged for duplicate wall certificates].

A duplicate license will be issued only upon payment of the fee as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-101--1401-501).

§ 45.16. Display of license.

The licensee shall post the [original certificate] license and, if applicable, certification in a conspicuous place in the office or place of business of the licensee.

§ 45.17. Education requirements[: master's degree or equivalent].

(a) *Speech-language pathologist.* An applicant for licensure as a speech-language pathologist shall provide evidence of holding a master's ~~or doctoral~~ degree in speech-language pathology [or its equivalent from an accredited academic institution] from an academic program accredited by an accrediting agency approved by the Board. The Board will make available a list of approved accrediting agencies on its web site.

(b) *Audiologist.* An applicant for licensure as an audiologist shall provide evidence of holding a [master's degree in audiology or its equivalent from an accredited academic institution] doctoral degree in audiology from an academic program approved by an accrediting agency approved by the Board and the United States Department of Education or the Council for Higher Education Accreditation. The Board will make available a list of approved accrediting agencies on its web site.

[(c) *Teacher of the hearing-impaired.* An applicant for licensure as a teacher of the hearing-impaired shall provide evidence of holding a master's degree in teaching of the hearing-impaired or its equivalent from an accredited academic institution.]

§ 45.18. [Criteria for master's degree equivalent] (Reserved).

[(a) *Speech-language pathologists.*

(1) An applicant for licensure as a speech-language pathologist seeking to demonstrate that he holds a master's degree equivalent shall submit evidence to the Board of the following:

- (i) Possession of a bachelor's degree from an accredited academic institution.
- (ii) Completion of a program of study compromised of 39 graduate semester hours distributed as follows: 6 hours in normal processes of speech, language and hearing; 20 hours in the nature of speech-language disorders, evaluation and treatment; 3 hours in case management; 3 hours in audiology; and 3 hours in habilitation and rehabilitation of speech-language problems associated with hearing-impairment; 4 hours allocated among the areas listed in this paragraph or earned in other course work related to speech-language pathology.

(2) Graduate semester hours in practicum may not be counted toward satisfying the 39 semester-hour requirement.

(b) *Audiologists.*

(1) An applicant for licensure as an audiologist, seeking to demonstrate that he holds a master's degree equivalent, shall submit evidence to the Board of the following:

- (i) Possession of a bachelor's degree from an accredited academic institution.
- (ii) Completion of a program of study comprised of 39 graduate semester hours distributed as follows: 6 hours in normal processes of speech, language and hearing; 12 hours in pathologies of the auditory system and assessment of auditory disorders; 8 hours in habilitation and rehabilitation procedures for problems associated with hearing-impairment; 3 hours in conservation of hearing; 3 hours in speech-language pathology disorders; and 3 hours in case management; 4 hours allocated among the areas listed in this paragraph or earned in other course work related to audiology.

(2) Graduate semester hours in practicum may not be counted toward satisfying the 39 semester-hour requirement.

(c) *Teachers of the hearing-impaired.*

(1) An applicant for licensure as a teacher of the hearing-impaired, seeking to demonstrate that he has a master's degree equivalent, shall submit evidence to the Board of the following:

- (i) Possession of a bachelor's degree from an accredited academic institution.
- (ii) Completion of a program of study comprised of 39 graduate semester hours distributed as follows: 12 hours in curriculum and instruction, 12 hours in

language and communication, 3 hours in foundations and 3 hours in speech science and audiology; 9 hours allocated among the areas listed in this paragraph or earned in other course work related to teaching of the hearing-impaired.

- (2) Graduate semester hours in practicum may not be counted toward satisfying the 39 semester-hour requirement.]

§ 45.19. [Practicum] (Reserved).

