

PROSPECTIVE ANALYSES

BOARD OF SPEECH, HEARING AND COMMUNICATION SERVICES

IDAPA 24.23.01

RULE 210 QUALIFICATIONS FOR AUDIOLOGIST LICENSURE

Proposed Rule:

Approved Examination. Pass the audiology examination given by PRAXIS.

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 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.

Current Rule:

The current rule requires a masters' or doctoral level education, which is duplicative of statute. The current rule also states that an applicant who has a doctoral level degree with not less than 75 hours of post-baccalaureate study that culminates in a doctoral degree from a nationally recognized school for audiology would meet the educational requirements.

Legal Authority:

Under Idaho Code § 54-2910, the Board has the authority to evaluate qualifications of applicants for licensure. *See* I.C. § 54-2910(1). However, this is discretionary, rather than mandatory. Idaho Code § 54-2912 sets forth the requirements for audiologist licensure. Subsection (b) of this rule sets forth the educational requirements. These requirements are mandatory for the applicant. The applicant must also have a supervised academic clinical practicum and supervised post-graduate professional experience. *See* I.C. § 54-2912(1).

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

<p><u>As part of the Zero-Based Regulation (ZBR) process, rules which are duplicative of statute are eliminated. The proposed rule eliminates the educational requirements previously found in rule because they are in Chapter 29, Title 54, Idaho Code.</u></p>

The statute sets forth the requirements for licensure and calls for the Board to approve an examination and supervised experience requirement. Since the statute uses the language "shall" (restrictive) and "approved by the board," there is likely a need for the Board to determine which exam it will accept and what type of supervised experience. However, the Board has flexibility with this requirement pursuant to its discretionary powers and duties. The Board does not have the ability to change the educational requirements as these are set by statute.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Idaho	Please see above and: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://adminrules.idaho.gov/rules/current/24/242301.pdf https://legislature.idaho.gov/statutesrules/idstat/title54/t54ch29/sect54-2912/	N/A
Alaska	Alaska requires a master's or doctoral level degree in audiology, and a Certificate of Clinical Competency (CCC) from the American Speech-Language Hearing Association (ASHA) or two-years practice experience/in the process of completing a one-year supervised clinical experience required for CCC. <i>See 12 AAC 07, Sec. 08.11.010</i>	N/A

	chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.commerce.alaska.gov/web/portals/5/pub/AudiologistsStatutes.pdf	
Montana	<p>Montana requires an audiologist to have a minimum of a Doctor of Audiology degree (Au.D.) or a Ph.D from an ASHA accredited program and pass the PRAXIS examination.</p> <p>See A.R.M. 24.222.502. https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E222%2E502</p>	No requirement of supervised clinical experience in rule, although required by ASHA
Nevada	<p>An applicant must satisfy the academic requirements of a program accredited by ASHA and hold a certificate of clinical competence from ASHA. Nevada's licensing requirements are set by statute under Chapter 637, Title 54, Nevada Code.</p> <p>See N.R.S. 637B. https://www.leg.state.nv.us/nrs/nrs-637b.html</p>	No requirement of supervised clinical experience in rule, although required by ASHA
Oregon	<p>Applicants with degrees granted after 2007 must have doctoral degrees in audiology. Applicants must also have supervised clinical experience of a minimum of 35 hours per week for 52 weeks, with a total of not less than 1,820 hours. The supervision must occur under a licensed audiologist. The applicant must also pass the PRAXIS.</p> <p>See OAR 335-060-0007 ; ORS 681.264 https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=284707 https://oregon.public.law/statutes/ors_681.264</p>	N/A

