

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p>		<p style="margin: 0;"><b>INDEPENDENT REGULATORY REVIEW COMMISSION</b></p> <h1 style="margin: 0;">RECEIVED</h1> <p style="margin: 0;">MAY 11 2023</p> <p style="margin: 0;">Independent Regulatory Review Commission</p>
<p style="margin: 0;">(All Comments submitted on this regulation will appear on IRRC's website)</p>		
<p style="margin: 0;">(1) Agency <b>Department of State, Bureau of Professional and Occupational Affairs, The State Board of Examiners in Speech-Language Pathology and Audiology</b></p>		
<p style="margin: 0;">(2) Agency Number: <b>16A</b> Identification Number: <b>6808</b></p>		<p style="margin: 0;">IRRC Number: <b>3374</b></p>
<p style="margin: 0;">(3) PA Code Cite: <b>49 Pa. Code §§ 45.2, 45.25-45.26</b></p>		
<p style="margin: 0;">(4) Short Title: <b>Licensure by Endorsement</b></p>		
<p style="margin: 0;">(5) Agency Contacts (List Telephone Number and Email Address):</p> <p style="margin: 0;">Primary Contact: <b>Dana M. Wucinski, Board Counsel, State Board of Examiners in Speech-Language Pathology and Audiology (Board), P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) <a href="mailto:dwucinski@pa.gov">dwucinski@pa.gov</a>.</b></p> <p style="margin: 0;">Secondary Contact: <b>Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) <a href="mailto:jawolfgang@pa.gov">jawolfgang@pa.gov</a>.</b></p>		
<p style="margin: 0;">(6) Type of Rulemaking (check applicable box):</p> <p style="margin: 0;"><input checked="" type="checkbox"/> Proposed Regulation</p> <p style="margin: 0;"><input type="checkbox"/> FINAL REGULATION</p> <p style="margin: 0;"><input type="checkbox"/> Final Omitted Regulation</p>		<p style="margin: 0;"><input type="checkbox"/> Emergency Certification Regulation;</p> <p style="margin: 0;"><input type="checkbox"/> Certification by the Governor</p> <p style="margin: 0;"><input type="checkbox"/> Certification by the Attorney General</p>
<p style="margin: 0;">(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p style="margin: 0;">This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111 requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application, and must establish, by regulation, the expiration of provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license.</p>		

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

The provisions of 63 Pa.C.S. § 3111 (relating to licensure by endorsement) require licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa. C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Additionally, section 5 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1701--1719) (act) provides that the Board may adopt or revise rules and regulations consistent with the law as necessary.

The act of July 1, 2020 (P.L 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) (repealed) into 63 Pa.C.S, Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41).

(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.

63 Pa.C.S. § 3111(a)(5) requires the Board to set the fee to be charged by regulation and subsection (b)(2) requires the Board to set an expiration of the provisional endorsement license. Otherwise, this rulemaking is not mandated by any Federal or state law or court order, or Federal regulation.

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

The regulation is needed to implement 63 Pa.C.S. § 3111 to provide for licensure by endorsement to applicants from other states, territories and countries. This provision was enacted due to a recognition that licensed professionals from other jurisdictions have difficulty obtaining a license to practice in this Commonwealth. 63 Pa.C.S. § 3111 eliminates unnecessary barriers to licensure for citizens from other jurisdictions and for military personnel and their spouses while maintaining sufficient safeguards to ensure public protection. 63 Pa.C.S. § 3111 enables boards and commissions under the Bureau of Professional and Occupational Affairs (Bureau) to issue a license by endorsement, and further provides for a provisional endorsement license to quickly move these professionals into the workforce without unnecessary delays, which reduces the barriers to employment.

Since the effective date of Act 41 (August 30, 2019), the Board has not processed any licensure by endorsement applications and has not issued any licenses under 63 Pa.C.S. § 3111. Based upon this information, the Board estimates receiving less than 5 applications on an annual basis.

The main reason for this absence of endorsement applications is that the standards in this profession are largely standardized throughout the country, specifically through the Certificate of Clinical Competence (CCC). The CCC is an internationally recognized credential for speech-language pathologists and audiologists that demonstrates the individual has received the quality preparation and training and continues to learn advanced techniques through professional development.

Prior to 63 Pa. C.S. § 3111, this Board waived all examination and education requirements for applicants with a valid CCC, in accordance with Section 7(b)(2) of the act. Therefore, most out of state applicants applying for licensure have a CCC and do not need to seek licensure through endorsement. However, licensure by endorsement may be applicable to applicants from other countries.

(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.

There are no federal standards applicable to the subject matter of the regulation.

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

This regulation will not adversely affect Pennsylvania's ability to compete with other states. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. § 3111 is also to reduce barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's proposed regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy. Surrounding states also have similar laws and regulations for licensure by endorsement in the speech language pathology and audiology fields.

In comparing the proposed regulation to other states, the Board researched states in the Northeastern region of the United States. The Board identified two other states (New Jersey and Vermont) that have a comprehensive license by endorsement law that is applicable to the various professional licensing boards in those states. Similar to 63 Pa.C.S. § 3111, New Jersey requires its professional licensing boards to issue a license to any person who holds a current professional or occupational license in good standing whose licensure standards are substantially equivalent to the current standards of New Jersey, while Vermont does not require that the standards are substantially equivalent so long as such practice is "adequately protective of the public." Unlike 63 Pa.C.S. § 3111, neither state requires applicants to demonstrate competency or provides discretion to issue a discretionary provisional license. While Pennsylvania's competency requirements may be more stringent, demonstration of competency is statutorily required under 63 Pa.C.S. § 3111. Moreover, for the most part, other states require similar continuing education for renewal; therefore, showing competency will not likely negatively impact Pennsylvania's ability to compete.