[(a) General requirements are as follows:

- (1) An applicant for licensure shall complete a practicum in the approximate specialty consisting of a minimum of 375 hours.
- (2) Two hundred fifty clock hours of the practicum shall be obtained at the graduate level in the area in which licensing is sought.
- (3) Practicum experience shall include a minimum of 50 clock hours in each of at least two distinctly different environments where different professional experience would be obtained.
- (4) Two hundred fifty clock hours of the practicum shall be supervised by a person who is a qualified training supervisor in the student's area of specialization.
- (5) The following activities shall be directly supervised:
 - (i) At least 50% of all diagnostic evaluations (screening services in speech-language and hearing are considered diagnostic evaluations).
 - (ii) At least 25% of all treatment, instruction, conferencing and counselling.
- (6) A student in practicum may not do one or more of the following unless the student has the prior approval of the qualified training supervisor who is fully responsible for the action:

- (i) Provide diagnostic conclusions to a person.
 - (ii) Initiate treatment, instruction, conferencing or counselling.
 - (iii) Make a referral to allied professionals for additional evaluation.
 - (iv) Recommend the trial use or purchase of a prosthetic device such as a hearing aid.
 - (v) Terminate treatment.
 - (vi) Take other action of comparable significance.
- (7) The applicant shall submit attestations of the qualified training supervisors on a form provided by the Board as evidence of the completion of the practicum.
- (b) Practicum in speech-language pathology shall include the following:
- (1) Prior to beginning the practicum, the applicant shall complete 25 clock hours of observation in the applicant's specialty area. Observation through use of videotapes is acceptable. These hours of observation may be counted toward the total required clock hours needed to complete the practicum.
 - (2) Twenty clock hours in evaluation of children with speech disorders, including disorders of articulation, voice and fluency.
 - (3) Twenty clock hours in evaluation of adults with speech disorders, including disorders of articulation, voice and fluency.
 - (4) Twenty clock hours in evaluation of children with language disorder.
 - (5) Twenty clock hours in evaluation of adults with language disorders.
 - (6) Twenty clock hours in treatment of children with speech disorders, including disorders of articulation, voice and fluency.

- (7) Twenty clock hours in treatment of adults with speech disorders, including disorders of articulation, voice and fluency.
 - (8) Twenty clock hours in treatment of children with language disorders.
 - (9) Twenty clock hours in treatment of adults with language disorders.
 - (10) Thirty-five clock hours in audiology, including 15 clock hours in evaluation and screening and 15 clock hours in habilitation and rehabilitation.
- (c) Practicum in audiology shall include the following:
- (1) Prior to beginning the practicum, the applicant shall complete 25 clock hours of observation in the applicant's specialty area. Observation through the use of videotapes is acceptable. These hours of observation may be counted toward the total required clock hours needed to complete the practicum.
 - (2) Forty clock hours in evaluation of hearing in children.
 - (3) Forty clock hours in evaluation of hearing in adults.
 - (4) Forty clock hours in the selection and use of amplification and assistive devices for children.
 - (5) Forty clock hours in the selection and use of amplification and assistive devices for adults.
 - (6) Twenty clock hours in the treatment of hearing disorders in children and adults. Treatment refers to clinical management and counseling, including auditory training, speech reading and speech and language services for the hearing-impaired.
 - (7) Thirty-five clock hours in speech-language pathology unrelated to hearing impairment, including 15 clock hours in evaluation and screening and 15 clock hours in treatment.

- (d) Practicum in the teaching of the hearing-impaired shall include the following:
- (1) Prior to the beginning of the practicum, the applicant shall complete 125 hours of directed observation and participation with individuals of various age levels, including at least one exposure to individuals 16 years of age or older. One hundred twenty-five hours of observation and participation may be credited toward the 375 hours of practicum.
 - (2) Two hundred fifty hours in teaching of the hearing-impaired comprised of experience in individual and group evaluation and instruction, providing evaluation and instruction in curriculum-based material and communication skills appropriate for individuals whose cognitive and educational development have been affected primarily by impaired hearing sensitivity, participation in evaluation and assessment teams and family conferencing or counseling.
- (e) The applicant shall submit the attestation of the qualified training supervisor on a form supplied by the Board that the applicant has fulfilled the criteria of the practicum.]