South Dakota	<p>South Dakota requires: good moral character; master's or doctorate degree from a regionally accredited educational institution; supervised clinical practicum experience from a regionally accredited education institution, and passage of PRAXIS.</p> <p><i>See</i> SDCL § 36-24-17.3 https://sdlegislature.gov/Statutes/Codified_Laws/2060829</p>	SD allows regional accreditation.
Utah	<p>Utah requires that an applicant have: Au.D. or Ph.D. with a primary emphasis on audiology; compliance with code of conduct and ethics for the practice of audiology; at least one year of professional experience supervised by a Utah licensed audiologist or a audiologist who holds a CCC; and passage of the PRAXIS.</p> <p><i>See</i> UT ST § 58-41-5. https://le.utah.gov/xcode/Title58/Chapter41/58-41-S5.html</p>	Rule is substantially similar
Washington	<p>Applicants must receive a passing score on the PRAXIS examination and have full time post-graduate work experience of 30 hours per week over thirty-six weeks. The supervisor must submit proof on a Board-approved form. Washington requires a master's or doctoral level degree.</p> <p><i>See</i> WAC 246-828-020; WAC 246-828-04503 https://app.leg.wa.gov/WAC/default.aspx?cite=246-828-020 https://app.leg.wa.gov/WAC/default.aspx?cite=246-828-04503</p>	WA does not have a requirement for direct client contact.
Wyoming	<p>Wyoming requires an applicant to verify current ASHA certification or demonstrate the following: clinical fellowship; successful passage of PRAXIS within the past five years; and possess a master's or doctoral level degree. The degree requirement is set by statute in W.S. § 33-33-105.</p> <p><i>See</i> https://law.justia.com/codes/wyoming/2021/title-33/chapter-33/article-1/section-33-33-105/ https://rules.wyo.gov/Search.aspx?Agency=058&Program=0001</p>	WY does not set forth specific requirements for practicum or supervised experience

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

Idaho is more stringent than some surrounding jurisdictions because it requires both a clinical practicum and supervised post-graduate experience. However, these requirements are set by statute and cannot be changed through the ZBR process.

What evidence is there that the rule, as proposed, will solve the problem?

The rule eliminates language which is duplicative of statute and lowers the word count for this chapter.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	N/A
Impact to any local government in Idaho	N/A

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	TBD after ZBR
Net change in restrictive word count	TBD after ZBR

RULE 212 NEWBORN HEARING SCREENING TESTS

Proposed Rule:

Persons authorized to perform. A person who is not an audiologist or audiology support personnel may conduct a newborn screening test if the test is conducted using equipment that produces a pass/fail response. A Licensed Audiologist will review the results.

Current Rule:

The current rule is substantially similar but contains additional verbiage.

Legal Authority:

The Board has discretionary authority to promulgate rules which are consistent with Chapter 29, Title 54, Idaho Code. This would include authorization to exempt certain acts from the practice of audiology. I.C. § 54-2910(3).

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

As part of the Zero-Based Regulation (ZBR) process, some rules are being redrafted to avoid redundancy and provide clarity. The proposed rule is intended to simplify the prior rule and avoid unnecessary language.

The need to include the rule from a substantive basis is as follows. Newborn hearing screening is designed to identify infants who are born deaf or hard of hearing. The American Society for Speech Language and Hearing (ASHA) recommends that the screening be conducted as close to hospital discharge as possible, and prior to one month of age. Evidence demonstrates that children with permanent childhood hearing loss who were identified early through newborn screening had better speech perception/production, receptive/expressive language, literacy and social development outcomes than children identified later. Evidence from studies of school age children suggests that children with mild degrees of hearing loss are more likely to have academic difficulties and problems with social interaction. See "Outcomes of Universal Newborn Screening Programs: Systematic Review" available at: <https://apps.asha.org/EvidenceMaps/Articles/ArticleSummary/fe9cd3d3-f349-4763-9927-4e6f6217271c>

In Idaho, the newborn hearing screening enables parents to access resources available to assist them and their infants early on through the "Sound Beginnings" program. After an infant is identified as hearing impaired or deaf through newborn screening, parents are referred to the program for assistance. This enables them to access care and resources early on for better long-term outcomes.

The purpose of the rule is to enable access to newborn screening and to allow individuals who have education, training, and experience to perform the tests, but are not licensed audiologists, to do so.

For additional information on newborn screening, please see:

<https://www.asha.org/practice-portal/professional-issues/newborn-hearing-screening/>

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
<p>Not applicable.</p> <p>Note: The US Senate Health, Education, Labor and Pensions Committee recently advanced a bill to extend newborn screening programs set to expire later this year. The bill would renew federally supported, state-based newborn hearing screening programs through 2027. The bill authorizes grants for resources and support for state-based programs.</p>	N/A

