

TITLE 54  
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 29  
SPEECH AND HEARING SERVICES PRACTICE ACT

54-2901. SHORT TITLE. This chapter shall be known and may be cited as the "Speech and Hearing Services Practice Act."

[54-2901, added 2005, ch. 277, sec. 2, p. 852.]

54-2902. DECLARATION OF POLICY. To protect the public health, safety and welfare, and to provide for administrative supervision, licensure and regulation, every person practicing or offering to practice audiology, speech-language pathology, sign language interpreting or hearing aid dealing and fitting services as defined in this chapter, who meets and maintains prescribed standards of competence and conduct, shall be licensed as provided in this chapter. This chapter shall be liberally construed to promote the public interest and to accomplish the purpose stated herein.

[54-2902, added 2005, ch. 277, sec. 2, p. 852; am. 2017, ch. 67, sec. 1, p. 157.]

54-2903. DEFINITIONS. As used in this chapter:

(1) "Applicant" means a person applying for a license or permit under this chapter.

(2) "Audiologist" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter and is engaged in the practice of audiology.

(3) "Board" means the speech, hearing and communication services licensure board.

(4) "Bureau" means the bureau of occupational licenses.

(5) "Department" means the department of self-governing agencies.

(6) "Hearing aid" means any wearable electronic instrument or other device designed for the purpose of aiding or compensating for a loss of human hearing and any parts, attachments or accessories, including earmolds attached to the hearing aid, but excluding batteries and cords. "Hearing aid" does not include those devices classified by the federal food and drug administration as assistive listening devices.

(7) "Hearing aid dealer and fitter" means a person licensed pursuant to this chapter to provide hearing aid evaluations and to sell, dispense and fit hearing aids in the state of Idaho.

(8) "Hearing aid evaluation" means the measurement of human hearing for the purpose of selecting or adapting a hearing aid, and not for obtaining medical diagnosis or legal documentation, and includes the following:

- (a) Air conduction threshold testing;
- (b) Bone conduction threshold testing;
- (c) Speech reception threshold testing;
- (d) Speech discrimination testing;
- (e) Most comfortable loudness level testing; and
- (f) Uncomfortable loudness level testing.

(9) "Improper fitting" means a pattern of hearing aid selections or adaptations that cause physical damage to any portion of the ear in which the electroacoustic characteristics of the hearing aid are inadequate for the

consumer, or in which the hearing aid is physically or acoustically unsuited to the consumer including, but not limited to:

- (a) An all-in-the-ear hearing aid that continually falls out of the ear;
  - (b) Any hearing aid or earmold that causes inappropriate feedback, pain or discomfort to the ear within thirty (30) days of the original delivery of the hearing aid to the consumer;
  - (c) Fitting a consumer with impacted cerumen; or
  - (d) Fitting a consumer with either an apparent unilateral sensorineural hearing loss or a significant air-bone gap without prior medical evaluation and approval.
- (10) "License" means a license issued by the board under this chapter.
- (11) "Practice of audiology" means to apply the principles, methods and procedures of measurement, evaluation, testing, counseling, consultation and instruction that relate to the development and disorders of hearing, vestibular functions and related language and speech disorders to prevent, modify or rehabilitate the disorders or to assist individuals in auditory and related skills for communication, and may include intraoperative monitoring and the fitting, adjustment, programming, selling and dispensing of hearing aids and assistive devices.
- (12) "Practice of fitting and dealing in hearing aids" means the selection, adaptation, dispensing, fitting or sale of hearing aids, and includes the testing of hearing by means of an audiometer, or by any other device designed specifically for these purposes. The practice also includes the making of impressions for earmolds.
- (13) "Practice of sign language interpreting" means the application of the process of providing effective communication between and among persons who are deaf, hard of hearing or deaf-blind, speech impaired and those who can hear. The process includes, but is not limited to, communication between American sign language or other forms of manual communication and English. The process may also involve various other modalities that involve visual, gestural and tactile methods.
- (14) "Practice of speech-language pathology" means the application of principles, methods and procedures of measurement, evaluation, testing, counseling, rehabilitation, screening, consultation and instruction that relate to the development and disorders of human communication including, but not limited to, speech (articulation, fluency, voice, accent reduction) and language, swallowing, cognitive communication disorders, augmentative and alternative communication systems and related hearing disorders.
- (15) "Provisional permit" means a permit issued to an applicant who is registered to obtain required experience to become licensed.
- (16) "Sign language interpreter" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter, and who engages in the practice of sign language interpreting.
- (17) "Speech-language pathologist" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter, and who engages in the practice of speech-language pathology.
- (18) "Speech-language pathologist aide" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter, and who works under the direction and supervision of a speech-language pathologist. A speech-language pathologist aide shall not act or provide services independently of a supervising speech-language pathologist licensed in Idaho.

(19) "Speech-language pathologist assistant" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter, and works under the direction and supervision of a speech-language pathologist. A speech-language pathologist assistant shall not act or provide services independently of a supervising speech-language pathologist licensed in Idaho.

[54-2903, added 2005, ch. 277, sec. 2, p. 853; am. 2017, ch. 67, sec. 2, p. 157; am. 2020, ch. 12, sec. 4, p. 24.]

54-2904. LICENSE REQUIRED. (1) Except as otherwise provided in this chapter, it shall be unlawful for any person to engage in the practice or to perform or offer to practice audiology or speech-language pathology or sign language interpreting or to act as a hearing aid dealer and fitter unless such person is duly licensed in accordance with this chapter. A license issued pursuant to this chapter shall be posted in the licensee's established place of business, or proof of licensure carried upon the person shall be presented upon demand. The proof of licensure required by this section may be produced in either paper or electronic format. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of portable electronic device.

