

WSR 22-07-092

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Hearing and Speech)

[Filed March 22, 2022, 11:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-13-038.

Title of Rule and Other Identifying Information: WAC 246-828-025, 246-828-075, 246-828-300, and 246-828-990, Hearing and speech. The board of hearing and speech (board) and the department of health (department) is proposing rule amendments to clarify definitions, supervision of students requirements, and expired license or certification requirements. The proposed rule amendments also establish fees for the hearing aid specialist practical examinations and update and reduce verification and duplicate credential fees.

Hearing Location(s): On May 6, 2022, at 10:00 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the board will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. Join on your computer or mobile app [Date of Intended Adoption: May 6, 2022.](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YjhmNDE2MzgtMGU1OS00ZTRiLWFmZTQ0tN2RlNDQwNDdjZTNi%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%220id%22%3a%22ae44b66e-af0e-436f-a863-213f33d92a5c%22%7d; or call-in (audio only) +1 564-999-2000, 187640940# United States, Olympia, Phone Conference ID 187 640 940#.</p></div><div data-bbox=)

Submit Written Comments to: Kim-Boi Shadduck, Program Manager, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by April 22, 2022.

Assistance for Persons with Disabilities: Contact Kim-Boi Shadduck, phone 360-236-2912, TTY 711, email kimboi.shadduck@doh.wa.gov, by April 22, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule amendments clarify requirements for hearing and speech professions and make the rules consistent with nationally accepted standards. The proposed rule amendments increase clarity for supervision of students and reduce license barriers for practitioners with expired licenses to reactivate their licenses.

The proposed rule amendments establish the practical examination fee and update and reduce verification and duplicate credential fees for consistency with other health profession programs.

The board determined no changes are necessary for WAC 246-828-020 and 246-828-04503.

Reasons Supporting Proposal: The proposed rule amendments clarify requirements for hearing and speech professions and make the rules consistent with nationally accepted standards. The proposed rule amendments clarify definitions and supervision requirements for students.

The proposed rule amendment clarifies existing requirements when the health care provider must retake their national examination due to having an expired license. It also provides additional licensure op-

tions for audiologists and speech-language pathologists who have an expired license for more than three years and have not been in active practice.

The proposal will establish a fee for the practical exam required for a hearing aid specialist license. The board and the department have tracked costs of this exam since it became a legislative requirement in July 2015 and determined a fee is necessary to support the cost of the program. All other applicants under this chapter pay for their examination through their college tuition.

The proposed rule amendment updates and reduces verification and duplicate credential fees for consistency with other health profession programs.

Statutory Authority for Adoption: RCW 18.35.161 and 43.70.250.

Statute Being Implemented: Chapter 18.35 RCW; and RCW 43.70.250.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Board of hearing and speech, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kim-Boi Shadduck, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2912.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Kim-Boi Shadduck, Program Manager, Department of Health, P.O. Box 47852-7852, Olympia, WA 98507, phone 360-236-2912, fax 360-236-2901, TTY 711, email kimboi.shadduck@doh.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rule does not affect small businesses. These rules only apply to providers.

March 22, 2022

Brenda L. Litke

Board of Hearing and Speech Chair

and Kristin Peterson, JD

Deputy Secretary for Policy and Planning

for Umair A. Shah, MD, MPH

Secretary

OTS-2080.8

AMENDATORY SECTION (Amending WSR 21-06-011, filed 2/18/21, effective 3/21/21)

WAC 246-828-025 Definitions. The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Board-approved institution of higher education" means:

(a) An institution offering a program in audiology or speech-language pathology leading to a master's degree or its equivalent, or a doctorate degree or its equivalent, that has been accredited by the

council on academic accreditation in audiology and speech-language pathology, or an equivalent program.

(b) An institution offering a speech-language pathology assistant program or a speech, language, and hearing program approved by the state board for community and technical colleges, the higher education coordinating board, or an equivalent body from another state or province.

