

PLEASE NOTE: The Idaho State Board of Speech, Hearing, and Communication Services requests feedback on any section of this Rules draft and directs each reviewers' attention.

**24.23.01 – RULES OF THE SPEECH, HEARING, AND COMMUNICATION SERVICES LICENSURE BOARD**

**000. LEGAL AUTHORITY.**

These rules are promulgated pursuant to Section 54-2910, Idaho Code. ( )

**001. SCOPE.**

These rules govern speech, hearing, and communication services in Idaho. ( )

**002. – 003. (RESERVED)**

**004. INCORPORATION BY REFERENCE.**

The document titled "National Association of the Deaf (NAD)-Registry of Interpreters for the Deaf, Inc. (RID) Code of Professional Conduct," copyright 2005 by the Registry of Interpreters for the Deaf, is incorporated by reference into this rule and is available at the Board's office and on the Board's web site. ( )

**005. – 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Audiology Support Personnel.** Unlicensed natural persons who work under the direction and supervision of an audiologist who is licensed in accordance with Title 54, Chapter 29, Idaho Code, and is engaged in the practice of audiology. ( )

**02. Direct Client Contact.** Assessment, diagnosis, evaluation, screening, treatment, report writing, family or client consultation, counseling, or any combination of these activities. ( )

**03. Dual Licensure.** The status of a person who holds more than one (1) license under Title 54, Chapter 29, Idaho Code. ( )

**011. – 174. (RESERVED)**

**175. FEES.**

All fees are non-refundable. Fees are established in accord with Title 54, Chapter 29, Idaho Code as follows: ( )

**01. License, Permit, and Registration Fees.**

LICENSE/PERMIT/REGISTRATION	INITIAL FEE (Not to Exceed)	ANNUAL RENEWAL FEE (Not to Exceed)
Application	\$30	
Original or Endorsement	\$70	\$100
Provisional Permit or Extension	\$100	
Registration Out-of-State Licensee	\$10	

Reinstatement fee	As provided in Section 67-2614, Idaho Code.
Inactive license	\$65
Inactive to active license fee	The difference between the current inactive and active license renewal fees

( )

**02. Examination Fees.** The examination fee is that charged by the examination provider plus an administration fee of one hundred dollars (\$100) when the examination is administered by the Board. ( )

176. – 204. (RESERVED)

**205. INACTIVE STATUS.**

~~01. Request for Inactive Status.~~ Each person requesting an inactive status of an active license must submit a written request and pay the established fee. ( )

~~02. Inactive License Status.~~ ( )

~~a. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license.~~ ( )

~~b. When the licensee desires active status, the licensee must show acceptable fulfillment of ten (10) contact hours of continuing education during the previous twelve (12) months and submit a fee equivalent to the difference between the inactive and active renewal fee, provided that a licensee whose license has been inactive five (5) years or more must provide an account to the Board for that period of time during which the license was inactive and fulfill requirements that demonstrate competency to resume practice. Those requirements may include, but are not limited to, education, supervised practice, and examination as determined by the Board. The Board may consider practice in another jurisdiction in determining competency.~~ ( )

~~c. Licensees may not practice or supervise in Idaho as an Audiologist, Speech-Language Pathologist, Speech-Language Pathologist Aide, Speech-Language Pathologist Assistant, Hearing Aid Dealer and Fitter, or Sign Language Interpreter while on inactive status.~~ ( )

206. – 209. (RESERVED)

**210. QUALIFICATIONS FOR AUDIOLOGIST LICENSURE BY EXAMINATION.**

All applicants for licensure as an audiologist must comply with the following education, experience, and examination requirements: ( )

~~01. Graduate Program Requirement.~~ A master's or doctoral degree with emphasis in audiology or not less than seventy-five (75) semester credit hours of post-baccalaureate study that culminates in a doctoral degree from a nationally accredited school for audiology. ( )

**012. Approved Examination.** Pass the audiology examination given by PRAXIS, within the last five (5) years or other examination as may be approved by the Board. ( )

**03. Approved Experience.** Successfully complete a supervised academic clinical practicum as part of a doctoral program that satisfies Section 54-2912(b), Idaho Code, or supervised postgraduate experience that is

Commented [KS1]: Duplicative of Title 67 Chapter 26

substantially equivalent to such a practicum. An applicant who has insufficient supervised experience as part of the doctoral program may obtain the necessary experience under a provisional permit as provided in these rules.