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Idaho	Please see above.	N/A
Alaska	<p>Alaska's audiology practice act exempts individuals who are performing newborn hearing screening from audiologist licensure under AK ST 08.11.120.</p> <p>https://law.justia.com/codes/alaska/2010/title08/chapter08-11/sec-08-11-120/</p>	N/A
Montana	Newborn screening would be included in the definition of the practice of audiology under MT 37-15-102.	N/A

	https://leg.mt.gov/bills/mca/title_0370/chapter_0150/part_0010/section_0020/0370-0150-0010-0020.html	
Nevada	<p>Nevada does not have rule regarding newborn screening; however, it appears that newborn screening would be included in Nevada's definition of the "practice of audiology" under its practice act.</p> <p>https://law.justia.com/codes/nevada/2017/chapter-637b/statute-637b.050/</p>	N/A
Oregon	<p>Not addressed in statute or rule although may fit under the definition of the "practice of audiology" under ORS 681.205(4)(a).</p> <p>https://oregon.public.law/statutes/ors_681.205</p>	N/A
South Dakota	<p>The scope of the practice of audiology includes activities that "identify, assess, diagnose, manage and interpret test results." SD ST 36-24-1.6(1). There is no mention in the administrative rules of newborn screening.</p> <p>https://www.lawserver.com/law/state/south-dakota/sd-laws/south_dakota_laws_36-24-1-6</p> <p>https://sdlegislature.gov/Rules/Administrative/14983</p>	N/A
Utah	<p>No mention in statute or rule. Utah uses the interstate compact as its main basis of law under the practice act.</p> <p>https://adminrules.utah.gov/public/search/R156-41-101/Current%20Rules</p>	N/A

Washington	Not addressed in rule, although may be included in the definition of the practice of audiology under WA ST 18.35.010(2). https://app.leg.wa.gov/rcw/default.aspx?cite=18.35.010	N/A
Wyoming	Wyoming includes "screening" in its definitions of the practice of audiology under rule but does not specifically address newborn screening. https://rules.wyo.gov/Search.aspx?Agency=058&Program=0001	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

Idaho has a rule which facilitates newborn screening by allowing persons other than licensed audiologists to conduct newborn screening tests. This is not more stringent because in our surrounding states, it is not regulated. Persons other than licensed audiologists may conduct newborn hearing screening in these jurisdictions as well. Montana is more stringent because it includes newborn screening in its definition of the practice of audiology.

What evidence is there that the rule, as proposed, will solve the problem?

The rule has been in place and is not substantively changing. The re-draft of the rule clarifies that persons performing newborn screening are exempt from licensure. This clarification is in place so that the rule is not in conflict with the definition of the practice of audiology as set forth in the practice act.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	N/A
Impact to any local government in Idaho	N/A

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	TBD following ZBR
Net change in restrictive word count	TBD following ZBR

Rule 220 QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST LICENSURE

Proposed Rule:

Speech Language Pathologist Licensure:

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

Approved Supervised Experience. Satisfactorily complete the supervised postgraduate experience approved by the Board as follows: Complete a minimum of 350 hours of clinical practicum under the supervision of a licensed speech language pathologist.

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

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. 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.

Current Rule:

The current rule is identical except that the requirement for a master's or doctoral level degree is found in current Rule 200 because that language is duplicative of statute.

Legal Authority:

Under Idaho Code § 54-2910, the Board has the authority to evaluate qualifications of applicants for licensure. *See* I.C. § 54-2910(1). However, this is discretionary, rather than mandatory. The statute sets forth the requirements for Speech Language Pathologist licensure under Idaho Code § 54-2913. There is a licensing requirement in statute that the applicant (1) has a master's or doctoral level degree; (2) passes an examination approved by the Board; (3) meets supervised clinical practicum and post-graduate professional experience approved by the Board; (4) submits a full set of fingerprint cards; and (5) has never had a speech-language pathologist license revoked from another jurisdiction. Under statute, it is mandatory that the applicant for licensure meet these qualifications.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

As part of the Zero-Based Regulation (ZBR) process, rules which are duplicative of statute are eliminated. The proposed rule eliminates the educational requirements previously found in rule because they are in Chapter 29, Title 54, Idaho Code.