The Board also researched whether other state boards of speech language pathology and audiology have similar licensure by endorsement laws and regulations applicable to the profession. For those states that have similar licensure by endorsement laws and regulations applicable to the speech language pathology and audiology profession, the Board compared the following criteria: eligibility requirements (substantial equivalence or other standard); competency methods; and provisional licenses, including expiration of the provisional license. A summary of the requirements for licensure by endorsement or reciprocity by these remaining states is as follows:

West Virginia and Maine allow for individuals licensed in speech language pathology and/or audiology from another state to enter without re-examination provided the other jurisdiction has “substantially equivalent” licensing standards to the receiving state, while Ohio, Maryland, and Connecticut similarly allow for individuals licensed in speech language pathology and/or audiology from another state to enter without re-examination if that other jurisdiction has licensure requirements “at least equal” to the licensing standards in the receiving state. Delaware has a similar provision but requires that the laws be “substantially similar.”

Massachusetts and Rhode Island require that applicants meet the requirements for licensure in their state; however, Rhode Island allows individuals licensed before January 1, 2008, to meet the Rhode Island requirements in place at the time of their initial licensure.

New Hampshire and New York require that applicants be active in the profession if they do not hold national certification. New Hampshire defines active in the profession to mean the applicant has been actively engaged at least 432 hours in another jurisdiction during the 36 months immediately prior to submitting their application, while New York requires at least two years of professional experience within the six years immediately preceding application for licensure by endorsement.

Based on this information, the Board does not believe that the amendments, which are necessary to effectuate the provisions of 63 Pa.C.S. § 3111, will put Pennsylvania at a competitive disadvantage. To the contrary, by allowing applicants to become licensed through endorsement who can demonstrate competency by experience in the practice of speech language pathology and/or audiology for at least 2 of the 5 years immediately preceding the date of application, or by completing 20 hours of continuing education during the 24 months immediately preceding the date of application, and by providing for provisional licenses, which allows an applicant to hold a provisional license while the applicant is satisfying remaining requirements for licensure by endorsement, Pennsylvania will be at a competitive advantage over states that do not have licensure by endorsement.

(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.)

In drafting the proposal, the Board solicited comments from stakeholders and interested parties, in January of 2020. A list of stakeholders is attached as Attachment "A." The Pennsylvania Speech-Language Hearing Association (PSHA), which is the state-wide professional association representing the interests of more than 8,000 audiologists; speech language pathologists; speech, language and hearing scientists; audiology and speech-language pathology support personnel; and students throughout the Commonwealth commented in support of this regulation stating that "PSHA advocates for the planned modifications," and further expressed appreciation for "crafting these regulations" and for the "efforts to improve [the] practice." No other written comments were received.

(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?

For purposes of this rulemaking, the Board estimates that less than five individuals will apply for licensure by endorsement on an annual basis.

According to the Pennsylvania Department of Labor and Industry, in 2020 (the most recent year for which data is available), Speech Language Pathologists (SLPs) held about 158,100 jobs. The largest employers of SLPs were state, local, and private educational services (38%), followed by offices of physical, occupational, and speech therapist and audiologist (22%), hospitals (14%), nursing and residential care facilities (5%), while 6% are self-employed. Most speech-language pathologists work full time. Some speech-language pathologists, such as those working for schools, may need to travel between different schools or facilities.

According to the Pennsylvania Department of Labor and Industry, in 2020 (the most recent year for which data is available), audiologists held about 13,700 jobs. The largest employers of audiologists were physician offices (26%), followed by offices of physical, occupational, and speech therapist and audiologist (24%), hospitals (15%), and state, local, and private educational services (10%). Some audiologists travel between multiple facilities. Audiologists work closely with registered nurses, audiology assistants (a type of medical assistant), and other healthcare workers.

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the SBA'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 2019 NAICS standards to the types of businesses where licensees may work, a small business in state, local, and private educational services would be considered a small business if they have less than 8.0-30.0 million dollars in average receipts (depending on the type of educational services, as there is not general educational service code). Physician offices (NAICS code 621111) are considered small businesses if they have 12.0 million or less in average annual receipts, while offices of physical, occupational, and speech therapist and audiologist (NAICS code 621340) are considered small businesses if they have 8.0 million or less in average annual receipts. Nursing care facilities (NAICS code 623110) are considered small businesses if they have 30 million or less in average annual receipts, while residential care facilities (NAICS codes 623210 and 623220) are considered small businesses if they have 16.5 million or less in average annual receipts. General medical

and surgical hospitals (NAICS code 622110) are considered small businesses if they have 41.5 million or less in average annual receipts.

Based on this variety of employers, the Board believes that most SLPs and audiologists in Pennsylvania are employed in small businesses. Board does not collect information on the size of the businesses where its licensees are employed. However, for purposes of determining the economic impact on small businesses, the Board must assume that a large number of its licensees either are or work for small businesses as that term is defined by the SBA and Pennsylvania's Regulatory Review Act.

This rulemaking only affects individuals who apply for licensure by endorsement. These individuals would be impacted by the \$50 fee to apply for licensure. 63 Pa.C.S. § 3111(a)(5) requires payment of an application fee. The Board determined that the applicable fee for licensure by endorsement should be the initial licensure fee in § 45.1 (relating to fees). This fee is the same as the amount paid by applicants who apply by reciprocity or initial licensure under the act. In addition to the application fee, applicants could be impacted by the cost of the continuing education if that pathway is chosen to demonstrate competence. Costs for continuing education range from zero for members of certain professional associations to flat fees ranging from \$20/hour to between \$50-\$200 per year. Whether small businesses will be impacted by the regulations depends on whether the businesses would pay the application fee costs for licensure by endorsement and whether employers voluntarily pay the costs of completing continuing education. Because the application fees and other costs are incurred by individuals applying for initial licensure by endorsement, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs. Moreover, since continuing education is a requirement for biennial renewal in many other states, applicants for this license may not have to complete additional hours thereby eliminating additional costs. Finally, the proposed rulemaking has a positive impact in that it is implementing 63 Pa.C.S. § 3111, which provides an additional pathway to licensure that previously did not exist.

