

Dear Senators LODGE, Broadsword & LeFavour, and
Representatives BLOCK, Nielsen & Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses: 24.23.01 - Rules of the Speech & Hearing Services Licensure Board (Docket #24-2301-0901 - Fee Rule).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 11-20-09. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 12-21-09.

_____The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Rules Review Subcommittee of the Health & Welfare Committee and the House Health & Welfare Committee

FROM: Brooke Murdoch, Research Analyst

DATE: November 2, 2009

SUBJECT: Bureau of Occupational Licenses – Speech and Hearing Services Licensure Board

IDAPA 24.23.01 – Rules of the Speech and Hearing Services Licensure Board (Docket No. 24-2301-0901 – Fee Rule)

The Bureau of Occupational Licenses submits notice of proposed rulemaking at IDAPA 24.23.01 – Rules of the Speech and Hearing Services Licensure Board. The proposed rule updates the Board's website address, allows the Board to grant a license by endorsement to out of state licensees and establishes an endorsement fee, increases the annual renewal fee from \$100 to \$125, requires that continuing education requirements be met prior to license reinstatement and clarifies that exam fees for unexcused applicants are nonrefundable. The Bureau states that the proposed rule also allows licensees to carry over unclaimed continuing education course credit and exempts individuals from continuing education requirements due to hardship. Finally, the proposed rule increases the number of permit holders that may be supervised at one time, clarifies supervisor responsibilities and clarifies requirements for quarterly reports.

Section 310 on pages 192-193, which provides for a licensure by endorsement for out of state licensees, may present a policy issue. Sections 54-2912 through 54-2915, Idaho Code, provide specific qualifications for licensure in Idaho, including minimum education and examination requirements. The proposed rule does not require out of state licensees to provide proof of similar qualifications in obtaining licensure by endorsement in Idaho.

Aside from the above comment, the proposed rule appears to be within the authority granted to the Board in Section 54-2910, Idaho Code.

We apologize for the delay in preparing this memorandum. This docket was inadvertently missed by our staff. Upon receipt of the docket on this date, we promptly prepared our analysis.

cc: Bureau of Occupational Licenses
Tana Cory, Bureau Chief
Cherie Simpson

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.23.01 - RULES OF THE SPEECH AND HEARING SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-0901 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2910, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2009.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Speech and Hearing Services is updating the web address for the Board as it has changed. The rule is establishing the endorsement fee the same as the original license fee. It increases the renewal fee by \$25, and clarifies that exam fees for unexcused applicants are non refundable. To ensure competency, it clarifies the need for continuing education when reinstating a license. To benefit out of state applicants, it adds a section that clarifies the requirements for endorsement. It adds provision to carry over continuing education and adds a special exemption for continuing education for the benefit of licensees. It clarifies when a provisional permit can be issued and how many permit holders can be supervised at a time. It clarifies what records must be maintained by the supervisor of a hearing aid dealer and fitter. It clarifies the quarterly report for audiology and hearing aid dealer and fitter and what needs to be included.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Rule 175 increases the renewal fees from \$100 to \$125.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

The Board of Speech and Hearing Services is raising the license renewal fee from \$100 to \$125. This could have a positive impact of approximately \$15,625 on dedicated funds based on the 625 licensees.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the changes were discussed in noticed open meetings.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2009.

DATED this 17th day of August, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 24-2301-0901

005. ADDRESS OF IDAHO SPEECH AND HEARING SERVICES LICENSURE BOARD (RULE 5).

The office of the Idaho Speech and Hearing Services Licensure Board is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is shs@ibol.idaho.gov. The Board's official web site ~~is~~ can be found at http://www.ibol.idaho.gov/shs.htm. ~~(3-30-06)()~~

(BREAK IN CONTINUITY OF SECTIONS)

175. FEES (RULE 175).

Applications should not be filed unless the applicant can meet all requirements. (3-30-06)