The statute sets forth the requirements for licensure and calls for the Board to approve an examination and supervised experience requirement. Since the statute uses the language "shall" (restrictive) and "board approved," there is likely a need for the Board to determine which exam it will accept and what type of supervised experience. However, the Board has flexibility with this requirement

pursuant to its discretionary powers and duties. The Board does not have the ability to change the educational requirements as these are set by statute.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Idaho	Please see above and: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://adminrules.idaho.gov/rules/current/24/242301.pdf https://legislature.idaho.gov/statutesrules/idstat/title54/t54ch29/sect54-2913/	N/A

<p>Alaska</p>	<p>Alaska requires only a Certificate of Clinical Competence (CCC) from the American Speech-Language Hearing Association (ASHA) and no prior conduct that is a ground for imposing disciplinary action.</p> <p><i>See</i> 12 AAC 07, Sec. 08.11.015</p> <p>chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.commerce.alaska.gov/web/portals/5/pub/AudiologistsStatutes.pdf</p>	<p>AK does not set forth specific requirements for practicum or supervised practice in statute or rule.</p>
<p>Montana</p>	<p>An applicant for speech language pathologist licensure who does not have a current certificate of clinical competence from the American Speech-Language Hearing Association (ASHA) must have a master's level degree in speech language pathology or communication disorders from a program accredited by the Council on Academic Accreditation of ASHA. The applicant must also have completed a supervised clinical practicum and a 36-week supervised professional experience following graduation and pass the PRAXIS examination or its equivalent. Additional requirements apply for applicants who do not possess ASHA certification.</p> <p><i>See</i> A.R.M. 24.222.502.</p> <p>https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E222%2E502</p>	<p>Montana does not set forth requirements for direct client contact</p>
<p>Nevada</p>	<p>An applicant must satisfy the academic requirements of a program accredited by ASHA and hold a certificate of clinical competence from ASHA. Nevada's licensing requirements are set by statute under Chapter 637, Title 54, Nevada Code.</p> <p><i>See</i> N.R.S. 637B.</p>	<p>Nevada does not have requirements for practicum</p>

	https://www.leg.state.nv.us/nrs/nrs-637b.html	or supervised experience , although ASHA requires supervised experience .
Oregon	<p>Oregon requires a masters or doctoral level degree, with minimum number of credits in graduate studies, which includes 400 hours of a clinical practicum. Oregon also requires a minimum of 35 hours per week for 36 weeks for supervised experience. Oregon defaults to ASHA standards for educational requirements. Oregon uses the PRAXIS as its examination.</p> <p><i>See</i> OAR 335-060-0006; ORS 681.260</p> <p>https://oregon.public.law/statutes/ors_681.260</p> <p>https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=284706</p>	N/A
South Dakota	<p>South Dakota requires ASHA certification or, supervised postgraduate experience and passage of PRAXIS. South Dakota has a category of licensees as "bachelors level speech language pathologist."</p> <p>20:79:01:03</p> <p>https://sdlegislature.gov/Rules/Administrative/33298</p>	SD has a special category for a "bachelors level" speech pathologist.

<p>Utah</p>	<p>Utah requires ASHA certification and at least a masters' level degree in speech-language pathology from an accredited college or university, and compliance with the code of conduct and ethics for the profession. If the applicant does not have certification, he or she must pass a nationally standardized examination in speech language pathology with pass-fail criteria equivalent to ASHA.</p> <p><i>See</i> R-156-41-104; UT ST § 58-41-5.</p> <p>https://adminrules.utah.gov/public/search/R156-41-101/Current%20Rules</p> <p>https://le.utah.gov/xcode/Title58/Chapter41/58-41-S5.html</p>	<p>Utah does not require a practicum or supervised experience by statute or rule.</p>
<p>Washington</p>	<p>Applicants must receive a passing score on the PRAXIS examination and have full time post-graduate work experience of 30 hours per week over thirty-six weeks. The supervisor must submit proof on a Board-approved form. Washington requires a master's or doctoral level degree.</p> <p><i>See</i> WAC 246-828-020; WAC 246-828-04503</p> <p>https://app.leg.wa.gov/WAC/default.aspx?cite=246-828-020</p> <p>https://app.leg.wa.gov/WAC/default.aspx?cite=246-828-04503</p>	<p>WA does not have a requirement for direct client contact.</p>
<p>Wyoming</p>	<p>Wyoming requires an applicant to verify current ASHA certification or demonstrate the following: clinical fellowship; successful passage of PRAXIS within the past five years; and possess a master's or doctoral level degree. The degree requirement is set by statute in W.S. § 33-33-105.</p>	<p>WY does not set forth specific requirements for practicum</p>

	<p>See https://rules.wyo.gov/Search.aspx?Agency=058&Program=0001 chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://wyoleg.gov/statutes/compress/title33.pdf</p>	<p>or supervised experience</p>
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If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

Idaho is more stringent than surrounding jurisdictions because it requires a clinical practicum and supervised post-graduate experience. However, these requirements are set by statute and cannot be changed through the ZBR process.