(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.

Applicants for licensure by endorsement as a licensed professional practicing speech language pathology and/or audiology will be required to comply with the proposed rulemaking. The Board estimates an average of less than five licensure by endorsement applications a year for these professions. Small businesses will only be impacted to the extent they voluntarily pay licensure fees and other costs for applicants.

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

The Commonwealth will benefit by licensure by endorsement under 63 Pa.C.S. § 3111. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. 63 Pa.C.S. § 3111 also reduces barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.

The citizens of the Commonwealth will also benefit from the enhanced workforce and growth in economy while still having assurance of a level of competence similar to existing licensees in this Commonwealth. The Board has selected methods of competence, including experience and continuing education. These methods assure competency because consistent with the provisions of 63 Pa.C.S. § 3111. The provisional endorsement license provision also allows applicants who need to satisfy outstanding requirements, such as continuing education hours to demonstrate competency, to practice under a provisional license while the applicant satisfied the remaining requirements for licensure by endorsement.

The financial impact of the regulation falls primarily on the applicants and the Board. Individuals seeking licensure by endorsement will incur costs associated with qualifying for and obtaining a license. As noted above, an applicant applying for licensure by endorsement under 63 Pa.C.S. § 3111 would be required to pay the \$50 application fee, which covers the costs of processing the application. This application fee is the same for other applicants applying for initial licensure authorized by § 45.1 (relating to fees). Applicants may also incur continuing education expenses if they choose to demonstrate competency by completing 20 hours of continuing education. All applicants must complete child abuse recognition and reporting training, as required by 23 Pa.C.S. § 6383(b)(3)(i)(relating to education and training). There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training. For foreign applicants, if the other law, regulation or other rule is in a language other than English, § 45.25(a)(1)(ii) would require the applicant to have it professionally translated at the applicant's expense. The Board has been accepting licensure by endorsement applications for over one year. To date, the Board has not received any licensure by endorsement applications from foreign applicants. In fact, the Board has not received any applications for licensure by endorsement.

The positive impact for the applicants is that 63 Pa.C.S. § 3111 and the proposed regulation provides a new pathway to licensure that did not previously exist.

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

As previously discussed, 63 Pa.C.S. § 3111 benefits this Commonwealth and its citizens and individual applicants wishing to obtain licensure. The costs associated with obtaining licensure are outweighed by the need of the Board to set fees to cover its costs for processing applications to maintain the fiscal integrity of the Board, and by the equity of assessing the costs of processing applications to the applicants themselves, as opposed to the existing licensee population bearing these costs through increased biennial renewal fees. The General Assembly contemplated and weighed the impact of imposing fees on applicants in 63 Pa.C.S. § 3111(a)(5) against the benefits of providing an additional pathway to licensure to individuals from other jurisdictions. While avoiding economic impact to applicants is always preferable, the General Assembly recognized that boards fees are necessary in order to pay for the costs associated with the filing of applications.

Regarding the cost of translating the law, regulation or other rule to English, this is a necessary part of the application process. If the Board is unable to understand the other jurisdiction's requirements, it will not be able to determine whether those requirements are substantially equivalent.

Regarding costs associated with demonstrating competency, the Board is authorized to select the methods of competency under 63 Pa.C.S. § 3111(a)(2) and has provided two alternatives. Applicants who demonstrate competency through experience in the practice of speech language pathology and/or audiology though at least 2 years of the 5 years immediately preceding the date of the application in the jurisdiction that issued the license will incur no costs to demonstrate competency. Applicants who

demonstrate competency by completed 20 hours of post-licensure education during the 24 months immediately preceding the date of their application, will incur minimal costs to complete necessary continuing education. Additionally, completing the mandatory child abuse recognition and reporting training will not have a negative fiscal impact if the applicant chooses a free training course. Requiring licensees to take this training will have a positive impact on the profession and for Pennsylvania citizens because speech language pathology and/or audiology professionals will be educated on recognizing child abuse and will also have specific training on how to report child abuse in this Commonwealth.

(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.

An individual applying for licensure by endorsement under 63 Pa.C.S. § 3111 will incur some costs, including paying the \$50 application fee and the costs associated with demonstrating competency by continuing education of approximately \$100 if the applicant chooses this method of competency. If the applicant shows competency through experience, there would be no additional cost. Similarly, if the applicant is able to take the courses for free or already took the courses in order to renew the out-of-jurisdiction license, there would be no additional cost. Since the effective date of 63 Pa.C.S. § 3111, the Board has not received any licensure by endorsement applications. During this period, the Board did not incur any costs and since there were no applicants there were no costs to the regulated community. Based upon this information, the Board anticipates less than five licensure by endorsement applications per year, which will result in approximate costs ranging from \$250 (5 x \$50)(application only) to \$750 (5 x \$50 + 5 x \$100)(application + average continuing education costs).

(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.

The regulation would not result in costs or savings to local governments.

(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.

The Board will incur increased operational costs to implement the licensure by endorsement under 63 Pa.C.S. § 3111. The costs incurred by the Board should be recouped in the form of application fees paid by the applicants.

(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.

There should be no legal, accounting or consulting procedures associated with this rulemaking. Like all other applicants under the Board, affected individuals will be required to submit an application for licensure accompanied by required documentation.



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

Yes, applicants are required to submit an online application through the Pennsylvania Licensing System (PALS).

(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.