(c) An institution((s where education was obtained)) outside of the United States or Canada offering a speech-language pathology assistant program or a speech, language, and hearing program which has an equivalency determination completed by the board. ((This)) The program must lead to an associate of arts or sciences degree, certificate of proficiency, or bachelor of arts or sciences degree.

((e)) (d) A board-approved institution must integrate instruction in multicultural health as part of its basic education preparation curriculum under RCW 43.70.615.

(2) "Direct supervision" means the supervisor is on-site and in view during the procedures or tasks.

(3) "Hearing assistive technologies" means assistive listening systems or devices, and other technologies that increase the intelligibility, improves sound quality, or clarity of speech or sounds with or without the presence of background noise where hearing instruments alone may not provide optimal comprehension including, but not limited to, telecoil and Bluetooth.

(4) "Indirect supervision" means the procedures or tasks are performed under the supervising speech-language pathologist's, audiologist's, or hearing aid specialist's overall direction and control and the supervisor is accessible, but the supervisor's presence is not required during the performance of procedures or tasks.

(5) "Place or places of business" means a permanent address open to the public, which may include an "establishment" as defined in RCW 18.35.010(6), where a licensee engages in the fitting and dispensing of hearing instruments.

(6) "Postgraduate professional work experience" means a supervised full-time professional experience, or the part-time equivalent, as defined in these rules, involving direct patient or client contact, consultations, recordkeeping, and administrative duties relevant to a bona fide program of clinical work. Applicants who obtain an Au.D. at a board-approved institution of higher education are considered to have met the postgraduate professional work experience requirement.

(7) "Purchaser" or "buyer" means a patient, client, or legally authorized representative.

[Statutory Authority: RCW 18.35.310. WSR 21-06-011, § 246-828-025, filed 2/18/21, effective 3/21/21. Statutory Authority: RCW 18.35.161. WSR 19-13-041, § 246-828-025, filed 6/12/19, effective 7/13/19. Statutory Authority: 2014 c 189, RCW 18.35.161, 18.130.062, and 18.130.020. WSR 15-14-092, § 246-828-025, filed 6/29/15, effective 7/1/15. Statutory Authority: RCW 18.35.161, 43.70.250. WSR 10-15-093, § 246-828-025, filed 7/20/10, effective 7/26/10. Statutory Authority: RCW 18.35.161. WSR 06-19-109, § 246-828-025, filed 9/20/06, effective 10/21/06. Statutory Authority: RCW 18.35.040(2) and 18.35.161. WSR 98-13-109, § 246-828-025, filed 6/17/98, effective 7/18/98.]

AMENDATORY SECTION (Amending WSR 15-14-092, filed 6/29/15, effective 7/1/15)

WAC 246-828-075 ((Supervisors of students.)) Requirements when students perform duties of their profession while under supervision.

(1) A student((s)) enrolled in a board approved program may perform hearing aid specialist, audiologist, speech-language pathologist, or speech-language pathology assistant duties in the course of their educational training, while under supervision according to this section. For speech-language pathology applicants, supervised experience acquired during an educational program may not be applied towards the hours of postgraduate professional work experience required in WAC 246-828-04503.

(2) Supervisors of students must meet the following licensure requirements:

(a) A speech-language pathology or speech-language pathology assistant student must be supervised by a speech-language pathologist licensed and in good standing under chapter 18.35 RCW.

(b) An audiology student must be supervised by an audiologist licensed in good standing under chapter 18.35 RCW.

(c) A hearing aid specialist student must be supervised by a hearing aid specialist or an audiologist licensed and in good standing under chapter 18.35 RCW who has practiced for at least ((thirty-six)) 36 of the last ((forty-eight)) 48 months immediately preceding the beginning of supervision.

((+2)) (3) A student((s)) may only perform those activities within the scope of practice for which they are adequately trained.