Successfully complete a supervised academic clinical practicum as part of a doctoral program that satisfies Subsection 210.01 of this rule or supervised postgraduate experience that is substantially equivalent to such a practicum. An applicant who has insufficient supervised experience as part of the doctoral program may obtain the necessary experience under a provisional permit as provided in these rules. ( )

## 211. SUPPORT PERSONNEL: AUDIOLOGY.

### 01. Supervising Audiologist – Responsibilities – Restrictions. ( )

a. Responsible of the supervising audiologist include; but are not limited to. The supervising licensed audiologist is responsible for everything audiology support personnel do or fail to do while performing their duties under the supervising audiologist's supervision. The supervising audiologist is responsible for training and evaluating the performance of audiology support personnel, and for approving all orders and directives. The supervising audiologist must assign tasks which are consistent with the training, education, and experience of audiology support personnel. ( )

b. Responsibilities of the supervising audiologist include, but are not limited to: ( )

i. Training, assessing the competency, and evaluating the performance of audiology support personnel. ( )

ii. Approving or disapproving all orders and directives concerning audiology tasks issued by administrators or other managers. ( )

iii. Assigning audiology tasks to audiology support personnel and supervising the performance of those tasks. Assigned tasks must not exceed the education, training, competency of audiology support personnel, knowledge and skills of audiology support personnel nor require the exercise of professional judgment, interpretation of test results, or the development or modification of treatment plans. ( )

iv. Assessing the abilities of audiology support personnel to perform assigned audiology tasks. ( )

v. Providing feedback to audiology support personnel to facilitate improved job performance. ( )

cb. The number of audiology support personnel that an audiologist may supervise at any one time must be consistent with the delivery of appropriate, quality service, and Title 54, Chapter 29, Idaho Code. ( )

d. An audiologist must supervise audiology support personnel in the following manner: ( )

i.c. A supervising audiologist must directly supervise audiology support personnel no less than one (1) time for every five (5) times that support personnel provide audiology services to a patient (twenty percent (20%)). Direct supervision requires in-view real-time observation and guidance while an assigned activity is performed. This requirement can be met when the supervisor is providing supervision from a distant site, using two-way video and audio transmission. The supervising audiologist will document and retain a record of all direct supervision periods. ( )

ii. When not providing direct supervision, the supervising audiologist must provide direction and supervision to audiology support personnel while support personnel are providing audiology services to a patient by making themselves accessible to the support personnel by telephone, video conferencing or in person. ( )

02. Audiology Support Personnel – Roles – Restrictions. Audiology support personnel perform only tasks that are planned, delegated, and supervised by the supervising audiologist. Duties and responsibilities are

Commented [LK2]: Is this necessary?

Commented [LK3]: Appears more restrictive than surrounding states. Most surrounding jurisdictions have a requirement of 10, 20, or 30% of direct supervision, some which phase out after 90 days.

~~assigned based on education, training, and experience. on training, certification, available supervision, and specific work setting, provided that an audiologist may not allow audiology support personnel to perform the following:~~ ( )

- ~~a. Any task prohibited by state or federal law. ( )~~
- ~~b. Interpreting observations or data into diagnostic statements of clinical management strategies or procedures. ( )~~
- ~~c. Determining case selection. ( )~~
- ~~d. Transmitting clinical information, either verbally or in writing, to anyone without the approval of the supervising audiologist. ( )~~
- ~~e. Composing clinical reports except for progress notes to be reviewed by the audiologist and held in the client's records. ( )~~
- ~~f. Referring a patient/client to other professionals or agencies. ( )~~
- ~~g. Referring to self or using in connection with audiology support person's name, any title other than one determined by the supervising audiologist that is consistent with state and federal law. ( )~~
- ~~h. Signing any formal documents (e.g. treatment plans, reimbursement forms, or reports). ( )~~
- ~~i. Discharging a patient/client from services. ( )~~
- ~~j. Removal of cerumen. ( )~~

**03. Audiology Support Personnel – Pre-Service and In-Service Instruction. ( )**

~~a. The supervising audiologist is responsible for maintaining a written record of completed training activity. ( )~~

~~b. Training will be conducted pre-service (before tasks are assigned) and in-service (after tasks are assigned). Training should prepare audiology support personnel to successfully perform assigned tasks. The following guidelines apply to both pre-service and in-service training.~~

~~The quality and content of training is left to the discretion of the supervising audiologist. The following guidelines apply to both pre-service and in-service training. ( )~~

- ~~i. Training should be well-defined and specific to assigned tasks. ( )~~
- ~~ii. Supervising audiologists should ensure that the scope and intensity of training is sufficient to prepare audiology support personnel to successfully perform assigned tasks. ( )~~
- ~~iii. Training should be competency-based and be provided through a variety of formal and informal instructional methods accompanied by written policies and procedures. ( )~~
- ~~iv. Supervising audiologists should provide audiology support personnel with a written description of their roles and functions. Audiologists should provide personnel with ongoing training opportunities to ensure that audiology practices are current and skills are maintained. ( )~~
- ~~v. Training should include the identification of and appropriate response to linguistic and cultural challenges which may affect the delivery of service. ( )~~

**212. NEWBORN HEARING SCREENING TESTS.**

~~Performing newborn hearing screening tests on infants using automated equipment that produces a pass/fail~~

**Commented [LK4]:** Can we strike 211.02 entirely? 54-2923(13) allows for discipline of the supervisor for failure to adequately supervise the support personnel. In this instance, wouldn't the Board discipline the supervising audiologist, not the support personnel? Therefore, I don't see what value this section provides.

