



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Senators MARTIN, Souza, Jordan and,
Representatives WOOD, Wagoner, Chew

FROM: Matt Drake - Legislative Drafting Attorney

DATE: April 22, 2020

SUBJECT: Temporary Rule

IDAPA 24.23.01 - Notice of Omnibus Rulemaking (Fee Rule) - Adoption of Temporary Rule - Docket
No. 24-2301-2000F

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Matt Drake at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

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

DOCKET NO. 24-2301-2000F (FEE RULE)

NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rules being adopted through this omnibus rulemaking is the adjournment date of the second regular session of the 65th Idaho State Legislature - March 20, 2020.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 54-2910, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rulemaking adopts the following chapter under IDAPA 24.23.01:

IDAPA 24.23

- 24.23.01, *Rules of the Speech, Hearing, and Communications Services Licensure Board.*

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These temporary rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These rules govern the qualifications for speech pathologists, audiologists, hearing aid dealers and fitters, and sign language interpreters, as well as the code of ethics for sign language interpreters. Allowing these rules to expire would harm the health, safety, and welfare of Idaho citizens with speech and hearing disorders.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fees or charges being imposed or increased are justified and necessary to avoid immediate danger and the fees are described herein:

The fees or charges, authorized in Sections 54-2912, 54-2913, 54-2914, 54-2915, 54-2916A, 54-2918, and 54-2921, Idaho Code, are part of the agency's 2021 budget that relies upon the existence of these fees or charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these temporary rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget.

The following is a specific description of the fees or charges:

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.	

LICENSE/PERMIT/REGISTRATION	INITIAL FEE (Not to Exceed)	ANNUAL RENEWAL FEE (Not to Exceed)
Inactive license		\$65
Inactive to active license fee	The difference between the current inactive and active license renewal fees	

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Rob McQuade at (208) 334-3233.

DATED this February 21, 2020.

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

000. LEGAL AUTHORITY.

These rules are hereby prescribed and established pursuant to the authority vested in the Speech, Hearing and Communication Services Licensure Board by the provisions of Section 54-2910, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

These rules are titled IDAPA 24.23.01, “Rules of the Speech, Hearing, and Communication Services Licensure Board.” (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

02. Direct Client Contact. Assessment, diagnosis, evaluation, screening, treatment, report writing, family or client consultation, counseling, or any combination of these activities. (3-20-20)T

03. Dual Licensure. The status of a person who holds more than one (1) license under Title 54, Chapter 29, Idaho Code. (3-20-20)T

011. -- 174. (RESERVED)

175. FEES.

All fees are non-refundable. Fees are established in accord with Title 54, Chapter 29, Idaho Code as follows: (3-20-20)T

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	

(3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

02. Inactive License Status. (3-20-20)T

a. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

206. -- 209. (RESERVED)

210. QUALIFICATIONS FOR AUDIOLOGIST LICENSURE.

All applicants for licensure as an audiologist must comply with the following education, experience, and examination requirements: (3-20-20)T

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. (3-20-20)T

02. Examination. Pass the audiology examination given by PRAXIS within the last five (5) years or other examination as may be approved by the Board. (3-20-20)T

03. Experience. 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. (3-20-20)T

211. SUPPORT PERSONNEL: AUDIOLOGY.

01. Supervising Audiologist – Responsibilities – Restrictions. (3-20-20)T

a. 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. (3-20-20)T

b. Responsibilities of the supervising audiologist include, but are not limited to: (3-20-20)T

i. Training, assessing the competency, and evaluating the performance of audiology support personnel. (3-20-20)T

ii. Approving or disapproving all orders and directives concerning audiology tasks issued by administrators or other managers. (3-20-20)T

iii. Assigning audiology tasks to audiology support personnel and supervising the performance of those tasks. Assigned tasks must not exceed the 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. (3-20-20)T

iv. Assessing the abilities of audiology support personnel to perform assigned audiology tasks. (3-20-20)T

v. Providing feedback to audiology support personnel to facilitate improved job performance. (3-20-20)T

c. 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. (3-20-20)T

d. An audiologist must supervise audiology support personnel in the following manner: (3-20-20)T

i. 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. (3-20-20)T

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. (3-20-20)T

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 assigned based on training, certification, available supervision, and specific work setting, provided that an audiologist may not allow audiology support personnel to perform the following: (3-20-20)T

a. Any task prohibited by state or federal law. (3-20-20)T

b. Interpreting observations or data into diagnostic statements of clinical management strategies or procedures. (3-20-20)T

c. Determining case selection. (3-20-20)T

d. Transmitting clinical information, either verbally or in writing, to anyone without the approval of the supervising audiologist. (3-20-20)T