§ 45.20. [YSPE] Supervised professional experience REQUIRED FOR LICENSURE AS A SPEECH-LANGUAGE PATHOLOGIST.

- (a) [Practicum requirements shall be fulfilled prior to the start of the YSPE.
- (b) The applicant shall begin the YSPE within 4 years of completing the education and practicum requirements and shall complete 1,080 hours in 2 consecutive years.]

The applicant shall begin the supervised professional experience within 4 years of conferral of the degree, and shall complete no less than 1,260 hours in no less than 9 months, but no more than 2 years.

[(c)] (b) The Board may waive the requirements in subsection [(b)] (a) in the case of demonstrated undue hardship, military service or other good cause shown by the applicant.

[(d)] The applicant shall complete the YSPE under the supervision of a qualified training supervisor who will not supervise more than three applicants completing their YSPE at any one time. Applicants may not work under the direction of more than two qualified training supervisors at one time.

(e) An applicant completing the YSPE may not hold himself out to be a licensed professional.]

(c) The applicant shall complete the supervised professional experience under the supervision of a currently licensed speech-language pathologist in the state or jurisdiction where the supervised professional experience is being obtained.

(1) The supervisor may not supervise more than three applicants completing their supervised professional experience at any one time.

(2) Applicants may not work under the direction of more than two supervisors at one time.

[(f)] (d) The applicant shall inform individuals under his care that he is completing the [YSPE] supervised professional experience and is working under the supervision of a licensed speech-language pathologist.

[(g)] (e) An applicant shall spend at least 80% of each week in direct client contact related to [:] assessment, nonmedical diagnosis, evaluation, screening, habilitation, rehabilitation, consulting, recordkeeping or other duties appropriate to a bona fide program of clinical work. No more than 50% of the applicant's time may be spent conducting screening. Clinical residents who teach, conduct research, perform administrative tasks or engage in other activities not related to direct client contact may not apply the time devoted to these activities toward meeting the [YSPE] supervised professional experience requirement.

[(h) During the YSPE] (f) During the supervised professional experience, the applicant shall routinely consult with the [qualified training] supervisor for evaluation of the applicant's performance in professional employment. These consultations shall occur at least once a month and shall include review of the applicant's performance in regard to one or more of the following:

- (1) Clinical treatment or evaluation.
- (2) Changes in the communication behaviors of persons served by the applicant.
- (3) Clinical records, diagnostic reports, treatment records, correspondence, plans of treatment and summaries of clinical conferences.
- (4) Staff conferences and interaction with allied professionals, colleagues and clients and their representatives.
- (5) Contributions to professional meetings and publications and participation in other professional growth opportunities.
- (6) Other matters related to the applicant's knowledge, skills and abilities to practice.

[(i) During the YSPE] (g) During the supervised professional experience, the applicant shall complete at least 36 supervised activities as follows:

- (1) A minimum of one supervised activity shall be completed per month.
- (2) Each of a minimum of 18 activities shall meet the following criteria. The activities shall:
 - (i) Be directly supervised and involve the assessment, nonmedical diagnosis, evaluation, screening, habilitation and rehabilitation of clients.
 - (ii) Be at least 1 hour in duration.
- (3) No more than 6 hours of direct supervision activities may be completed in 1 day.

(4) At least six direct supervision activities shall be completed during each third of the [YSPE] supervised professional experience.

(5) Applicants fulfilling the [YSPE] supervised professional experience at more than one site shall complete at least one direct supervision activity at each site during each of the three segments of the [YSPE] supervised professional experience.

[(j) The applicant shall submit the attestation of the qualified training supervisor, on a form supplied by the Board, that the applicant has fulfilled the criteria of the YSPE.]

(h) The supervisor shall attest that the applicant has fulfilled the criteria of the supervised professional experience.