It should be noted that although many other jurisdictions default to ASHA, the certification process for clinical competency requires a graduate level degree and a clinical fellowship. See <https://www.asha.org/certification/slpcertification/>

What evidence is there that the rule, as proposed, will solve the problem?

The rule eliminates language which is duplicative of statute and lowers the word count for this chapter.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A

Impact to Idaho businesses, with special consideration for small businesses	N/A
Impact to any local government in Idaho	N/A

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	TBD after ZBR
Net change in restrictive word count	TBD after ZBR

Rule 400 CONTINUING EDUCATION REQUIREMENTS

Proposed Rule:

Requirement. 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.

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.

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.

Documentation. Each licensee must maintain documentation verifying hours of attendance. This documentation is subject to audit and must be provided upon request.

Current Rule: The current rule has the same number of hours required but sets sign language interpreters on a different reporting/renewal cycle than other licensees. The current rule also has a detailed definition of contact hours.

Legal Authority: Discretionary. The Board has the authority to adopt rules for continuing education (CE) but is not required to. *See* Idaho Code § 54-2910(4). Under statute, the Board could eliminate CE requirements if it chose to do so. However, during Board discussions in the Zero-Based Regulation Process, the Board was in favor of keeping CE's.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The Zero-Based Regulation (ZBR) process attempts to reduce redundancy and outdated language. The new rule requirement is not substantially changed, but does have a shortened definition to reduce unnecessary wording and provide clarity as it relates to licensees' continuing education (CE) requirements.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Not applicable	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho

		rule more stringent ? (if applicable)
Idaho	Please see above and: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://adminrules.idaho.gov/rules/current/24/242301.pdf https://legislature.idaho.gov/statutesrules/idstat/title54/t54ch29/sect54-2910/	N/A
Alaska	Alaska does not require CE's.	Idaho requires CE's.
Montana	Licensees (audiologists and speech language pathologists) must complete 10 CE's annually. Dual licensees must complete 15 CE's with 5 units in each area. https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E222%2E513	N/A
Nevada	Nevada recently reduced its CE requirements set forth in NAC 637B.400 from 15 hours of CE's to 10 hours of CE's per one year renewal cycle. This rule change was adopted in June of 2022. <i>See</i> chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.nvspeechhearing.org/www/download_resource.asp?id=821	N/A

<p>Oregon</p>	<p>Oregon requires the following CE units, per OAR 335-070-0050(2):</p> <p>(2) As a requirement for license renewal, active licensees must report professional development hours for the professional development period ending on the deadline for license renewal according to their license type:</p> <p>(a) Speech-Language Pathology or Audiology: Twenty (20) professional development hours completed during the professional development period;</p> <p>(b) Dual Speech-Language Pathology and Audiology: Twenty (20) professional development hours in speech-language pathology and twenty (20) professional development hours in audiology completed during the professional development period. A maximum of ten (10) professional development hours may be applied to both licenses if the topic is applicable to both types of licenses.</p> <p>(c) Speech-Language Pathology Assistant: Ten (10) professional development hours completed during the professional development period;</p> <p>(d) Conditional Licensees: No professional development hours will be required to renew a conditional license, however, individuals are encouraged to participate in professional development activities.</p> <p>See https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=274781</p>	<p>N/A</p>
<p>South Dakota</p>	<p>South Dakota requires Speech Language Pathologists to have 20 hours of CE's per two-year renewal period. Hearing Aid Dispenses and Audiologists are required to have 12 contact hours of CE's per two-year renewal period.</p> <p>https://doh.sd.gov/boards/speechpath/education.aspx</p> <p>https://doh.sd.gov/boards/audiology/education.aspx</p>	<p>N/A</p>
<p>Utah</p>	<p>Utah requires 20 hours of continuing education per two-year renewal cycle for speech language pathologists, audiologists, or dual licensure. See R156-41-303. The material must be germane to the</p>	<p>N/A</p>

	licensee's practice and be associated with a professional education program and taught by qualified individuals. https://adminrules.utah.gov/public/search/R156-41-101/Current%20Rules	
Washington	Washington requires 30 hours of CE's per three-year renewal cycle. https://app.leg.wa.gov/WAC/default.aspx?cite=246-828-510	N/A
Wyoming	Licensees must have 12 CE's per annual renewal period. The Board accepts CE's that are: "directly related to the scope of practice sponsored by national, regional, or state professional associations, such as AAA, ABA, ASHA, or Wyoming Speech-Language-Hearing Association." https://rules.wyo.gov/Search.aspx?Agency=058&Program=0001	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