**Commented [LK5]:** More restrictive than surrounding states.

~~response does not, by itself, constitute the practice of audiology or convert persons performing the tests into audiology support personnel.~~ ( )  
~~A person who is not a licensed audiologist or audiology support personnel may conduct a newborn hearing screening test if the test is conducted using equipment that produces a pass/fail response and is monitored by a licensed audiologist.~~

**Commented [LK6]:** Practice of audiology is defined by the Practice Act. Most surrounding jurisdictions do not have a statute/rule for newborn screening tests. Strike?

**Commented [LK7R6]:** Rule 212 re-drafted following Board meeting and comments 6/29.

213. -- 219. (RESERVED)

**220. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST LICENSURE.**

All applicants for licensure as a speech-language pathologist must comply with the following education, experience, and examination requirements: ( )

~~01. Graduate Program Requirement. A master's or doctoral degree from a nationally accredited school of speech language pathology with a curriculum approved by the Board and includes a supervised academic clinical practicum.~~ ( )

**Commented [KS8]:** Can this be removed? If they attend accredited program.

**Commented [LK9R8]:** This is in statute under 54-2913(1)(b)

**012. Approved Examination.** Pass an examination in speech-language pathology given by PRAXIS or other examination as may be approved by the Board. ( )

**Commented [KS10]:** Are we approving other tests?

**03. Approved Supervised Experience.** Satisfactorily complete the supervised postgraduate experience approved by the Board as follows: ( )

**Commented [LK11R10]:** Surrounding states all use PRAXIS exam. Discuss with Board whether there are other exams in use>

~~a. Complete a minimum of 350 hours of clinical practicum under the supervision of a licensed speech language pathologist. One thousand two hundred sixty (1,260) hours of experience gained under the supervision of a licensed speech language pathologist in no less than thirty-six (36) weeks of full-time (thirty-five (35) hours per week) experience or the equivalent part-time experience and in no more than forty-eight (48) months.~~ ( )

**b.** One thousand ten (1,010) hours of experience must be in direct client contact as defined in these rules. ( )

**c.** A minimum of eighteen (18) hours of direct client contact must be observed on-site by the Board-approved supervisor and provided on a regular basis throughout the hours of experience. ( )

**d.** The nature of the supervision and contact must allow for immediate feedback and can be conducted using audio/visual, in person, electronic means, or telephone. ( )

**Commented [LK12]:** In lieu of Board-specific supervised experience, many surrounding states have ASHA Certificate of Clinical Competence. Suggest redrafting to "holds ASHA Certificate of Clinical Competence or substantially similar experience.

221. -- 229. (RESERVED)

**230. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST AIDE LICENSURE.**

~~ALL APPLICANTS FOR LICENSURE AS A SPEECH-LANGUAGE PATHOLOGIST AIDE MUST COMPLY WITH THE FOLLOWING EDUCATION AND EXAMINATION REQUIREMENTS: ( )~~

**Formatted:** Section Name TOC

~~01. Education Program Requirement. A baccalaureate degree from a nationally accredited school of speech language pathology with a curriculum approved by the Board.~~ ( )

~~02. Examination. Pass an examination in speech language pathology aide as approved by the Board.~~ ( )

~~03. Supervision. A speech language pathologist aide must work under the supervision of a speech language pathologist.~~ ( )

231. -- 239. (RESERVED)

**240. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST ASSISTANT LICENSURE.**

All applicants for licensure as a speech-language pathologist assistant must comply with the following education and examination requirements: ( )

01. **Approved Education Program Requirement.** An associate degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board. ( )

02. **Approved Examination.** Pass an examination in speech-language pathology assistant offered by the American Speech-Language Hearing Association approved by the Board. ( )

Commented [LK13]: In statute but not consistent with surrounding states.