[(k) (i) The final decision as to whether the applicant has satisfactorily met the conditions of the [YSPE shall be] supervised professional experience is within the discretion of the Board.

§ 45.21. Waivers.

The Board will waive the education, experience and examination requirements of this subchapter for an applicant who:

(1) Holds a [current certification or license] currently valid license to practice speech-language pathology or audiology in a state which has standards determined by the Board to be at least equal to those for licensure in this Commonwealth. The applicant shall file an application with the Board, and shall cause the appropriate agency in the state of [certification or] licensure to submit to the Board a letter attesting to the applicant's good standing.

(2) Holds a current certificate of clinical competence from the Council [of Professional Standards of the American Speech-Language and Hearing Association (ASHA)] for

Clinical Certification of ASHA. The applicant shall file an application with the Board, and shall cause ASHA to submit to the Board certification of the applicant's status.

[(3) Holds a current professional certificate issued by the Council on Education of the Deaf (CED) in compliance with its standards for the certification of teachers of the hearing-impaired. If the certificate was issued under CED standards in effect prior to September 1, 1987, the applicant shall present evidence of having an additional ten graduate academic credits which are appropriate to the field of the teaching of the hearing-impaired. The applicant shall file an application with the Board, and shall cause the CED to submit to the Board certification of the applicant's status.

(4) Earned a bachelor's degree, as of February 19, 1985, with a major, as appropriate, in speech-language pathology, audiology or teaching of the hearing-impaired from an accredited college or university, and was employed in the appropriate field as a speech-language pathologist, audiologist or teacher of the hearing-impaired for at least 9 consecutive months during the period February 19, 1982—February 19, 1985. The applicant shall file an application with the Board, and shall cause the degree-awarding institution and the applicable employer to submit to the Board certification of degree and certification of employment status. An applicant who was self-employed during the applicable period shall so certify.]

(3) Is a current practitioner who falls within the exemption in section 7(c) of the act (63 P. S. § 1707(c)), earned a bachelor's degree in speech-language pathology or a master's degree in audiology from an accredited college or university as of February 19, 1982, and was employed as a speech-language pathologist or audiologist for at least 9 consecutive months during the period February 19, 1982—February 19, 1985. The applicant shall file

an application with the Board, and shall provide documentation evidencing completion of the degree and employment as a speech-language pathologist or audiologist.

§ 45.22. Foreign-trained applicants.

(a) ~~*Speech-language pathologist.*~~ To apply for licensure ~~as a speech-language pathologist,~~ the foreign-trained applicant shall, before examination, submit evidence satisfactory to the Board [on forms provided by the Board] that the applicant meets the following requirements:

(1) FOR SPEECH-LANGUAGE PATHOLOGISTS:

~~(1)~~ (i) Is of good moral character.

~~(2)~~ (ii) Has completed educational requirements substantially equivalent to [§ 45.17 or § 45.18 (relating to education requirements: master's degree or equivalent; and criteria for master's degree equivalent) and the practicum requirements substantially equivalent to § 45.19 (relating to practicum)] § 45.17(a) (relating to education requirements). The Board will accept a credential evaluation done by a recognized and accredited credential evaluation agency approved by the Board as proof that the foreign-trained applicant has completed these requirements.

~~(3)~~ (iii) Has completed [the year] at least 9 months of supervised professional experience as provided by § 45.20 (relating to [YSPE] supervised professional experience).

(2) *FOR AUDIOLOGISTS:*

(i) IS OF GOOD MORAL CHARACTER.

(ii) HAS COMPLETED EDUCATIONAL REQUIREMENTS SUBSTANTIALLY EQUIVALENT TO § 45.17(b). THE BOARD WILL

ACCEPT A CREDENTIAL EVALUATION DONE BY A RECOGNIZED AND ACCREDITED CREDENTIAL EVALUATION AGENCY APPROVED BY THE BOARD AS PROOF THAT THE FOREIGN-TRAINED APPLICANT HAS COMPLETED THESE REQUIREMENTS.