The Bureau uses an online platform for the submission of applications for licensure through PALS, which also encompasses applications for licensure by endorsement under 63 Pa. C.S. § 3111. Within the online platform, applicants are asked a series of questions. Applicants are asked if they are currently licensed in another jurisdiction and the type of license for which they are applying. Applicants currently licensed in another jurisdiction, which is defined in the proposed rulemaking as another state, territory or country, are directed to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, translated into English if needed. Applicants are required to indicate whether they have been disciplined by the jurisdiction in which they are licensed or any other jurisdiction. Applicants with disciplinary history must upload appropriate documentation related to the discipline. Applicants must also provide a recent Criminal History Records Check (CHRC) from the state police or other state agency or other appropriate agency of a territory or country that is the official repository for criminal history record information for every state in which they have lived, worked, or completed professional training or studies for the past five (5) years. Based upon the above, applications are forwarded to Board counsel, and to the Board, if necessary, to determine eligibility under 63 Pa. C.S. § 3111.

The Board has attached a paper application which will be the basis for developing the electronic licensure by endorsement application. (See Attachment B.)

(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 22-23	FY +1 23-24	FY +2 24-25	FY +3 25-26	FY +4 26-27	FY +5 27-28
<b>SAVINGS:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
<b>COSTS:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community	N/A	\$250-750	\$250-750	\$250-750	\$250-750	\$250-750
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A

Total Costs	N/A	\$250-750	\$250-750	\$250-750	\$250-750	\$250-750
REVENUE LOSSES:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

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

Program	FY -3 2019-2020 (actual)	FY -2 2020-2021 (actual)	FY -1 2020-2021 (actual)	Current FY 2022-2023 (budgeted)
State Board of Examiners in Speech-Language Pathology and Audiology	\$326,283	\$433,890	\$386,284	\$438,000.00

(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) This rulemaking will not have an adverse impact on small businesses unless small businesses voluntarily pay application fees or other costs relating to establishing competency. Because these fees are incurred by individuals applying for initial licensure, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.
- (b) This rulemaking will not impose additional reporting, recordkeeping or other administrative costs on small businesses.
- (c) The probable effect on impacted small businesses would be positive because 63 Pa. C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.
- (d) The Board could discern no less costly or less intrusive alternative methods to effectuate the purpose of 63 Pa. C.S. § 3111 that would be consistent with the Board's mandate to produce enough revenue to cover its costs of operations and to administer the act in the public interest.

(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.

No special provisions have been developed for any affected groups or persons.

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

No alternative regulatory provisions were considered and rejected. The Board believes this proposal represents the least burdensome acceptable alternative.

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

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
  - b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
  - c) The consolidation or simplification of compliance or reporting requirements for small businesses;
  - d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
  - e) The exemption of small businesses from all or any part of the requirements contained in the regulation.
- a) & b) The Board did not consider less stringent reporting requirements or deadlines for small businesses or for applicants that intend to work for small businesses. All applicants for licensure are treated equally.
- c) There are no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether a particular licensee 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 applicant from the requirements contained in the regulation based on the size of their employers would not be consistent with the 63 Pa.C.S § 3111.

(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.

No data, studies or references were used to justify the regulation.

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

- A. The length of the public comment period: 30 days.
- B. The date or dates on which any public meetings or hearings will be held:  

No public hearings were scheduled or held. The Board discusses its regulatory proposals at regularly scheduled meetings. This rulemaking was discussed at public board meetings in September 2019, March 2020, and June 2020.
- C. The expected date of the final-form regulation: Winter 2023.
- D. The expected effective date of the final-form regulation: Upon notice or publication as final.
- E. The expected date by which compliance with the final-form regulation will be required: Upon notice or publication as final.
- F. The expected date by which required permits, licenses or other approvals must be obtained: N/A

(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 dates in 2023: March 3, June 2, September 1 and December 8, 2023. More information can be found on the Board's website.

# **ATTACHMENT A**

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

PA Academy of Audiology

Jim Sheaffer

[ishafer@actinnitus.com](mailto:ishafer@actinnitus.com)

Academy of Dispensing Audiologists

Craig Johnson

[info@audiologist.org](mailto:info@audiologist.org)

Mayo Foundation - Dept. of Otolaryngology

Janalene Jacobson

[niichel.janalene@mayo.edu](mailto:niichel.janalene@mayo.edu)

Audiology & Hearing Associates

Judith Butera

[info@buckscountyhearing.com](mailto:info@buckscountyhearing.com)

PA Association Medical Staff Services

Sherry Shaddock

[info@namss.org](mailto:info@namss.org)

Wanner Associates

Ted Mowatt

[Tmowatt@wannerassoc.com](mailto:Tmowatt@wannerassoc.com)

PA Health Case Association

Kim Deline

[contactus@phca.org](mailto:contactus@phca.org)

McNees-Winter Group LLC

Angie Armbrust

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Sean Campbell

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Stateside

Stefanie Frank

Becky Lukaesko

Melissa Martin

[sf@stateside.com](mailto:sf@stateside.com)

[bml@stateside.com](mailto:bml@stateside.com)

[mpf@stateside.com](mailto:mpf@stateside.com)

POTA, Gerney Amy

[president@pota.org](mailto:president@pota.org)

# **ATTACHMENT B**

PENNSYLVANIA STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY  
P.O. Box 2649, Harrisburg, PA 17105-2649

Telephone: (717) 783-1389  
Fax: (717) 787-7769  
Website: [www.dos.pa.gov/speech](http://www.dos.pa.gov/speech)  
E-Mail: [st-speech@pa.gov](mailto:st-speech@pa.gov)

Courier Address:  
2601 North Third Street  
Harrisburg, PA 17110

## APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

**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 State Board of Examiners in Speech-Language Pathology and Audiology (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. All background check documents cannot be older than 90 days from the date of issuance.