e. Composing clinical reports except for progress notes to be reviewed by the audiologist and held in the client's records. (3-20-20)T

f. Referring a patient/client to other professionals or agencies. (3-20-20)T

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. (3-20-20)T

h. Signing any formal documents (e.g. treatment plans, reimbursement forms, or reports). (3-20-20)T

i. Discharging a patient/client from services. (3-20-20)T

j. Removal of cerumen. (3-20-20)T

- 03. Audiology Support Personnel – Pre-Service and In-Service Instruction.** (3-20-20)T
- a.** The supervising audiologist is responsible for maintaining a written record of completed training activity. (3-20-20)T
- b.** Training will be conducted pre-service (before tasks are assigned) and in-service (after tasks are assigned). 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. (3-20-20)T
- i.** Training should be well-defined and specific to assigned tasks. (3-20-20)T
- ii.** Supervising audiologists should ensure that the scope and intensity of training is sufficient to prepare audiology support personnel to successfully perform assigned tasks. (3-20-20)T
- iii.** Training should be competency-based and be provided through a variety of formal and informal instructional methods accompanied by written policies and procedures. (3-20-20)T
- 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. (3-20-20)T
- v.** Training should include the identification of and appropriate response to linguistic and cultural challenges which may affect the delivery of service. (3-20-20)T

212. NEWBORN HEARING SCREENING TESTS.

Performing newborn hearing screening tests on infants using automated equipment that produces a pass/fail response does not, by itself, constitute the practice of audiology or convert persons performing the tests into audiology support personnel. (3-20-20)T

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: (3-20-20)T

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. (3-20-20)T

02. Examination. Pass an examination in speech-language pathology given by PRAXIS or other examination as may be approved by the Board. (3-20-20)T

03. Supervised Experience. Satisfactorily complete the supervised postgraduate experience approved by the Board as follows: (3-20-20)T

a. 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. (3-20-20)T

b. One thousand ten (1,010) hours of experience must be in direct client contact as defined in these rules. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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: (3-20-20)T

01. Education Program Requirement. A baccalaureate degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board. (3-20-20)T

02. Examination. Pass an examination in speech-language pathology aide as approved by the Board. (3-20-20)T

03. Supervision. A speech-language pathologist aide must work under the supervision of a speech-language pathologist. (3-20-20)T

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: (3-20-20)T

01. Education Program Requirement. An associate degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board. (3-20-20)T

02. Examination. Pass an examination in speech-language pathology assistant approved by the Board. (3-20-20)T

03. Supervision. A speech-language pathologist assistant must work under the supervision of a speech-language pathologist. (3-20-20)T

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: (3-20-20)T

01. Education Requirement. A high school diploma or successful passage of the General Educational Development diploma (GED). (3-20-20)T

02. 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. (3-20-20)T

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: (3-20-20)T

01. Education. Possess a high school diploma or the equivalent; (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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). (3-20-20)T

261. TELEPRACTICE OF SIGN LANGUAGE INTERPRETING.

A person who performs sign language interpreting services through the use of electronic communications, information technology, asynchronous store and forward transfer, or synchronous interaction to persons located in Idaho are subject to the licensure, registration, or deaf interpreter requirements of Chapter 24, Title 54, Idaho Code, and these rules unless the person is located outside of Idaho and providing video relay services regulated by the Federal Communication Commission (FCC). (3-20-20)T

262. -- 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. (3-20-20)T

266. -- 269. (RESERVED)

270. REGISTRATION FOR OUT-OF-STATE LICENSEES.

A person licensed or certified as 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 not to exceed in the aggregate thirty (30) days in any calendar year provided that they fulfill the following requirements: (3-20-20)T

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; (3-20-20)T

02. Registration Fee. Payment of one (1) registration fee for each calendar year in which they register; (3-20-20)T

03. Statement of Time Engaged. Within five (5) business days of completion of the work, the person will submit to the Board on a form approved by the Board a statement of the number of days in which the person engaged in that work within the state. (3-20-20)T

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 with the Board

two (2) written endorsement letters from sign language interpreters licensed by the Board. Each letter must, at a minimum, include: (3-20-20)T

- a. Date letter of endorsement was written; (3-20-20)T
- b. Full name, mailing address, and phone number of the deaf interpreter; (3-20-20)T
- c. Name, mailing address, and phone number of the sign language interpreter; and (3-20-20)T
- 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. (3-20-20)T

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. (3-20-20)T

281. -- 309. (RESERVED)

310. ENDORSEMENT.

The Board may grant a license to any person who holds a current, 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. (3-20-20)T

311. -- 319. (RESERVED)

320. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE.