{(b) The foreign-trained applicant may be licensed by the Board, if he THE APPLICANT has complied with subsection (a) and has passed the licensure examination.}

~~(b) *Audiologist.* To apply for licensure as an audiologist, a foreign-trained applicant shall, before examination, submit evidence satisfactory to the Board that the applicant meets the following requirements:~~

~~(1) *Is of good moral character.*~~

~~(2) *Has completed educational requirements substantially equivalent to § 45.17(b).*~~

~~The Board will accept a credential evaluation done by a recognized and accredited credential evaluation agency approved by the Board as proof that the foreign-trained applicant has completed these requirements.~~

§ 45.23. Provisional licenses.

~~(a) The following applicants may be issued a provisional license:~~

~~(1) *Speech-language pathologist.*~~

~~(i) Applicants for licensure who have completed the requirements in § 45.12(b)(1) (relating to licensure application procedures). A provisional license granted under this subparagraph will be valid for 6 months from the date the application for licensure is submitted to the Board.~~

~~(ii) Applicants who are completing the supervised professional experience necessary to receive an ASHA Certificate of Clinical Competence. A provisional~~

license granted under this subparagraph will be valid for 18 months and may be renewed one time under section 7(d) of the act (63 P. S. § 1707(d)).

(2) *Audiologists.*

(i) Applicants for licensure who have completed the requirements in § 45.12(b)(2). A provisional license granted under this subparagraph will be valid for 6 months from the date the application for licensure is submitted to the Board.

(ii) Post-doctoral graduates completing additional post-graduate professional experience. A provisional license granted under this subsection will be valid for 18 months and may be renewed one time under section 7(d) of the act .

(3) *Licensees from other states.* Individuals who hold a valid license in another state to practice speech-language pathology or audiology who apply for licensure in this Commonwealth may also apply for a provisional license. A provisional license granted under this paragraph will be valid for 90 days.

(b) An applicant seeking a provisional license shall submit the following:

(1) An application for a provisional license and the fee established in § 45.1(a)(4) (relating to fees).

(2) In addition to meeting the requirements of subsection (b)(1), an applicant for a provisional license under subsection (a)(1)(ii) or (2)(ii) shall also submit:

(i) A letter describing the applicant's plans for completing the professional experience.

(ii) A transcript.

(A) Speech-language pathologist applicants' transcripts must evidence completion of the applicant's didactic education.

(B) Audiologist applicants' transcripts must evidence completion of didactic and clinical education.

(3) In addition to meeting the requirements of subsection (b)(1), an applicant for a provisional license under subsection (a)(1)(i), (2)(i) or (3) shall also submit an application for licensure and the accompanying fee in § 45.1(a)(1).

(c) Except for provisional licenses granted under subsection (a)(1)(i) and (2)(i), provisional licensees shall practice only under supervision of a supervisor who holds the same type of license as the provisional licensee and, if the provisional licensee does not hold a graduate degree, who is physically present in the area or unit where the provisional licensee is practicing.

(d) An applicant who was issued a provisional license under subsection (a)(1)(ii) OR SUBSECTION (a)(2)(ii) seeking an extension of the provisional license shall provide a detailed, written explanation of the reason the extension is requested and the status of applicant's supervised professional experience.

§ 45.24. Certification to utilize neurophysiologic intraoperative monitoring.

(a) Prior to utilizing neurophysiologic intraoperative monitoring, an audiologist shall obtain certification from the Board.

(b) Applicants shall be granted certification by the Board upon submission of documentation evidencing one of the following:

(1) Current certification from the American Board of Neurophysiologic Monitoring, the American Audiology Board of Intraoperative Monitoring or another National certifying organization approved by the Board.

(2) Completion of the doctoral level coursework, including neuroanatomy, neurophysiology and other neurophysiologic intraoperative monitoring, from an

accredited doctoral audiology program and clinical instruction in neurophysiologic intraoperative monitoring that meets the requirements of SECTION 8.1(2) of the act (63 P. S. § 1708.1(2)). The applicant has the affirmative burden of proving that these requirements are met.