Idaho is more stringent than South Dakota, which eliminated its CE requirement. However, to maintain ASHA certification, licensees are required to obtain 10 professional development hours per year. Therefore, any licensee with ASHA certification would also meet Idaho's CE requirement.

See <https://www.asha.org/certification/certification-maintenance-frequently-asked-questions-earning-professional-development-hours/>

What evidence is there that the rule, as proposed, will solve the problem?

The proposed rule eliminates language which is redundant and overly complicated. It also lowers the word count for this chapter.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	N/A
Impact to any local government in Idaho	N/A

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	TBD after ZBR
Net change in restrictive word count	TBD after ZBR

RULE 450 PROVISIONAL PERMITS

Proposed Rule:

Scope. 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 supervised 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 interpretation while pursuing passage of an examination or certification for licensure.

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 may be supervised by an audiologist or a hearing aid dealer and fitter.

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.

Supervision. The supervisor is responsible for all practice of the permit holder.

Personal contact each workday 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.

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.

Training Agreement and 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.

A plan of training for hearing aid dealing and fitting or a sign language interpreter must cover all sections of the license examination(s). Quarterly reports must be on forms approved by the Board, attested to and signed by the permit holder and approved supervisor(s), and include, a log of clients and supervisor contact, supervisor's statement of completed training assignments by the permit holder. For a sign language interpreter, certification of attendance of any workshop or training session that the permit holder attended. For a hearing aid dealing and fitting permit holder, a copy of test results for all persons tested by the permit holder whether a sale occurred and a copy of each hearing aid order for all fittings including specifications of instruments ordered.

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.

Change in Supervision. A supervisor must report termination of supervision in writing to the Board within ten (10) days. The permit holder must have a new supervisor in place before resuming practice.

Expiration. Following the approval of a permit holder's original application, a provisional permit expires after twenty-four (24) months. Following expiration of the permit, the permit holder may apply to the Division for an extension. The Division may extend the time period for good cause that prevented the permit holder from completing the supervision within the twenty-four (24) month time period.

Current Rule:

The current rule is largely identical to the proposed rule, with the following exceptions:

Current rule for supervisors has a practice experience requirement. *See* Rule 450.02.a.i-iii.

Current rule requires permit holder to report a change in supervision prior to the change, whereas the proposed rule requires the permit holder to report a change in supervision within 10 days. *See* Rule 450.05.

Expiration in permits is staggered by permit type. *See* Rule 450.07.a-c. The proposed rule has all permits expiring after 24 months, to align with a two-year licensure cycle.

Legal Authority:

Discretionary. Idaho Code Section 54-2910(1) allows the Board to approve or deny the registration and issuance of and renewal of licenses and permits.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

As part of the Zero-Based Regulation (ZBR) process, rules are being simplified to replace duplicative or outdated language.

The proposed rule attempts to simplify the current rule by streamlining the expiration period and eliminating the practice experience years of supervisors. It is also intended to provide additional flexibility by not requiring the permit holder to notify the Board prior to a change in supervisors.

This could be solved by non-regulatory means by eliminating the reporting requirements for supervision, change in supervision or plan of training, and quarterly reports.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Not applicable.	

State Law Comparison. For convenience, the surrounding state analysis is summarized by each category of the rule requirements: Supervision; Plan of Training; Change in Supervision/Plan of Training Reporting Requirements; and Cancellation/Expiration of Permit.