03. **Supervision.** A speech-language pathologist assistant must work under the supervision of a speech-language pathologist. ( )

241. -- 249. (RESERVED)

**250. QUALIFICATIONS FOR HEARING AID DEALER AND FITTER LICENSURE.**

~~All applicants for licensure as a hearing aid dealer and fitter must comply with the following education, experience, and examination requirements: ( )~~

~~01. **Education Requirement.** A high school diploma or successful passage of the General Educational Development diploma (GED). **Approved Education.** A high school diploma or GED. ( )~~

Commented [KS14]: Duplicative of 54-2619(2)

~~012. **Approved Examination.** Pass the national International Hearing Instrument Studies examination and the practical examination approved by the Board. ~~An applicant who fails to obtain a satisfactory score as determined by the examination provider in either the written examination or a section of the practical examination, may retake only the portion of the examination failed in order to qualify for licensure. If the applicant again fails, the examination the applicant must retake the entire examination until the examination is successfully passed to qualify for licensure.~~ ( )~~

251. -- 259. (RESERVED)

**260. QUALIFICATIONS FOR SIGN LANGUAGE INTERPRETER LICENSURE.**

The Board may grant a sign language interpreter license to an applicant who meets the following: ( )

01. **Education.** Possess a high school diploma or the equivalent; ( )

02. **Examination or Certification.** Pass one (1) written and one (1) practical or performance competency examination approved by the Board or hold a current certification approved by the Board. ( )

a. Written examinations approved by the Board include, but are not limited to: The Educational Interpreter Performance Assessment (EIPA), any interpreting generalist written examination developed by the Registry of Interpreters for the Deaf (RID), the Center for Assessment of Sign Language Interpreters (CASLI), or any state government. ( )

b. Practical or performance examinations approved by the Board include, but are not limited to: any practical or performance general interpreting examination recognized by the Registry of Interpreters for the Deaf (RID) or the Educational Interpreter Performance Assessment (EIPA) at score 4.0 or above. The practical or performance examination must have been passed within ten (10) years before the date of original application for licensure. ( )

c. Certifications approved by the Board include, but are not limited to, those administered by: Registry of Interpreters for the Deaf (RID); National Association of the Deaf (NAD); Center for Assessment of Sign Language Interpreters (CASLI); Board for Evaluation of Interpreters (BEI) at basic level or above, or if certified before 2014, at intermediate level or above; Utah Interpreter Program (UIP) at professional or master level, or a Utah Certified: Deaf Interpreter (UC:DI). ( )

261. -- 264. (RESERVED)

**265. CODE OF ETHICS AND STANDARDS FOR SIGN LANGUAGE INTERPRETERS.**

All licensed sign language interpreters must follow the National Association of the Deaf (NAD)-Registry of Interpreters for the Deaf, Inc. (RID) code of professional conduct as incorporated by reference in Section 004 of these rules and must practice competently and in a manner consistent with the licensee's training, skill, and experience. ( )

**266. -- 269. (RESERVED)**

**270. TEMPORARY REGISTRATION FOR OUT-OF-STATE LICENSEES.**

A person licensed or certified in good standing as a sign language interpreter in another state, territory, or the District of Columbia may practice sign language interpreting in this state without a license issued by the Board for a period of thirty (30) days within a twelve (12) month period, provided they pay the required fee and meet the requirements of this section. The Board may grant an extension or additional registrations for good cause. ( )

**01. Statement of Registration.** Before commencing such work, the person will file with the Board on a form approved by the board a statement of registration providing the person's name, residence, sign language interpreter license or certificate of registration number, and the name, address, and phone number of the issuing authority. ( )

**271. -- 279. (RESERVED)**

**280. DEAF INTERPRETERS.**

**01. Letter of Endorsement.** Persons who are deaf or hard-of-hearing and are not sign language interpreters may perform sign language interpreting services in the role of a deaf interpreter if they file the approved application with the Board and include one two (12) written endorsement letters from sign language interpreters licensed by the Board. Deaf Interpreters must complete this process on a yearly basis. Each letter must, at a minimum, include: ( )

a. Date letter of endorsement was written; ( )

b. Full name, mailing address, and phone number of the deaf interpreter; ( )

c. Name, mailing address, and phone number of the sign language interpreter; and ( )

d. A statement endorsing the deaf interpreter to perform sign language interpreting services and an explanation as to why the sign language interpreter believes that the deaf interpreter has the skills and the knowledge to perform this role. ( )

**02. Withdrawal of Endorsement.** A sign language interpreter who has endorsed a deaf interpreter may withdraw their endorsement at any time upon delivery of written notice to the deaf interpreter and the Board. ( )

**281. -- 309. (RESERVED)**

**310. ENDORSEMENT.**

The Board will may grant a license to any person who holds a current, valid, and unrestricted in another state, district, or territory of the United States, active license, at the level for which a license is being sought, issued by the authorized regulatory entity in another state and has not engaged in conduct that would constitute grounds for discipline under Section 54-2918, Idaho Code, unless the applicant has demonstrated suitability for licensure as set forth in these rules. ( )

**311. -- 319. (RESERVED)**

**320. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE.**

An applicant who has a prior criminal conviction or whose license has a conviction, finding of guilt, withheld

**Commented [LK15]:** "not engaged in conduct that would constitute grounds for discipline" is inconsistent with 76-9409. However, Board can establish basis for establishing competency.