(c) The Board will make available a list of approved certifying organizations on its web site.

Subchapter C. STANDARDS OF PRACTICE AND CONDUCT

* * * * *

45.102. Code of Ethics.

(a) *General.* The Board is empowered by section 5(2) of the act (63 P. S. § 1705(2)) to promulgate a Code of Ethics for speech-language pathologists[, audiologists and teachers of the hearing-impaired] and audiologists, and the Board finds that the following rules are essential for establishing and maintaining stringent standards of professional conduct and for protecting the public interest, the Board has established the following Code of Ethics. A violation of this code constitutes unprofessional conduct under § 45.103 (relating to unprofessional conduct) or, as applicable, fraud or deceit under § 45.104 (relating to fraud or deceit), and subjects the violator to appropriate disciplinary action.

(b) *Preamble.*

(1) The preservation of the highest standards of integrity is vital to the successful discharge of the professional responsibilities of speech-language pathologists[, audiologists and teachers of the hearing-impaired] and audiologists. To this end, the Board has established this Code of Ethics to safeguard the public health, safety and welfare and to assure that speech-language and hearing services of the highest possible

quality are available to the people of this Commonwealth. A violation of a provision of the Code of Ethics constitutes unprofessional conduct subject to disciplinary action. Accordingly, failure to specify a particular responsibility or practice in the code should not be construed as a deliberate omission.

(2) The fundamental rules of ethical conduct are described in the following categories:

(i) *Principles of Ethics.* Seven principles serve as the basis for the ethical evaluation of professional conduct and form the underlying moral basis for the Code of Ethics. Speech-language pathologists[, audiologists and teachers of the hearing-impaired] and audiologists, as defined in the act, shall observe these principles as affirmative obligations under all conditions of professional activity.

(ii) *Ethical proscriptions.* Ethical proscriptions are formal statements of prohibitions that are derived from the Principles of Ethics.

(c) *Principle of Ethics I.*

(1) Because speech-language pathologists[, audiologists and teachers of the hearing-impaired] and audiologists provide nonmedical and nonsurgical services, medical diagnosis and medical treatment by these persons are specifically to be considered unethical and illegal.

* * * * *

§ 45.103. Unprofessional conduct.

As used in section 10(5) of the act (63 P. S. § 1710(5)), the term “unprofessional conduct” includes[, but is not limited to,] the following types of conduct:

- (1) Practicing as a speech-language pathologist[, an audiologist or a teacher of the hearing-impaired] or an audiologist with a license that has lapsed or that has been suspended or revoked.
- (2) Knowingly aiding or abetting a person who is not licensed or exempted from licensure by the act to practice as a speech-language pathologist [, an audiologist or a teacher of the hearing-impaired] or an audiologist.
- (3) Misrepresenting or concealing a material fact in seeking reinstatement of a license to practice as a speech-language pathologist[, an audiologist or a teacher of the hearing-impaired] or an audiologist.
- (4) Delegating to a person duties that the speech-language pathologist[, an audiologist or a teacher of the hearing-impaired] or an audiologist knows, or has reason to know, the person is not competent or authorized to perform.
- (5) Committing an act of gross negligence, gross malpractice or gross incompetence, or repeated acts of negligence, malpractice or incompetence.
- (6) Practicing as a speech-language pathologist[, an audiologist or a teacher of the hearing-impaired] or an audiologist while unable to do so with reasonable skill and safety because of illness, drunkenness, excessive use of controlled substances, chemicals or other types of materials or as the result of a mental or physical condition.

* * * * *

- (21) Violating a State or Federal statute or a regulation promulgated thereunder in the *Pennsylvania Code* or the *Code of Federal Regulations* by a State or Federal agency that imposes a standard for practicing as a speech-language pathologist[, an audiologist or a teacher of the hearing-impaired] or an audiologist in this Commonwealth. The Board, in

reaching a decision as to whether there has been a violation of a statute or regulation, will be guided by adjudications of the agency or court that administers or enforces the standard.