((+3)) (4) The student must at all times wear an identification badge readily visible to the public that identifies ((him or her)) them as a student.

((+4)) (5) The licensee who is supervising hearing aid specialist students must cosign all purchase agreements for the sale of hearing instruments. A supervisor may only ((be in a supervisor/supervisee relationship with)) supervise a maximum of three students at a time.

((+5)) (6) The licensee who is supervising speech-language pathology or audiology students may include simultaneous observations with the student or the submission of written reports or summaries by the student for supervisor monitoring, review and approval. At least ((fifty)) 50 percent of each student's time in each diagnostic evaluation, including screening and identification, must be observed directly by a supervisor. The observations may take place on site or by ((closed-circuit television)) an audio/visual technology system that is HIPAA compliant.

[Statutory Authority: 2014 c 189, RCW 18.35.161, 18.130.062, and 18.130.020. WSR 15-14-092, § 246-828-075, filed 6/29/15, effective 7/1/15. Statutory Authority: RCW 18.35.161, 43.70.250. WSR 10-15-093, § 246-828-075, filed 7/20/10, effective 7/26/10. Statutory Authority: RCW 18.35.161. WSR 06-19-109, § 246-828-075, filed 9/20/06, effective 10/21/06; WSR 04-02-068, § 246-828-075, filed 1/7/04, effective 2/7/04; WSR 98-06-079, § 246-828-075, filed 3/3/98, effective 4/3/98. Statutory Authority: RCW 18.35.161 (1) and (3). WSR 95-19-017 § 246-828-075, filed 9/7/95, effective 10/8/95.]

AMENDATORY SECTION (Amending WSR 10-15-093, filed 7/20/10, effective 7/26/10)

WAC 246-828-300 Expired license or certification. (1) If the license or certification has expired for three years or less, the practitioner must meet the requirements (~~(of chapter 246-12 WAC, Part 2)~~) for renewal credentialing of practitioners in WAC 246-12-020 through 246-12-051.

(2) If the license or certification has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction; and

(b) Meet the requirements (~~(of chapter 246-12 WAC, Part 2)~~) for renewal credentialing of practitioners in WAC 246-12-020 through 246-12-051.

(3) If the license (~~(or certification)~~) for a hearing aid specialist has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Successfully pass the examination as provided in (~~RCW 18.35.050~~) WAC 246-828-020; and

(b) Meet the requirements (~~(of chapter 246-12 WAC, Part 2)~~) for renewal credentialing of practitioners in WAC 246-12-020 through 246-12-051.

(4) If the license for an audiologist or speech language pathologist has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) (i) Successfully pass the examination as provided in WAC 246-828-020; or

(ii) Provide verification of maintenance of Certificate of Clinical Competence (CCC) from the American Speech-Language Hearing Association (ASHA) or be board certified in audiology by the American Board of Audiology; and

(b) Meet the requirements for renewal credentialing of practitioners in WAC 246-12-020 through 246-12-051.

[Statutory Authority: RCW 18.35.161, 43.70.250. WSR 10-15-093, § 246-828-300, filed 7/20/10, effective 7/26/10. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-828-300, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.35.161 (1) and (3). WSR 95-19-017, § 246-828-300, filed 9/7/95, effective 10/8/95. Statutory Authority: RCW 18.35.161. WSR 91-11-031 (Order 165B), recodified as § 246-828-300, filed 5/8/91, effective 6/8/91; WSR 89-04-017 (Order PM 818), § 308-50-350, filed 1/23/89. Statutory Authority: 1983 c 39 § 7. WSR 83-23-056 (Order PL 447), § 308-50-350, filed 11/15/83.]

AMENDATORY SECTION (Amending WSR 16-07-087, filed 3/17/16, effective 7/1/16)

WAC 246-828-990 Hearing aid specialist, audiologist, speech-language pathologist, and speech-language pathology assistant fees and renewal cycle. (1) Credentials must be renewed every year on the

practitioner's birthday as provided in ((chapter 246-12 WAC, Part 2))
WAC 246-12-030.