~~judgment, or suspended sentence for a felony or has been subject to discipline in another state, territory, or country must disclose this on any application to the Board and provide any additional information upon Board request. submit with his application a written statement and any supplemental information establishing the applicant's current suitability for licensure.~~

**Commented [LK16]:** This has been redrafted for consistency with 54-2923(9). 54-2913 through 2916a are inconsistent in disclosure language, so have used disciplinary statute which applies to all for consistency.

**01. Consideration of Factors and Evidence.** The ~~Board will make its determination based upon board may consider the~~ factors set forth in Section 67-9411, Idaho Code. ( )

**02. Interview.** ~~The Board may require the applicant to be interviewed by the Board to review the applicant's qualifications and credentials. Board may, at its discretion, grant an interview of the applicant.~~ ( )

**Commented [LK17]:** Drafted to mirror 54-2913(3).

**03. Applicant Bears the Burden.** The applicant bears the burden of establishing the applicant's current suitability for licensure. ( )

**Commented [LK18]:** I don't believe this is consistent with 67-9411

321. -- 399. (RESERVED)

**400. CONTINUING EDUCATION.**

**Formatted:** Section Name TOC2

All licensees must complete the following continuing education requirements: ( )

**Commented [KS19]:** Will look at other states

**01. Requirement.** ~~For licensed sign language interpreters and up until January 1, 2021, for all other licensees, Each licensee will successfully complete, in the twelve (12) months preceding each renewal of their license, a minimum of ten (10) contact hours of continuing education directly related to the scope of their practice and sponsored by a national, state, or regional professional association or an institution of higher education.~~ ( )

**Commented [LK20R19]:** Consistent with surrounding jurisdictions. However, if we are moving to biennial renewal, we may want to make this every two years.

~~a. Effective January 1, 2021, for licensees other than sign language interpreters, each licensee will successfully complete, in the three (3) years prior to their license expiration date, a minimum of thirty (30) contact hours of continuing education.~~ ( )

~~ab. A contact hour is a measurement of the licensee's participation in an area of study germane to the practice for which the license is issued as approved by the Board. One (1) contact hour requires one (1) hour of participation in a Board-approved continuing education program excluding meals and breaks. One (1) contact hour equals one (1) clock hour for purposes of obtaining continuing education credit.~~ ( )

~~c. For college or university courses that are approved by the Board for continuing education credit, one (1) semester credit hour equals fifteen (15) contact hours; one (1) quarter credit hour equals ten (10) contact hours.~~ ( )

**d.** For proctoring the hearing aid dealing and fitting examination administered by the Board, a licensee may claim three (3) contact hours per exam up to a total of six (6) contact hours during each year, provided that a licensee may not claim more than nine (9) contact hours during any three (3) year period. ( )

~~e. Effective January 1, 2021, the Board will waive the continuing education requirement for the first three (3) license renewals after initial licensure for licensees other than sign language interpreters. For sign language interpreters and up until January 1, 2021, for all other licensees, the Board will waive the continuing education requirement for the first renewal after initial licensure.~~ ( )

**02. Documentation.** Each licensee must maintain documentation verifying hours of attendance, ~~by securing authorized signatures or other documentation from the course instructors, providers, or sponsoring institution.~~ This documentation is subject to audit and must be provided upon request, ~~by the Board or its agent.~~ ( )

~~03. Waiver.~~ The Board may waive continuing education requirements for reasons of individual hardship, including health, when certified by a medical doctor, or other good cause. The licensee must provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board. ( )



~~04. Carryover of Continuing Education Hours. Until January 1, 2021, continuing education hours not claimed in the current renewal year may be claimed in the next renewal year. A maximum of ten (10) hours may be carried forward from the immediately preceding year, and may not be carried forward more than one renewal year. ( )~~

401. -- 449. (RESERVED)

450. PROVISIONAL PERMITS.

~~01. Scope and Purpose. The Board may issue a provisional permit to allow an applicant to engage in the supervised practice of a profession regulated by Title 54, Chapter 29, Idaho Code, to allow a person to engage in the practice of audiology or speech language pathology while completing either the required postgraduate experience or a comparable doctoral program in audiology. The Board may issue a permit to allow a person to engage in fitting and dealing hearing aids or sign language interpreter while pursuing passage of an examination or certification for licensure. Licensure for that profession. ( )~~

Commented [LK21]: Don't need purpose in rule. Strike.

~~a. A provisional permit holder for audiology or speech language may practice the respective profession while completing the supervised experience necessary for licensure set forth in Subsection 210.03 or Subsection 220.02. ( )~~

Commented [LK22]: Redrafted for consistency with 54-2919 and to incorporate sub(a) and (b).

~~b. A provisional permit holder for sign language interpreting or hearing aid dealing and fitting may practice the respective profession while pursuing passage of examination(s) or certification necessary for licensure as set forth in Subsections 250.02 and 260.02. ( )~~

Commented [LK23]: Discretionary, not required by statute.