(22) Utilizing neurophysiologic intraoperative monitoring without possessing certification from the Board.

(23) Failing to refer patients who presented with suspected medical conditions beyond the licensee's scope of practice under the act for medical evaluation to an appropriate physician within 30 days.

(24) Failing to utilize universal precautions or proper infection control methods FOLLOW THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S 2007 GUIDELINE FOR ISOLATION PRECAUTIONS: PREVENTING TRANSMISSION OF INFECTIOUS AGENTS IN HEALTHCARE SETTINGS.

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Subchapter E. ASSISTANTS

§ 45.301. Definitions.

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

Assistant—An individual who works under the direction and supervision of a licensed audiologist[, speech-language pathologist or a teacher of the hearing-impaired] or speech-language pathologist and who meets the requirements in this subchapter.

Direct onsite supervision—The physical presence of a licensed audiologist[, or speech-language pathologist [or a teacher of the hearing-impaired,] in the facility or location where the assistant is working who is immediately available to exercise supervision, direction and control.

Interpreter—An individual whose sole function is to translate or to facilitate communication between persons via oral, cued speech, manual, total communication or written modes. For purposes of this subchapter, an interpreter is not considered an assistant.

Task—Work assigned or carried out as a part or subcomponent of the assistant’s duties.

§ 45.304. Minimum education, experience and training requirements.

(a) Prior to the use of an assistant, the licensee shall obtain from the assistant evidence of one of the following:

(1) The assistant has completed 30 semester hours or the equivalent from an accredited institution of higher education in the area of speech-language [and hearing] pathology and audiology as outlined in the requirements as specified (nonaudited) for a certificate of clinical competence from the [council of professional standards of the American Speech-Language and Hearing Association or the Council on Education of the Deaf] Council for Clinical Certification of the ASHA.

(2) The assistant has practiced as an assistant in the area of speech-language [and hearing] pathology and audiology since at least June 8, 1989, under the supervision of an audiologist[, speech-language pathologist or teacher of the hearing-impaired] or speech-language pathologist licensed in this Commonwealth.

(3) The assistant has practiced as an assistant in the area of speech-language [and hearing] pathology and audiology since at least June 8, 1989, under the supervision of an audiologist[, speech-language pathologist or teacher of the hearing-impaired] or speech-language pathologist licensed in another state or the District of Columbia which has requirements for assistants substantially equivalent to the provisions of this subchapter.

(b) Prior to assigning a duty to an assistant, a licensee shall perform a task analysis of the expected duties of each assistant the licensee supervises, and shall then train the assistant, with an emphasis on competency-based skill acquisition, in accordance with this analysis. Training may be provided through formal coursework, workshops or directly supervised observation or practicum; training shall encompass all areas of activities which the assistant will perform. An assistant trained in one area [(audiology, speech-language pathology, teaching of the hearing-impaired)] (audiology or speech-language pathology) may not perform duties in another area, unless training in that area has been given. An assistant is not permitted to perform a duty for which, in the opinion of the licensed supervisor, the assistant is neither trained nor qualified. A minimum of 20 hours of practical training for each duty is required.

(c) A licensee shall familiarize an assistant with the standards of practice and conduct and the application of these ethics to each assistant's activities, codified at Subchapter C (relating to standards of practice and conduct).

§ 45.305. Functions and duties of assistants.

* * * * *

(b) The assistant may not engage in one or more of the following activities:

* * * * *

(7) Activities which require the formal education or training, and the skill and knowledge of a licensed audiologist[, speech-language pathologist or teacher of the hearing-impaired] or speech-language pathologist.

* * * * *

§ 45.307. Limitations.