01. Application Fee. Application Fee - Thirty dollars (\$30). (3-30-06)

02. Original License/Endorsement Fee. The original license/endorsement fee is one hundred dollars (\$100) to be accompanied by the completed application. ~~(3-30-06)()~~

03. Examination/Reexamination Fee. Examination fee shall be that charged by the examination provider plus an administration fee of fifty dollars (\$50) when the examination is administered by the Board. (3-30-06)

04. Provisional Permit. Provisional permit fee is one hundred dollars (\$100). (3-30-06)

05. Annual Renewal Fee. Annual renewal fee is one hundred twenty-five dollars (~~\$100~~25). ~~(3-30-06)()~~

06. Refund of Fees. No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license or examination fees for unexcused applicants. ~~(3-30-06)()~~

176. -- 199. (RESERVED).

200. RENEWAL OF LICENSE (RULE 200).

01. Expiration Date. All licenses expire and must be renewed annually on forms approved by the Board on the birth date of an individual licensee in accordance with Section 67-2614, Idaho Code. Licenses not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code. (3-30-06)

02. Reinstatement. Any license cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, and the applicant must submit proof of having obtained the required continuing education in the twelve (12) months prior to reinstatement. ~~(3-30-06)()~~

(BREAK IN CONTINUITY OF SECTIONS)

301. -- 3409. (RESERVED).

310. ENDORSEMENT (RULE 310).

01. Licensure by Endorsement. The Board may grant a license to any person who submits a

completed, Board-approved application form, together with the required fees, and who: ()

a. Holds a current, active license, at the level for which a license is being sought that has been issued by the authorized regulatory entity in another state. Certification that the license is current and active must be received directly by the Board from the issuing agency; ()

b. Has not been disciplined within the last five (5) years, had a license revoked, suspended, restricted, or otherwise sanctioned by any regulatory entity, and has never voluntarily surrendered a license; ()

c. Is of good moral character and has not been convicted, found guilty, or received a withheld judgment or suspended sentence for any felony; and ()

d. Has certified under oath to abide by the laws and rules governing the practice of speech and hearing services in Idaho. ()

310. -- 349. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

400. CONTINUING EDUCATION (RULE 400).

Every person holding an Idaho license pursuant to this act must annually complete ten (10) contact hours of continuing education prior to license renewal. (3-30-06)

01. Contact Hours. The contact hours of continuing education shall be obtained in areas of study germane to the practice for which the license is issued as approved by the Board. (3-30-06)

02. Documentation of Attendance. It shall be necessary for the applicant to provide documentation verifying attendance by securing authorized signatures or other documentation from the course instructors, providers, or sponsoring institution substantiating any hours attended by the applicant. This documentation must be maintained by the applicant and provided to the Board upon request by the Board or its agent. (3-30-06)

03. Compliance Audit. The Board may conduct random continuing education audits of those persons required to obtain continuing education in order to renew a license and require that proof acceptable to the Board of meeting the continuing education requirement be submitted to the Bureau. Failure to provide proof of meeting the continuing education upon request of the Board shall be grounds for disciplinary action in accordance with section 54-2923, Idaho Code. (3-30-06)

04. Initial Compliance. Licensees shall not be required to meet the continuing education requirement for the first renewal. (3-30-06)

05. Equivalence. One (1) continuing education hour shall equal one (1) clock hour. (3-30-06)

06. Carryover of Continuing Education (CE) Hours. Continuing education courses not claimed for CE credit in the current renewal year may be credited for the next renewal year. A maximum of five (5) hours may be carried forward from the immediately preceding year. ()

07. Special Exemption. The Board shall have authority to make exceptions 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 exemption is granted at the sole discretion of the Board. Requests for special exemption must be received by the Bureau fifteen (15) business days prior to expiration of the license. ()

401. -- 449. (RESERVED).