~~02. Supervisor. A provisional permit holder must be supervised by a licensee in good standing for the profession corresponding to the permit, except that a hearing aid dealer and fitter permittee may be supervised by an audiologist or a hearing aid dealer and fitter. . . may only practice under the supervision of a licensee(s) whose license is current, in good standing, has not had discipline in the last two (2) years, and who is not supervising more than one (1) other permit holder, and as set forth below: ( )~~

Commented [LK24]: Is it necessary to limit # of provisional holders supervised by licensee?

~~a. A permit holder must be supervised by a licensee for the profession corresponding to the permit, except that a hearing aid dealer and fitter permit holder must be supervised by: ( )~~

~~i. A hearing aid dealer and fitter who holds a current hearing instrument sciences (BC-HIS) from the National Board for Certification in Hearing Instrument Sciences or has three (3) years of active practice immediately preceding approval as a supervisor; or ( )~~

~~ii. An audiologist with one (1) year of active practice immediately preceding approval as a supervisor. ( )~~

~~iii. For an applicant who holds a current hearing instrument sciences (BC-HIS) from the National Board for Certification in Hearing Instrument Sciences, the Board may within its discretion approve a supervisor who is an audiologist with less than one (1) year of practice, is supervising more than one (1) other permit holder, or both. The Board's approval of such a supervisor may be rescinded in the event the permit holder fails a licensing examination or the permit holder failure to take the licensing examination within six (6) months after issuance of the permit. The Board may allow the supervisor to continue to supervise the permit holder upon adequate assurance that the supervision being provided is sufficient to ensure the safe and effective delivery of hearing aid dealing and fitting services and preparation for the examination. ( )~~

~~b. A supervisor for a permit holder, except for sign language interpreter supervisor, must have an established business site in Idaho. A supervisor and permit holder for hearing aid dealing and fitting must work in the same facility. ( )~~

~~e. A supervisor may terminate their supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. ( )~~

Commented [LK25]: Incorporate into Responsibilities of Supervisor.

**03. Supervision.** The supervisor is responsible for all practice ~~of and conduct of each the~~ permit holder, under supervision. ~~The supervisor and permit holder for hearing aid dealing and fitting must have adequate personal contact, which at a minimum includes:~~ ( )

**a.** ~~Personal contact each work day to review any assignments, client contacts, and hearing aid fittings for the first sixty (60) days of practice. The nature of the supervision and contact must allow for immediate feedback and includes audio/visual, in person, or telephone contacts.~~ ( )

**b.** ~~After the first sixty (60) days of practice, personal contact as described in Subsection 450.03.a. must be made no less than once in each calendar week throughout the remaining period of the permit.~~ ( )

**c.** ~~In the event a permit holder fails the licensing examination two (2) consecutive times and is eligible to maintain a permit, the supervisor and permit holder must reinstate contact in person each work day as set forth in Subsection 450.03.a.~~ ( )

**04. Plan of Training Agreement and Quarterly Reports.** ~~Training may be performed in accordance with an agreement that identifies the parties to the agreement, the applicant's scope of practice authorized, and if necessary, any monitoring parameters. The applicant will submit the agreement to the Board. An applicant must submit a plan of training approved by the designated supervisor(s). Permit holders must submit quarterly reports signed by the supervisor(s) reflecting the progress on the plan(s) of training and any additional information required by this rule.~~ ( )

**a.** ~~A plan of training for hearing aid dealing and fitting or a sign language interpreter must cover all sections of the license examination(s).~~ ( )

**b.** ~~A plan of training and supervision for an audiology or speech language pathology permit holder must provide for adequate direct client contact activities which include assessment, diagnosis, evaluation, screening, treatment, and client management.~~ ( )

**bc.** ~~Quarterly reports must be on forms approved by the Board, attested to and signed by the permit holder and approved supervisor(s), and include: [The supervisor will document the permittee's progress on Board approved forms which will be made available to the Board upon request.]~~ ( )

**i.** ~~A log of client and supervisor contacts;~~ ( )

**ii.** ~~Supervisor's statement of completed training assignments by the permit holder;~~ ( )

**iii.** ~~For an audiology permit holder, documentation of all hearing aid sales or fittings made by the permit holder;~~ ( )

**iv.** ~~For a sign language interpreter, certification of attendance for any workshop or training session that permit holder has attended;~~ ( )

**v.** ~~For a hearing aid dealing and fitting permit holder, a copy of test results for all persons tested by the permit holder whether or not a sale occurred and a copy of each hearing aid order for all fittings including specifications of instruments ordered.~~ ( )

**d.** ~~Quarterly reports are due on or before April 10th, July 10th, October 10th, and January 10th for the three (3) calendar month period preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, are inadequate, or document inadequate progress or incompetent practice the permit may be suspended or revoked upon notice and an opportunity to be heard.~~ ( )

**05. Change in Supervisor or Plan of Training.** ~~A permit holder must notify the Board prior to changing supervisors or changing the plan of training, and the change must be approved by the Board, or a~~

**Commented [LK26]:** Suggest changing "personal contact" to "direct supervision" to make more consistent with other sections

**Commented [KS27]:** Grounded in Statute. Need to review further.

**Commented [LK28R27]:** 54-2919 provides discretionary rulemaking for provisional permit holders for sign language interpreting and hearing aid dealers/fitters. This is not required by statute. Discussion as to whether we want to consider continuing discretionary provisional permits.