(a) An assistant may not engage in activities reserved by the act to licensees of the Board, nor may the assistant hold himself out to the public, either by title or by description of services, as an audiologist[, speech-language pathologist or teacher of the hearing-impaired] or speech-language pathologist. Titles may be used only in conjunction with the appendage “assistant[;],” for example, “audiology assistant.”

(b) A licensee may not assign, delegate or permit assistants to perform activities which require the formal education or training, and the skill and knowledge of a licensed audiologist[, speech-language pathologist or teacher of the hearing-impaired] or speech-language pathologist, including activities enumerated under § 45.305 (relating to functions and duties of assistants).

§ 45.308. Exceptions.

(a) A licensee is not required to file with the Board a list of support personnel who do not engage in activities requiring formal education or training in the field of speech-language and hearing, the skill and knowledge of a licensed audiologist[, speech-language pathologist or teacher of the hearing-impaired] or speech-language pathologist or the skill and knowledge of an assistant, as required under this subchapter.

(b) This subchapter does not limit the activities of a student who is pursuing a program of study supervised by a person licensed under the act which leads to a degree in audiology[, speech-language pathologist or teacher of the hearing-impaired] or speech-language pathology in this Commonwealth.

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Subchapter F. CHILD ABUSE REPORTING REQUIREMENTS

§ 45.401. Definitions.

* * * * *

Licensee—An audiologist[, speech-language pathologist or teacher of the hearing-impaired] or speech-language pathologist licensed by the Board.

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Subchapter G. CONTINUING EDUCATION

§ 45.501. Credit hour requirements.

(a) Each speech-language pathologist[,audiologist or teacher of the hearing impaired] or audiologist shall have completed 20 clock hours of continuing education 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 a teacher of the hearing impaired] or audiology. 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 under § 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] or audiologist license until the continuing education requirement for the current biennial renewal 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.

* * * * *

§ 45.505. Approval of continuing education programs.

* * * * *

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

* * * * *

(3) Courses and programs offered by academic programs in speech-language pathology[, audiology or a teacher of the hearing impaired] or audiology 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.

(a) A licensed speech-language pathologist[, audiologist or teacher of the hearing impaired] or audiologist 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] or audiologist 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 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] and speech-language pathologists), a licensed speech-language pathologist[, audiologist or teacher of the hearing impaired] or audiologist 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] or audiologist 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 PATHOLOGY
AND AUDIOLOGY
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-1389

May 15, 2017

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Speech-Language Pathology and Audiology
16A-6803

Dear Chairman Bedwick:

Enclosed is a copy of a final rulemaking package of the State Board of Speech-Language Pathology and Audiology pertaining to Fees; General Revisions.

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 "Jonette B. Owen".

Jonette B. Owen, Au.D., Chairperson
State Board of Speech-Language Pathology and
Audiology

JBO:JPS;jlt

Enclosure

cc: Ian J. Harlow, Commissioner of
Professional and Occupational Affairs
Leigh Chapman, Director of Policy, Department of State
Timothy Gates, Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Judith Pachter Schulder, Counsel
State Board of Speech-Language Pathology and Audiology
State Board of Speech-Language Pathology and Audiology

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

I.D. NUMBER: 16A-6803
 SUBJECT: Fees; General Revisions
 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

2017 MAY 15 09:10:36

RECEIVED
IRRC

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
5/15/17	<i>Kelly Potts</i>	MAJORITY CHAIR <u>Mark Mustio</u>
5-15-17	<i>Maureen Kemmel</i>	MINORITY CHAIR <u>Harry Readshaw</u>
		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
5/15/17	<i>Tommy M. Blau</i>	MAJORITY CHAIR <u>Robert Tomlinson</u>
5/15/17	<i>Paula Mabe</i>	MINORITY CHAIR <u>Lisa Boscola</u>
5/15/17	<i>Greg J. Hoff</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
_____	_____	ATTORNEY GENERAL (for Final Omitted only)
_____	_____	LEGISLATIVE REFERENCE BUREAU (for Proposed Only)