(2) Practitioners must pay the following nonrefundable fees:

Audiologist or Speech-Language Pathologist

Fee Type:	Fee
Interim permit	
Application	\$165.00
Permit	140.00
Initial license	
Application	110.00
License	95.00
HEAL-WA* surcharge	16.00
Active license renewal	
Renewal	75.00
Late renewal penalty	50.00
HEAL-WA* surcharge	16.00
Expired license reissuance	140.00
Inactive license	
Renewal	60.00
Expired license reissuance	90.00
Verification of license	((30.00)) <u>25.00</u>
Duplicate license	((30.00)) <u>10.00</u>

* Surcharge applies to speech-language pathologists only. HEAL-WA is the health resources for Washington online library. See RCW 43.70.110.

Hearing Aid Specialist

Fee Type:	Fee
Initial license	
Application	\$110.00
License	95.00
<u>Hearing aid specialist practical exam for Washington hearing society applicants</u>	<u>\$350.00</u>
Active license renewal	
Renewal	75.00
Late renewal penalty	50.00
Expired license reissuance	136.00
Inactive license renewal	
Renewal	56.00
Expired license reissuance	86.00
Verification of license	((30.00)) <u>25.00</u>
Duplicate license	((30.00)) <u>10.00</u>

Speech-Language Pathology Assistant

Fee Type:	Fee
Initial credential	

**Speech-Language Pathology
Assistant**

Fee Type:	Fee
Application	\$85.00
Active credential renewal	
Renewal	45.00
Late renewal penalty	45.00
Expired credential reissuance	50.00
Inactive credential renewal	
Renewal	50.00
Expired credential reissuance	50.00
Verification of credential	((15.00))
	<u>25.00</u>
Duplicate credential	((15.00))
	<u>10.00</u>

[Statutory Authority: RCW 43.70.250 and 43.70.280. WSR 16-07-087, § 246-828-990, filed 3/17/16, effective 7/1/16. Statutory Authority: RCW 43.70.250, 43.70.280 and 2014 c 189. WSR 15-16-020, § 246-828-990, filed 7/24/15, effective 8/24/15. Statutory Authority: RCW 43.70.280 and 2013 c 249. WSR 13-21-077, § 246-828-990, filed 10/17/13, effective 1/1/14. Statutory Authority: RCW 43.70.110, 43.70.250, and 2011 1st sp.s. c 50. WSR 11-20-092, § 246-828-990, filed 10/4/11, effective 12/1/11. Statutory Authority: RCW 18.35.161, 43.70.250. WSR 10-15-093, § 246-828-990, filed 7/20/10, effective 7/26/10. Statutory Authority: RCW 43.70.110, 43.70.250, 2008 c 329. WSR 08-15-014, § 246-828-990, filed 7/7/08, effective 7/7/08. Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. WSR 05-12-012, § 246-828-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 18.35.161. WSR 04-02-068, § 246-828-990, filed 1/7/04, effective 2/7/04. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-828-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.35.090 and 43.70.250. WSR 97-04-043, § 246-828-990, filed 1/31/97, effective 1/31/97. Statutory Authority: RCW 18.35.161 (1) and (3). WSR 95-19-017, § 246-828-990, filed 9/7/95, effective 10/8/95. Statutory Authority: RCW 43.70.250. WSR 94-08-038, § 246-828-990, filed 3/31/94, effective 5/1/94; WSR 93-14-011, § 246-828-990, filed 6/24/93, effective 7/25/93; WSR 91-13-002 (Order 173), § 246-828-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. WSR 91-11-030 (Order 139), recodified as § 246-828-990, filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 43.70.250. WSR 90-04-094 (Order 029), § 308-50-440, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. WSR 87-18-031 (Order PM 667), § 308-50-440, filed 8/27/87.]