### 1. REQUIREMENTS

- A. Hold a current license, certificate, registration or permit to practice **speech language pathology or audiology** in good standing in a jurisdiction whose standards are substantially equivalent to or exceed those of the Board.
- B. Demonstrates competency by one of the following:
  - Experience in the practice of speech language pathology or audiology by demonstrating that the applicant has practiced speech language pathology or audiology in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of the application with the Board.
  - Completion of 20 hours of continuing education in speech-language pathology or audiology from an approved continuing education provider during the 24 months immediately preceding the date of the application.
- C. Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice speech language pathology or audiology under the act and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.
- D. Has paid the \$50.00 initial license fee.
- E. Provides a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license. The copy of the applicable law, regulation or other rule must include the enactment date. If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate. Based upon a review of the applicable law, regulation or other rule, additional documentation may be required to prove that the requirements are substantially equivalent.

### 2. APPLICATION CHECKLIST

**Persons licensed in other jurisdictions who possess a current license, certificate or permit in good standing:**

- Complete pages 1, 2 and 3 of the application.

*If any documentation submitted in connection with this application will be received in a name other than the name under which you are applying, you must submit a copy of the legal document(s) indicating the name change (i.e., marriage certificate, divorce decree which indicates the retaking of your maiden name; legal document indicating the retaking of a maiden name, or court order).*

- \$50.00 Application Fee – Check or money order made payable to the Commonwealth of Pennsylvania. Fees are not refundable or transferable. If you do not receive the Board's approval to sit for the examination within one year from the date your application is received, you will be required to submit another application fee. A



processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.

- Have the out-of-state licensing authorities in which you hold or have held a license to practice speech language pathology or audiology submit a letter of good standing directly to the Board with a state seal affixed to the letter.
- A Criminal Background Check from the state in which you reside must be submitted. The criminal background check must be completed within 90 days of submission of this application to the Board. Pennsylvania background checks may be obtained at <https://epatch.state.pa.us> or from the Pennsylvania State Police Central Repository, 1800 Elmerton Ave., Harrisburg, PA 17110-9758, (717) 783-5593. (If you reside outside of Pennsylvania, you must contact the State Police from your jurisdiction.)
- Completion of 3 hours of Department of Human Services (DHS)-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. Child Abuse Continuing Education Providers Information can be found here.
- Provide a Self-Query from the National Practitioner Data Bank completed within 90 days of submission of this application to the Board. A Self-Query can be requested online at [www.npdb.hrsa.gov](http://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.)

### 3. INFORMATION

- A. Any change in disciplinary status between the date of submission of the application and the date of passing the examination must be reported to the Board in writing.

PENNSYLVANIA STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY  
P.O. Box 2649, Harrisburg, PA 17105-2649

Telephone: (717) 783-1389  
Fax: (717) 787-7769  
Website: www.dos.pa.gov/speech  
E-Mail: st-speech@pa.gov

Courier Address:  
2601 North Third Street  
Harrisburg, PA 17110

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## APPLICATION FOR LICENSURE BY ENDORSEMENT

INITIAL APPLICATION FEE of \$50.00 made payable to the "COMMONWEALTH OF PENNSYLVANIA."

FEES ARE NOT REFUNDABLE OR TRANSFERABLE. IF YOU DO NOT RECEIVE THE BOARD'S APPROVAL TO SIT FOR THE EXAMINATION WITHIN ONE YEAR FROM THE DATE YOUR APPLICATION IS RECEIVED, YOU WILL BE REQUIRED TO SUBMIT ANOTHER APPLICATION FEE. A PROCESSING FEE OF \$20.00 WILL BE CHARGED FOR ANY CHECK OR MONEY ORDER RETURNED UNPAID BY YOUR BANK, REGARDLESS OF THE REASON FOR NON-PAYMENT.

1. Name _____ (Last) (First) (Middle)
2. Will any documentation submitted in connection with this application be received in a name other than the name under which you are applying? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, please provide the other name or names: _____
3. Address _____ (Street) _____ (City) (State) (Zip Code) <i>The address you provide is the address that will be associated with this application to which all correspondence will be mailed. Please note that licenses are not forwardable.</i>
4. Telephone _____ Fax _____
5. E-Mail Address _____
6. Date of Birth _____ Social Security Number: _____
7. Select the license/certificate for which you are applying: <input type="checkbox"/> Speech-language pathologist <input type="checkbox"/> Audiologist
8. Competency Requirement <input type="checkbox"/> Experience: I have actively engaged in the practice of <input type="checkbox"/> speech-language pathology <input type="checkbox"/> audiology in the jurisdiction

that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of this application. Provide a curriculum vitae demonstrating this experience.

OR

**Continuing education:** I have completed 20 hours of continuing education in speech-language pathology or audiology from continuing education providers listed in § 45.505 (d) or other equivalent providers, as determined by the Board, during the 24 months immediately preceding the date of the application. Provide certificates of completion.

9. Name state where initial license/certificate to practice speech language pathology or audiology was issued.

\_\_\_\_\_ Date initial license/certificate was issued \_\_\_\_\_.

List any other state, territory or country where you hold or have held a license/certificate to practice nursing or nutrition-dietetics.

\_\_\_\_\_ Have the licensing authority listed above submit a letter of good standing (verification of licensure/certification) directly to the Board with state seal affixed to the letter. Provide a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license.