**Commented [LK29]:** Drafted using language from pharmacy, collaborative practice agreement.

**Commented [LK30]:** Requiring submission to reports to the Board is more restrictive than any surrounding state. Making the documentation available upon request is consistent with surrounding states.

**Commented [LK31]:** Providing for Board approved forms allows more flexibility than in Rule, and can change frequency of reporting via form rather than official rule change.

**Commented [LK32]:** Regular reporting to the Board is more restrictive than surrounding states.

designated member of the Board, prior to the commencement of supervision by a new supervisor or implementation of the change. Any supervision obtained from a supervisor or under a plan of training prior to or without approval of the Board will only be accepted at the discretion of the Board. A supervisor must report a termination of supervision in writing to the Board within ten (10) days. ( )

**Commented [LK33]:** Less restrictive than WA. Same as MT. Consider extending to 30 days.

**06. Cancellation. Cancellation of Permit.** A permit is cancelled upon any of the following: issuance of a license, expiration of the permit, or ten (10) business days after termination or disqualification of all supervision or supervisors if the permit holder has not applied for a change of supervisor. A permit is cancelled if the holder obtains a license or fails to submit a new application within 30 days of a change in supervision. ( )

**Commented [LK34]:** Seems like the permit holder needs more than 10 days if the supervisor is entitled to 10 days above. Will need to find another supervisor, and 10 days is more restrictive.

**07. Expiration.** Following the approval of a permit holder's original application, a provisional permit expires after Twenty-four (24) months. Following the expiration of the permit, the permit holder may apply to the Division for an extension of twelve (12) months after approval of the initial application. . : ( )

**Commented [LK35]:** Discussion topic: do we want the permit holder to apply to the Board or the Division for an extension? Is there a reason this needs to go before the entire board?

a. Twenty-four (24) months for the practice of audiology or the practice of hearing aid dealing and fitting. ( )

b. Forty-eight (48) months for the practice of speech language pathology. ( )

c. Twelve (12) months for the practice of sign language interpreting, provided that the Board may at its discretion, and upon application of the permit holder and approval of the supervisor, extend the time period by an additional twelve (12) months. The permit holder may apply for an extension a maximum of two (2) times, such that no permit holder may practice under a permit for more than thirty-six (36) months after the approval of the original application. ( )

**Commented [LK36]:** Suggest universal expiration for all categories of 24 months.

d. The Division Board may extend the time period for reasons of individual hardship, including health when certified by a medical doctor, or other good cause that prevented the permit holder from completing the supervision within twenty-four (24) months, the stated time period. ( )

**Commented [LK37R36]:** Discussed at 6/29 Board meeting- no opposition to streamlining time period.

451. -- 499. (RESERVED)

**500. HEARING EVALUATION.**

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**01. Testing.** Pre-Fitting and Sound Field Testing must be conducted in accordance with the standards set by the American National Standard Institute. ( )

**Commented [LK38]:** AK, MT, and WA all reference "ANSI" standards. Is there a reason that we need the level of detail contained within (2) and (3)?

**Purpose of Rule.** The purpose of this rule is to define, "tests utilizing appropriate procedures," as used in Section 54-2923(6), Idaho Code. This rule is intended to be consistent with and to complement FDA Rule 801.420 as it refers to hearing evaluations. ( )

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**02. Pre-Fitting Testing.** All prospective hearing aid consumers must be given calibrated pure-tone air and bone tests with masking when applicable. Speech tests must be given by appropriate equipment calibrated to current H.T.L. reference levels. ( )

**Commented [LK39]:** Don't need purpose in rule- strike.

**03. Sound Field Testing.** Before the prospective consumer purchases a hearing aid or within six (6) weeks afterward, the licensee must conduct the testing necessary to document that the fitted instrument meets industry standards and provides benefit to the consumer. This testing must be accomplished using appropriate sound field testing so as to ensure repeatability. Verification of benefit may be accomplished using any one (1) of the following tests: ( )

a. Soundfield testing for speech discrimination in both the aided and unaided conditions; ( )

b. Soundfield testing using warble tones or narrowband noise to evaluate functional gain; or ( )

c. "Real-ear" probe microphone measurements. ( )

**04. Records.** ~~The licensee will maintain a record of test data for one (1) year after sale. A copy of all test data must be kept on file by the licensee for two (2) years after sale.~~ ( )

**Commented [LK40]:** Shortened. Other states require annual calibration and allow the Board to examine records. I did not find any requirements that records be maintained for two years.