An applicant who or whose license has a conviction, finding of guilt, withheld judgment, or suspended sentence for a felony or has been subject to discipline in another state, territory, or country must submit with his application a written statement and any supplemental information establishing the applicant's current suitability for licensure. (3-20-20)T

01. Consideration of Factors and Evidence. The board may consider the following factors or evidence: (3-20-20)T

- a. The severity or nature of the crime or discipline; (3-20-20)T
- b. The period of time that has passed since the crime or discipline under review; (3-20-20)T
- c. The number or pattern of crimes or discipline or other similar incidents; (3-20-20)T
- d. The circumstances surrounding the crime or discipline that would help determine the risk of reoccurrence; (3-20-20)T
- e. The relationship of the crime or discipline to the practice of sign language interpreting; (3-20-20)T
- f. The applicant's activities since the crime or discipline under review, such as employment, education, participation in treatment, payment of restitution, or any other factors which may be evidence of current rehabilitation; and (3-20-20)T
- g. Any other information regarding rehabilitation or mitigating circumstances. (3-20-20)T

02. Interview. The Board may, at its discretion, grant an interview of the applicant. (3-20-20)T

03. Applicant Bears the Burden. The applicant bears the burden of establishing the applicant's current suitability for licensure. (3-20-20)T

321. -- 399. (RESERVED)

400. CONTINUING EDUCATION.

All licensees must complete the following continuing education requirements: (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

b. 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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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, while pursuing licensure for that profession. (3-20-20)T

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 220.03.

(3-20-20)T

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 Subsection 260.02. (3-20-20)T

02. Supervisor. A provisional permit holder 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: (3-20-20)T

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: (3-20-20)T

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 (3-20-20)T

ii. An audiologist with one (1) year of active practice immediately preceding approval as a supervisor. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

c. 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. (3-20-20)T

03. Supervision. The supervisor is responsible for all practice and conduct of each 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: (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

04. Plan of Training and Quarterly Reports. 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. (3-20-20)T

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). (3-20-20)T

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. (3-20-20)T

c. Quarterly reports must be on forms approved by the Board, attested to and signed by the permit holder and approved supervisor(s), and include: (3-20-20)T

i. A log of client and supervisor contacts; (3-20-20)T

ii. Supervisor’s statement of completed training assignments by the permit holder; (3-20-20)T

iii. For an audiology permit holder, documentation of all hearing aid sales or fittings made by the permit holder; (3-20-20)T

iv. For a sign language interpreter, certification of attendance for any workshop or training session that permit holder has attended; (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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 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. (3-20-20)T

06. 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. (3-20-20)T

07. Expiration. Following the approval of a permit holder’s original application, a provisional permit expires after: (3-20-20)T

a. Twenty-four (24) months for the practice of audiology or the practice of hearing aid dealing and fitting. (3-20-20)T

b. Forty-eight (48) months for the practice of speech language pathology. (3-20-20)T

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. (3-20-20)T

d. The 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 the stated time period. (3-20-20)T

451. -- 499. (RESERVED)

500. HEARING EVALUATION.

01. 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. (3-20-20)T

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. (3-20-20)T

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: (3-20-20)T

- a. Soundfield testing for speech discrimination in both the aided and unaided conditions; (3-20-20)T
- b. Soundfield testing using warble tones or narrowband noise to evaluate functional gain; or (3-20-20)T
- c. “Real ear” probe microphone measurements. (3-20-20)T

04. Records. A copy of all test data must be kept on file by the licensee for two (2) years after sale. (3-20-20)T

05. Exemptions. The testing requirements contained in Subsections 450.02 and 450.03 of this rule do not apply to consumers who cannot respond to acceptable audiological tests, for any reason. (3-20-20)T

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: (3-20-20)T

- a. License number; (3-20-20)T
- b. Business address; (3-20-20)T
- c. The specifications as to the make, model, and manufacture date of the hearing aid; (3-20-20)T
- d. Clearly state the full terms of the sale, including 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; (3-20-20)T
- e. Provide the serial number of the hearing aid upon delivery; (3-20-20)T
- f. Be clearly marked as “used” or “reconditioned,” whichever is applicable, if the aid is not new; and (3-20-20)T
- g. In print size no smaller than ten (10) point type: (3-20-20)T
- i. The address of the Division of Occupational and Professional Licenses and the procedure for filing

complaints against anyone licensed to dispense hearing aids.

(3-20-20)T

ii. A 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.

(3-20-20)T

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 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.

(3-20-20)T

03. Dealer Cancellation. 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 500.02, 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.

(3-20-20)T

601. -- 999. (RESERVED)