		YES	NO
10.	Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any other profession in any state or jurisdiction? If you answered YES to the above question, please provide the profession and state or jurisdiction. Please do not abbreviate the profession.  _____  _____	<input type="checkbox"/>	<input type="checkbox"/>
The Board must receive verification of any license, certificate, permit, registration or other authorization to practice any other profession directly from the state or jurisdiction. <i>PLEASE NOTE: The Board does NOT need to receive verification for licenses issued by one of the licensing boards within the Pennsylvania Bureau of Professional and Occupational Affairs.</i>			
<b>If you answer YES to any of the following questions, provide complete details as well as copies of relevant documents to the Board office.</b>		YES	NO
11.	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?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
13.	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?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
15.	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?	<input type="checkbox"/>	<input type="checkbox"/>
16.	Have you ever had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?	<input type="checkbox"/>	<input type="checkbox"/>
17.	Have you ever had practice privileges denied, revoked, suspended or restricted by a hospital or any		

	health care facility?	<input type="checkbox"/>	<input type="checkbox"/>
18.	Have you ever been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?	<input type="checkbox"/>	<input type="checkbox"/>

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.

**Applicant's Statement:**

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. § 4911.

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

CDL-1

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

**RECEIVED**

**MAY 11 2023**

**Independent Regulatory  
Review Commission**

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p><b>Amy M. Elliott</b>  <small>Digitally signed by Amy M. Elliott  DN: cn=Amy M. Elliott, ou=Pennsylvania  Office of Attorney General, ou=Chief  Deputy Attorney General,  email=ae Elliott@attorneygeneral.gov, c=US  Date: 2023.02.09 13:26:12 -0500</small></p> <p>BY: <u>Amy M. Elliott</u>  (DEPUTY ATTORNEY GENERAL)</p> <p><u>2/9/2023</u>  DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable  Copy not approved. Objections  attached.</p>	<p>Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>Department of State</u>  _____  (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-6808</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u>Amy S. Goldman, MS</u>  <b>AMY S. GOLDMAN, MS, CCC-SLP</b></p> <p>TITLE <u>Chairperson</u>  (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u>[Signature]</u>  (Deputy General Counsel)  (Chief Counsel, Independent Agency)  (Strike-inapplicable title)</p> <p><u>1/12/2023</u>  DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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**NOTICE OF PROPOSED 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 CHAPTER 45**

**§§ 45.2, 45.25-45.26**

**LICENSURE BY ENDORSEMENT**

The State Board of Examiners in Speech-Language Pathology and Audiology (Board) proposes to amend Chapter 45 of Title 49 of the Pennsylvania Code, by amending § 45.2 (relating to definitions) and adding new §§ 45.25 and 45.26 (relating to licensure by endorsement; and provisional endorsement license) to read as set forth in Annex A.

*Effective Date*

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

*Statutory Authority*

The provisions of 63 Pa.C.S. § 3111 (relating to licensure by endorsement) require licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Additionally, section 5 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1701-1719) (act) provides that the Board may adopt or revise rules and regulations consistent with the law as necessary.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) (repealed) into 63 Pa.C.S., Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

*Background and Need for the Amendments*

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111 requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application, and must establish, by regulation, the expiration of provisional endorsement license. This proposed rulemaking sets forth

the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license.

63 Pa.C.S. § 3111 provides that the Board may establish appropriate fees for this licensure. Accordingly, the Board has determined that applicants for licensure by endorsement shall pay the fee for initial licensure in § 45.1(1) (relating to fees).

In accordance with the requirements of Executive Order 1996-1, the Board sent an exposure draft of this proposed rulemaking to interested parties. The Pennsylvania Speech-Language Hearing Association (PSHA) – which is the state-wide professional association representing the interests of more than 8,000 audiologists, speech-language pathologists, speech, language and hearing scientists, audiology and speech-language pathology support personnel, and students throughout the Commonwealth – commented in support of this regulation stating that “PSHA advocates for the planned modifications,” and further expressed appreciation for “crafting these regulations” and for the “efforts to improve [the] practice.” No other written comments were received.

#### *Description of the Proposed Amendments*

The Board proposes to amend § 45.2 (relating to definition) to add a definition of the term “jurisdiction” consistent with 63 Pa.C.S. § 3111. Next, the Board proposes to amend subchapter B (relating to licensure and certification) by adding § 45.25 (relating to licensure by endorsement). Proposed § 45.25 requires an applicant to satisfy seven criteria required for licensure by endorsement. The first criterion, as set forth in proposed § 45.25(a)(1), requires an applicant to provide proof of a current license, certificate, registration or permit in good standing to practice in another jurisdiction whose standards are substantially equivalent to or exceed the standards established under section 7(a) of the act (63 P.S. § 1707(a)) and §§ 45.17 and 45.20 (relating to education requirements; and supervised professional experience required for licensure as a speech-language pathologist). Proposed § 45.25(a)(1)(i) further requires an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit. Proposed § 45.25(a)(1)(iii) also requires that the copy of the applicable law, regulation or other rule include the enactment date. Additionally, because 63 Pa.C.S. § 3111 is applicable to territories and other countries that use languages other than English, where the applicable law, regulation or other rule is in a language other than English, proposed § 45.25(a)(1)(ii) requires translation of the applicable law, regulation or other rule by a professional translation service at the applicant’s expense.

Proposed § 45.25(a)(2) requires a demonstration of competency. Under this provision, an applicant must provide proof of competency by demonstrating either experience in the practice of speech-language pathology or audiology, or by completion of continuing education. To demonstrate competency by experience, an applicant must show active engagement in the practice of the profession for at least 2 of the 5 years immediately preceding the filing of the application for licensure by endorsement. The experience must have been engaged in under a license, certificate, registration or permit in a substantially equivalent jurisdiction or jurisdictions. To

demonstrate competency through completion of continuing education, an applicant must submit proof of completion of 20 hours of continuing education from an approved provider listed in § 45.505(d) (relating to approval of continuing education programs). The continuing education must be completed during the 24 months immediately preceding the date of the application for licensure by endorsement. The Board proposes completion of the continuing education within 24 months immediately preceding the date of the application because a 24-month limitation correlates with the Board’s biennial renewal continuing education requirement.