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Idaho	See above. For legal authority, see: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://adminrules.idaho.gov/rules/current/24/242301.pdf https://legislature.idaho.gov/statutesrules/idstat/title54/t54ch29/sect54-2910/	
Alaska	Supervision: Speech language pathologist:	The Idaho rule requires regular reporting

	<p>Defaults to American Speech Hearing Association (ASHA) certification rules for certificate of clinical competence</p> <p>No pathway to provisional licenses for other applicants, except that audiologists with a valid license in another jurisdiction may obtain temporary (30 day) license to practice in AK.</p> <p>Plan of Training: No requirement of submission/reporting to Board.</p> <p>Change in Supervision/Reporting Requirements: No requirement of submission/reporting to Board.</p> <p>Cancellation and/or Expiration of Permit: No provision for extension of permit. Must be in process of completing certification of clinical competence.</p> <p><i>See Sec. 08.11.020-030</i></p> <p>chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.commerce.alaska.gov/web/portals/5/pub/BusinessLicenseStatutes.pdf</p>	<p>to the Board for supervision and plan of training.</p>
<p>Montana</p>	<p>Supervision:</p> <p>Supervised professional experience must be a minimum of 36 weeks totaling no less than 1260 hours, a minimum of 1008 of those hours must be in direct client contact, including: Assessment; diagnosis; evaluation; screening; treatment' report writing; and family/client consultation.</p> <p>Plan of Training:</p> <p>Both applicant and supervisor must sign "Supervised Professional Experience" form and submit to Department; no requirement for submission of plan of training.</p> <p>Change in Supervision/Reporting Requirements:</p>	<p>Idaho's proposed rule is very similar to the Montana rule. However, Idaho requires quarterly reporting.</p>

	<p>Both applicant and supervisor must sign “Supervised Professional Experience” form and submit to Department; no requirement for submission of plan of training.</p> <p>Cancellation and/or Expiration of Permit: Non-renewable two-year license.</p> <p><i>See</i> MCA 37-15-303; ARM 24.222.509</p> <p>https://leg.mt.gov/bills/MCA/title_0370/chapter_0150/part_0030/sections_index.html</p> <p>https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E222%2E509</p>	
Nevada	<p>Provides apprentice license for hearing aid apprentices.</p> <p>Supervision:</p> <p>Applicant for apprentice license must provide proof satisfactory to the Board that a sponsor has agreed to assume responsibility for the direct supervision and in-service training.</p> <p>Plan of Training:</p> <p>Must provide “proof of sponsor” and “proof satisfactory to the Board” that the sponsor has agreed to assume responsibility for direct training upon initial application for apprentice license.</p> <p>Change in Supervision/Reporting Requirements: Apprentice license does not have specific time limits or expiration dates.</p> <p>Cancellation and/or Expiration of Permit: Apprentice license does not have specific time limits or expiration dates.</p> <p><i>See</i> NAC 637B.195</p> <p>https://www.leg.state.nv.us/nac/NAC-637B.html</p>	<p>Nevada's apprentice license is valid for an indefinite amount of time. There is no requirement of regular reporting to the Board.</p>

Oregon	<p>“Conditional” license permits an individual to practice speech-language pathology or audiology while completing licensing requirements.</p> <p>Supervision: Must provide name and address of supervisor and place of supervision; education, training and experience of conditional licensee, description of duties and tasks; evidence of meeting degree requirements, English language proficiency; current professional competence. Supervisor shall manage and direct all duties and oversee work; keep record of tasks performed and whether work is competent; changes in supervision must be reported to the Board.</p> <p>Plan of Training: No requirement of submission to the Board.</p> <p>Change in Supervision/Reporting Requirements: No requirement of regular reporting to the Board.</p> <p>Cancellation/Expiration of Permit: Conditional license expires on first anniversary of effective date and can be renewed once.</p> <p><i>See</i> ORS 681.325; OAR 335-080-0010</p> <p>https://oregon.public.law/statutes/ors_681.325</p> <p>https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1413</p>	Oregon does not require submission of plan of training or regular reporting to the Board.
South Dakota	<p>Board shall issue provisional license in speech-language pathology to applicant who: except for postgraduate professional experience, meets the academic, practicum, and examination requirements; submits application on Board approved form and pays fee; has not committed disciplinary act.</p> <p>Supervision: Supervisor must be licensed and have 3 years of experience. Supervisor may not supervise more than 3 people at a time. For first 90 days, supervisor must provide supervision for 30% of the time with 20% being direct supervision; must review client data weekly; must have direct contact with clients at least one session every two weeks. After 90 days, requirement of direct client contact is once every 6 weeks. (Not in rule; information gathered from supervisor affidavit on Board-approved form).</p>	Unlike Idaho, South Dakota has no requirement of regular reporting to the Board or