450. PROVISIONAL PERMIT (RULE 450).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit in the following instances: ()

a. 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 experience as part of a doctoral program in audiology. ~~The Board may issue a provisional permit, or~~ ()

b. To allow a person to engage in fitting and dealing hearing aids ~~pursuant to rules adopted by the Board.~~ ()

c. The holder of a provisional permit may practice only while under the supervision of a person fully licensed under this chapter. ~~(3-30-06)~~()

042. Adequate Personal Contact -- Requirements. (3-30-06)

a. The supervisor and provisional permit holder must make contact in person each work day to review any assignments, client contacts, diagnoses, therapies, and hearing aid fittings for the first sixty (60) days of employment. The nature of the supervision and contact must allow for immediate feedback and includes audio/visual, in person, or telephone contacts. (4-2-08)

b. After the first sixty (60) days of employment, contact in person, described in Subsection 450.042.a., must be made no less than once in each calendar week throughout the remaining period of the permit. ~~(4-2-08)~~()

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 450.042.a. ~~(3-30-06)~~()

d. All client and supervisor contacts shall be recorded in the permit holder's quarterly report. (3-30-06)

023. Supervisor -- Responsibilities -- Restrictions. (3-30-06)

a. The supervisor must be familiar with Section 54-29085 and 54-2907, Idaho Code. ~~(3-30-06)~~()

b. The supervisor is responsible for all practice and the ethical conduct of each permit holder under supervision. (3-30-06)

c. A supervisor may not supervise more than ~~one~~ two (~~1~~2) permit holders at a time. ~~(3-30-06)~~()

d. The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation. The supervisor and the permit holder shall be required to work within the same facility. ~~(3-30-06)~~()

e. The supervisor must provide the permit holder with adequate training and client contact necessary to prepare for the required examination. (3-30-06)

f. The supervisor of a hearing aid dealer and fitter permit holder must record with the Board a plan of training that encompasses all ten sections covered in the license examination. The plan must be accepted and approved by the Board or its agent prior to issuance of the permit. The supervisor shall document, by the quarterly report, the permit holder's progress. ~~(3-30-06)~~()

g. A supervisor may terminate his supervision of a permit holder by a written notice to the Bureau and the permit holder by certified mail at least ten (10) calendar days prior to the termination. (3-30-06)

034. Application -- Quarterly Reports. (3-30-06)

a. Application for permit must include completed application, examination fee, permit fee, supervisor statement and plan of training and supervision. (3-30-06)

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the expiration date of the new permit is adjusted to not exceed the date of the third licensure examination following the original application. (3-30-06)

c. Eighteen (18) months is the maximum time allowed for any combination of new or renewed permits. (3-30-06)

d. Every permit holder must submit a quarterly report of his activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. All sales or fittings made by the person holding a permit holder to practice audiology or a permit to engage in the dealing and fitting of hearing aids will be indicated on the quarterly report forms supplied by the Bureau. Supplemental attachments to be submitted with this form include: (3-30-06)(____)

i. Log of client and supervisor contacts as specified in Subsection 450.022.d. of these rules. (3-30-06)(____)

ii. Supervisor's statement of completion of training assignments by permit holder as specified in Subsection 450.023.f. (3-30-06)(____)

iii. Copy of test results for all persons tested by the permit holder whether or not a sale occurred. (3-30-06)

iv. Copy of hearing aid order for all fittings including specifications of instruments ordered. Hearing aid dealers and fitters and audiologists must provide a copy of hearing aid order. (3-30-06)(____)

e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months 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, the permit ~~will~~ may be revoked. A new permit may be applied for in accordance with Subsection 450.03.a. (3-30-06)(____)

045. Exemptions. (3-30-06)

a. A permit holder who possesses the Certificate of Clinical Competence in Audiology from American Speech-Language-Hearing Association (ASHA) or who is Board Certified by National Board for Certification in Hearing Instrument Sciences (NBC-HIS) shall be exempt from Subsections 450.022.a., 450.023.d., and 450.023.f. from the date of issuance of the permit until the date of the next offered licensing examination. (3-30-06)(____)

b. Failure of the licensing examination or failure to take the next offered licensing examination rescinds this exemption. (3-30-06)