**05. Exemptions.** The testing requirements ~~contained in Subsections 500.02 and 500.03~~ of this rule do not apply to consumers who cannot respond to acceptable audiological tests, ~~for any reason.~~ ( )

551. -- 599. (RESERVED)

**600. WRITTEN CONTRACTS.**

**01. Contract Form.** Any person who practices the fitting and sale of hearing aids must enter into a written contract with the person to be supplied with the hearing aid, which is signed by the licensee and the consumer, ~~and contains the information required in Subsections 600.01.a. through g.~~ The written contract must be given to the consumer at the time of the sale and must contain the following: ( )

a. ~~License number, Business address, and specifications as to the make, model, and manufacture date of the hearing aid;~~ ( )

b. ~~Business address;~~ ( )

c. ~~The specifications as to the make, model, and manufacture date of the hearing aid;~~ ( )

d. ~~Clearly state the full terms of the sale, including a minimum of thirty (30) day trial period for a refund of at least seventy-five (75) percent of monies paid. The exact portion of the purchase price, not to exceed twenty-five (25%) percent of the total purchase price of the hearing instrument and fitting expenses, that is nonrefundable;~~ ( )

e. ~~Provide the serial number of the hearing aid upon delivery;~~ ( )

f. Be clearly marked as "used" or "reconditioned," ~~if whichever is applicable; if the aid is not new;~~ and ( )

g. ~~In print size no smaller than ten (10) point type;~~ ( )

i. ~~The address of the Division of Occupational and Professional Licenses and the procedure for filing complaints against anyone licensed to dispense hearing aids; Address and telephone number of the Division of Occupational and Professional Licenses.~~ ( )

ii. ~~A disclosure that the contract is void if the hearing aid is not delivered to the consumer within thirty (30) days of signature, and that if this occurs, the licensee will promptly refund the full purchase price; nonwaivable statement that the contract is null and void and unenforceable if the hearing aid being purchased is not delivered to the consumer within thirty (30) days of the date the written contract is signed, and that in the event the hearing aid is not delivered to the consumer within thirty (30) days of the date the written contract is signed, the licensee shall promptly refund any and all moneys paid for the purchase of the hearing aid.~~ ( )

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**Commented [LK41]:** Redrafted for consistency with 54-2906(2)(b)

**Commented [LK42]:** This is consistent with surrounding states and I think we should keep it but require 12 point font, which is the minimum requirement for surrounding states.

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**Commented [LK43]:** Rewritten per 54-2906(2)(c)

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**Commented [LK44]:** I don't know what this means, legally. A waiver is different from a disclosure.

**Commented [LK45]:** Null, void and duplicative all have the same legal meaning. This is unnecessary.

**Commented [LK46]:** Spelling error.

**Commented [LK47]:** List is not consistent with statute. 54-2906(3) requires: A person licensed as a hearing aid dealer and fitter shall, when dealing with a person eighteen (18) years of age or younger, obtain written confirmation that such person has been examined by a licensed otolaryngologist or audiologist within thirty (30) days of the sale of any hearing aid.

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**Commented [LK48]:** Rule already says it has to be in writing.

**Commented [LK49]:** Again, I don't know the legal importance of "nonwaivable" here. Insertion of waiver language would be inconsistent with mandatory language of rule.

**02. Cancellation and Refund.** The ~~written~~ contract must grant the consumer a nonwaivable thirty (30) day right to cancel the purchase and obtain a refund. The thirty (30) day ~~period right to cancel~~ commences from either the date the contract is signed, or the hearing aid is ~~originally~~ delivered to the consumer, whichever is later. ~~The thirty (30) day period is tolled for any period in which the licensee has taken possession or control of the hearing aid after its original delivery.~~ ( )

**03. Dealer Cancellation.** ~~If the licensee cancels the contract, the licensee must promptly refund the full purchase price. In the event that any licensee cancels, nullifies, or otherwise, of their own volition, refuses to honor any written contract, for any reason other than consumer cancellation as set forth in Subsection 600.02, that~~ ( )

licensee must promptly refund any and all moneys paid for the purchase of the hearing aid, including any monies designated by the contract as nonrefundable in the event that the consumer had canceled the purchase.

(3. If dealing with a person eighteen (18) years or younger, the licensee must obtain written confirmation that the person has been examined by a licensed otolaryngologist or audiologist within thirty (30) days of the sale. ( )

601. -- 999. (RESERVED)

**Commented [LK50]:** Suggesting combining into one section entitled "cancellation."

**Commented [LK51]:** Required by 54-2906(3)

DRAFT