	<p>Plan of Training: No requirement of submission to the Board.</p> <p>Change in Supervision/Reporting Requirements: No requirement of regular reporting to the Board.</p> <p>Cancellation/Expiration of Permit: Valid for 24 months and can be renewed one time.</p> <p><i>See</i> S.D.C.L. 36-37-17; Rule 20:79:01:14.</p> <p>https://sdlegislature.gov/Statutes/Codified_Laws/2061280</p>	<p>submission of a plan of training.</p>
Utah	<p>Temporary license is permissive, not required. Issued by the Utah Division of Occupational and Professional Licensing, not Board.</p> <p>Supervision: Requirements for audiology and speech language pathology- Supervisor must be licensed for at least two years; no disciplinary history within the last two years; assume responsibility for all audiology/speech pathology activities and services; may only supervise two licensees at a time.</p> <p>Plan of Training: No requirement of submission to the Board or Division.</p> <p>Change in Supervision/Reporting Requirements: No requirement of regular reporting to the Board, but a change in supervision must be reported to the Board.</p> <p>Cancellation/Expiration of Permit: Valid for up to 12 months.</p> <p><i>See</i> UCA 58-41-5.5</p> <p>https://le.utah.gov/xcode/Title58/Chapter41/58-41-S5.5.html</p>	<p>Unlike Idaho, Utah has no requirement of regular reporting to the Board or submission of a plan of training.</p>
Washington	<p>Interim permit is mandatory, not permissive issuance.</p> <p>Issued by Department, not Board. Allows for licensure of speech language pathologist or audiologist who has completed all requirements of licensure except exam and post-grad experience.</p>	<p>Washington requires submission of "document</p>

	<p>Supervision: Supervisor may supervise up to four interim permit holders. Supervisor must be licensed in good standing for at least two years. Must be more than 15 hours per week.</p> <p>Plan of Training: Supervisor must submit to Department documentation of supervision and progress at the end of the post graduate work experience unless there are concerns. Documented concerns must be submitted to Department within 30 days.</p> <p>Change in Supervision/Reporting Requirements: Supervisor must immediately notify the Board in writing if terminating supervision.</p> <p>Cancellation/Expiration of Permit: Valid for one year from date of issuance. Board may extend for up to 24 months.</p> <p>See RCWA 18.35.060; WAC 246-828-04503; 256-848-04505</p> <p>https://app.leg.wa.gov/rcw/default.aspx?cite=18.35.060</p> <p>https://app.leg.wa.gov/wac/default.aspx?cite=246-828-04505</p>	<p>ed concerns" but not regular reporting, like Idaho.</p>
Wyoming	<p>Wyoming allows provisional licensure for speech language pathologists.</p> <p>Supervision: The supervisor must have three years of practice experience. The supervisor is responsible for the activities of the provisional license holder.</p> <p>Plan of Training: The Board must approve the Supervisory Agreement.</p> <p>Change in supervision/Reporting Requirements: No requirement of regular reporting to the Board.</p> <p>Cancellation/Expiration of Permit: Provisional licenses are valid for one year and may be renewed one time.</p> <p>See: https://rules.wyo.gov/Search.aspx?Agency=058&Program=0001</p>	<p>Idaho is more stringent because there is no requirement in Wyoming of regular Board reporting.</p>

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

Idaho is more stringent than several jurisdictions because it requires (1) submission of plan of training; (2) regular reporting from the supervisor and (3) reporting of a change in supervision. Idaho is more stringent than all other jurisdictions surveyed because it requires the supervisor to file quarterly reports. No other jurisdiction surveyed has this requirement.

At the Board meeting regarding ZBR and Rule 450, some Board members expressed the opinion that the quarterly reports were helpful and that the reports were warranted because Idaho has a broader group of licensees who qualify for temporary permits than other jurisdictions. Additionally, a broader category of licensees are permitted to be supervisors in Idaho. It was felt that the quarterly reports help ensure accountability.

What evidence is there that the rule, as proposed, will solve the problem?

The proposed rule streamlines the expiration of permits to align with a two-year renewal cycle. It also eliminates the years of practice requirement for supervisors. These two changes help simplify the rule. However, it remains more stringent than other jurisdiction in its reporting requirements.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A
Impact to Idaho businesses, with special consideration for small businesses	N/A

Impact to any local government in Idaho	N/A
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Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	TBD following ZBR
Net change in restrictive word count	TBD following ZBR