Proposed § 45.25(a)(3) and (4) incorporate the statutory prohibitions of 63 Pa.C.S. § 3111 pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation and prior discipline by the jurisdiction that issued the license.

Proposed § 45.25(a)(5) provides for payment of an application fee, as required by 63 Pa.C.S. § 3111(a)(5). The applicable fee for licensure by endorsement under 63 Pa.C.S. § 3111 is the initial licensure fee in § 45.1 (relating to fees).

Next, proposed § 45.25(a)(6) requires applicants to apply for licensure in accordance with Chapter 45 in the manner and format prescribed by the Board.

Finally, proposed § 45.25(a)(7) requires completion of 3 hours of training in child abuse recognition and reporting, which is mandated continuing education under the Child Protective Services Law (CPSL) at 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

In proposed § 45.25(b), the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, the applicant may request the interview to be conducted by video teleconference for good cause shown.

Consistent with 63 Pa.C.S. § 3111(a)(3) and (4), proposed § 45.25(c) authorizes the Board, in its discretion, to determine that an act prohibited under subsection (a)(3) or (4) is not an impediment to licensure by endorsement.

The Board is also proposing the addition of § 45.26 (relating to provisional endorsement license). Consistent with section 63 Pa.C.S. § 3111(b), proposed § 45.26 provides that the Board, in its discretion, may issue a provisional endorsement license while an applicant is satisfying remaining requirements under 63 Pa.C.S. § 3111 and proposed § 45.25. Proposed § 45.26(b) sets the expiration of a provisional endorsement license at 1 year. Additionally, upon a written request, the Board may extend the term of the license upon a showing of good cause. Proposed § 45.26(c) sets forth reasons for which a provisional endorsement license will be terminated by the Board, including when the Board denies or grants a license, the provisional endorsement licensee fails to comply with the terms of a provisional endorsement license, or upon expiration of a provisional endorsement license. Finally, proposed § 45.26(d) clarifies that while an individual may reapply for a license by endorsement under proposed § 45.25, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.



### *Fiscal Impact and Paperwork Requirements*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the \$50 application fee in § 45.1(1) (relating to fees) and may incur continuing education expenses if they choose to demonstrate competency by completing 20 hours of continuing education. All applicants must complete child abuse recognition and reporting training, as required by section 6383(b)(3)(i) of the CPSL. There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training.

### *Sunset Date*

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

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 11, 2023, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

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

### *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Board Counsel, at P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail at [RA-STRegulatoryCounsel@pa.gov](mailto:RA-STRegulatoryCounsel@pa.gov) within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-6808 (Licensure by Endorsement), when submitting comments.

Patrick Murphy, Au.D.  
Chairperson

**ANNEX A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

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

**PATHOLOGY AND AUDIOLOGY**

**Subchapter A. GENERAL PROVISIONS**

\* \* \* \* \*

**§ 45.2. Definitions.**

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

\* \* \* \* \*

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

*Jurisdiction*--A state, territory or country.

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

\* \* \* \* \*

**Subchapter B. LICENSURE AND CERTIFICATION**

\* \* \* \* \*

**§ 45.25. Licensure by endorsement.**

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant shall satisfy all of the following conditions:

(1) Have a license, certificate, registration or permit in good standing to practice speech-language pathology or audiology in another jurisdiction whose standards are substantially equivalent to or exceed those established under section 7(a) of the act (63 P.S. § 1707(a)) and §§ 45.17 and 45.20 (relating to education requirements; supervised professional experience required for licensure as a speech-language pathologist).

(i) An applicant must submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrate competency by one of the following:

(i) Experience in the practice of speech-language pathology or audiology by demonstrating, at a minimum, that the applicant has actively engaged in the practice of speech-language pathology or audiology under a license, certificate, registration or permit in a substantially equivalent jurisdiction, or jurisdictions, for at least 2 of the 5 years immediately preceding the date the application is filed with the Board.

(ii) Completion of 20 hours of continuing education in speech-language pathology or audiology from continuing education providers listed in § 45.505 (d)

(relating to approval of continuing education programs) or other equivalent providers, as determined by the Board, during the 24 months immediately preceding the date the application is filed with the Board. Completion of child abuse recognition and reporting training under paragraph (7) may be attributed to the 20 hours of required continuing education.

(3) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice speech-language pathology or audiology under section 10 of the act (63 P.S. § 1710) or §§ 45.102 -45.104.

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Have paid the initial licensure fee as required by § 45.1(1) (relating to fees).

(6) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(7) Have completed 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

(b) Interview and additional information. An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency and experience. The applicant may request the interview to be conducted by video teleconference for good cause shown.

(c) Prohibited acts. Notwithstanding subsections (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 10 of the act (63 P.S. § 1710) or §§ 45.102—45.104 or disciplinary action by a jurisdiction is not an impediment to the granting of a

license by endorsement under 63 Pa.C.S. § 3111.

**§ 45.26. Provisional endorsement license.**

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 45.25 (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) When the Board completes its assessment of the applicant and denies or grants the license.

(2) When the holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) When the provisional endorsement license expires.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 45.25 after expiration or termination of a provisional endorsement license; however, the individual not be issued a subsequent provisional endorsement license.



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 11, 2023

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

Re: Proposed Regulation  
State Board of Examiners in Speech-Language Pathology and Audiology  
16A-6808: Licensure By Endorsement

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Examiners in Speech-Language Pathology and Audiology pertaining to 16A-6808: Licensure By Endorsement.

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

Sincerely,

Dr. Patrick M. Murphy, AuD., Chairperson  
State Board of Examiners in Speech-Language  
Pathology and Audiology

PMM:dmw

Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs  
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs  
Andrew LaFratte, Executive Policy Specialist, Department of State  
Cynthia Montgomery, Deputy Chief Counsel, Department of State  
Jacqueline A. Wolfgang, Regulatory Unit Counsel, Department of State  
Dana M. Wucinski, Counsel, State Board of Examiners in Speech-Language Pathology and  
Audiology  
State Board of Examiners in Speech-Language Pathology and Audiology

**From:** Orchard, Kari L.  
**To:** Porta, Jason  
**Subject:** RE: DELIVERY NOTICE: REGULATION: 16A-6808  
**Date:** Thursday, May 11, 2023 9:59:37 AM

---

Received. Thanks!

**Kari Orchard**  
Executive Director (D) | House Professional Licensure Committee  
Chairman Frank Burns, 72<sup>nd</sup> Legislative District

**RECEIVED**

MAY 11 2023

**Independent Regulatory  
Review Commission**

**From:** Porta, Jason <jporta@pa.gov>  
**Sent:** Thursday, May 11, 2023 9:26 AM  
**To:** Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>  
**Subject:** DELIVERY NOTICE: REGULATION: 16A-6808  
**Importance:** High

**Please provide written (email) confirmation of receipt of the delivery of the attached rulemaking.**

Please be advised that the State Board of Examiners in Speech, Language, Pathology & Audiology is delivering the following proposed rulemaking:

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**Jason P. Porta** | Legal Assistant II  
Counsel Division  
PA Department of State | Office of General Counsel  
2601 North 3rd St  
Harrisburg, PA 17105  
Phone: 717.783.7200 | Fax: 717.787.0251  
[www.dos.state.pa.us](http://www.dos.state.pa.us)

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*delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.*



**From:** Brett, Joseph D.  
**To:** Porta, Jason; Orchard, Kari L.; Barton, Jamie  
**Subject:** RE: DELIVERY NOTICE: REGULATION: 16A-6808  
**Date:** Thursday, May 11, 2023 9:29:53 AM

---

Received.

Thank you,

**Joseph D. Brett**  
Research Analyst | House Professional Licensure Committee (D)  
Chairman Frank Burns, 72<sup>nd</sup> Legislative District  
Phone: (717) 772-4031

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**From:** Porta, Jason <jporta@pa.gov>  
**Sent:** Thursday, May 11, 2023 9:26 AM  
**To:** Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>  
**Subject:** DELIVERY NOTICE: REGULATION: 16A-6808  
**Importance:** High

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**From:** Nicole Sidle  
**To:** Porta, Jason; Francesca Summa  
**Subject:** RE: DELIVERY: NOTICE: REGULATION: 16A-6808  
**Date:** Thursday, May 11, 2023 9:37:08 AM

RECEIVED

Good Morning Jason—

This has been received. Thank you.

Nicole

MAY 11 2023

Independent Regulatory  
Review Commission

**From:** Porta, Jason <jporta@pa.gov>  
**Sent:** Thursday, May 11, 2023 9:27 AM  
**To:** Nicole Sidle <nsidle@pahousegop.com>; Francesca Summa <fsumma@pahousegop.com>  
**Subject:** DELIVERY: NOTICE: REGULATION: 16A-6808  
**Importance:** High

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**From:** Smeltz, Jennifer  
**To:** Porta, Jason  
**Subject:** RE: DELIVERY NOTICE: REGULATION: 16A-6808  
**Date:** Thursday, May 11, 2023 10:24:30 AM

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Received.

Jen Smeltz  
Executive Director  
Office of Senator Pat Stefano  
Consumer Protection and Professional Licensure Committee  
Phone: (717) 787-7175

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MAY 11 2023

Independent Regulatory  
Review Commission

**From:** Porta, Jason <jporta@pa.gov>  
**Sent:** Thursday, May 11, 2023 9:24 AM  
**To:** Smeltz, Jennifer <jmsmeltz@pasen.gov>  
**Subject:** DELIVERY NOTICE: REGULATION: 16A-6808  
**Importance:** High

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**From:** [Vazquez, Enid](#)  
**To:** [Porta, Jason](#); [Rolko, Seth](#)  
**Subject:** RE: DELIVERY NOTICE: REGULATION: 16A-6808  
**Date:** Thursday, May 11, 2023 12:19:53 PM

---

Received!

Thank you.

**Enid Vazquez**  
State Senator Lisa M. Boscola  
One E. Broad Street – Suite 120  
Bethlehem, PA 18018  
O: 610-868-8667  
F: 610-861-2184  
[www.senatorboscola.com](http://www.senatorboscola.com)

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Review Commission

**From:** Porta, Jason <[jjporta@pa.gov](mailto:jjporta@pa.gov)>  
**Sent:** Thursday, May 11, 2023 9:25 AM  
**To:** Rolko, Seth <[seth.rolko@pasenate.com](mailto:seth.rolko@pasenate.com)>; Vazquez, Enid <[Enid.Vazquez@pasenate.com](mailto:Enid.Vazquez@pasenate.com)>  
**Subject:** DELIVERY NOTICE: REGULATION: 16A-6808

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**From:** Bulletin  
**To:** Porta, Jason  
**Subject:** [External] RE: DELIVERY NOTICE: REGULATION: 16A-6808  
**Date:** Thursday, May 11, 2023 11:53:04 AM

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Good morning Jason,

We have received Proposed Rulemaking 16A-6808. Someone from our staff will be in contact concerning publication in the *Pennsylvania Bulletin*.

Thank you,

**Ernest L. Engvall | Legal Assistant**  
[eengvall@palrb.us](mailto:eengvall@palrb.us) | 717.783.1530  
Legislative Reference Bureau  
Code and Bulletin Office

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MAY 11 2023

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**From:** Porta, Jason <jporta@pa.gov>  
**Sent:** Thursday, May 11, 2023 11:46 AM  
**To:** Bulletin <bulletin@palrb.us>  
**Subject:** DELIVERY NOTICE: REGULATION: 16A-6808  
**Importance:** High

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