(2) It is unlawful for any person or business entity, or its employees, agents or representatives, to use in connection with his or her name, or name of activity of the business, the words "audiologist," "audiometrist," "hearing clinician," "hearing therapist," or any other title, abbreviation or insignia indicating or implying directly or indirectly that such person, business entity, employee, agent or representative is engaged in the practice of audiology, unless such services are provided by an audiologist licensed in accordance with this chapter or lawfully exempt pursuant to section [54-2905](#)(1)(c), Idaho Code.

(3) It is unlawful for any person or business entity, or its employees, agents or representatives, to use in connection with his or her name, or name of activity of the business, the words "speech pathologist," "speech therapist," "speech correctionist," "speech clinician," "language therapist," "language pathologist," "voice therapist," "voice pathologist," "logopedist," "communicologist," "aphasiologist," or any other title, abbreviation or insignia indicating or implying directly or indirectly that such person, business entity, employee, agent or representative is engaged in the practice of speech-language pathology, unless such services are provided by a speech-language pathologist licensed in accordance with this chapter or lawfully exempt pursuant to section [54-2905](#)(1)(c), Idaho Code.

(4) It is unlawful for any person or business entity, or its employees, agents or representatives, to use in connection with his or her name, or name of activity of the business, the words "hearing aid dealer and fitter" or any other title, abbreviation or insignia indicating or implying directly or indirectly that such person, business entity, employee, agent or representative is engaged in the practice of audiology or hearing aid dealing and fitting, unless such services are provided by an audiologist or hearing aid dealer and fitter licensed in accordance with this chapter.

(5) It is unlawful for any person or business entity, or its employees, agents or representatives, to use in connection with his or her name, or name of activity of the business, the words "sign language interpreter" or any other title, abbreviation or insignia indicating or implying directly or indirectly that such person, business entity, employee, agent or representa-

tive is engaged in the practice of sign language interpreting, unless such services are provided by a sign language interpreter licensed in accordance with this chapter.

[54-2904, added 2005, ch. 277, sec. 2, p. 854; am. 2017, ch. 67, sec. 3, p. 159; am. 2019, ch. 44, sec. 1, p. 122.]

54-2905. EXEMPTIONS. (1) Nothing in this chapter shall be construed to restrict:

(a) Any person licensed or regulated by the state of Idaho from engaging in the profession or practice for which he or she is licensed or regulated including, but not limited to, any certified or accredited teacher of the deaf, nurse, physician, occupational therapist, physical therapist, surgeon, or any other licensed or regulated practitioner of the healing arts;

(b) Any employee working under the direct supervision of those persons referred to in this section, as long as such employee does not hold himself or herself out as an audiologist, speech-language pathologist, speech-language pathologist aide or assistant, sign language interpreter, hearing aid dealer or fitter, or a person engaged in the practice of audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting; or

(c) Any person working in an Idaho public school setting who has received and holds, in good standing, a pupil personnel services certificate with a speech-language pathologist endorsement or audiologist endorsement, or any person working as a speech-language pathologist aide or speech-language pathologist assistant, as those terms are defined in section [54-2903](#), Idaho Code, in a public school setting under the direction and supervision of a person with such endorsement in good standing. Such persons, while practicing in the public school setting, shall be exempt from all provisions of this chapter; provided however, that any such person working in an Idaho public school setting with a pupil personnel services certificate with a speech-language pathologist endorsement or audiology endorsement, or a speech-language pathologist aide or speech-language pathologist assistant, shall be prohibited from practicing independently in a setting other than a public school unless such person is duly licensed as set forth in this chapter.

(2) Licensure shall not be required for persons pursuing a course of study leading to a degree in audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting at a college or university with a curriculum acceptable to the board provided that:

(a) Activities and services otherwise regulated by this chapter constitute a part of a planned course of study at that institution;

(b) Such persons are designated by a title such as "intern," "trainee," "student," or by other such title clearly indicating the status appropriate to their level of education; and

(c) Such persons work under the supervision of a person licensed by this state to practice audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting in accordance with administrative rules governing supervision as adopted by the board. The supervising audiologist, speech-language pathologist, sign language interpreter, or hearing aid dealer and fitter accepts full

responsibility for the activities and services provided by such persons supervised.

(3) Nothing in this chapter shall restrict a person residing in another state or country and authorized to practice audiology, speech-language pathology, sign language interpreting, or hearing aid dealing or fitting in that jurisdiction, who is called in consultation by a person licensed in this state to practice audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting, or who for the purpose of furthering audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting education is invited into this state to conduct a lecture, clinic or demonstration, while engaged in activities in connection with the consultation, lecture, clinic or demonstration, as long as such person does not open an office or appoint a place to meet clients or receive calls in this state.

(4) The provisions of this chapter regarding licensure of sign language interpreters shall not apply to the following:

(a) A person holding a current license is allowed to interpret in a preschool and/or K-12 setting pursuant to section [33-1304](#), Idaho Code.

(b) A person working in an Idaho public school setting who engages in the practice of sign language interpreting and meets the requirements of and is interpreting within the scope of the Idaho educational interpreter act, [chapter 13, title 33](#), Idaho Code.

(c) A person who is deaf or hard of hearing and does not possess interpreter certification or credentials may, at the discretion of the board by rule, perform in the role of a deaf interpreter.

(d) A student enrolled in a sign language interpreter educational program provided by an accredited college or university performing sign language interpretation as an integral part of the student's course of study and as supervised by a licensed sign language interpreter.

(e) Individuals licensed and/or state or nationally certified as sign language interpreters in another state authorizing such individuals to practice sign language interpreting in Idaho for a period not to exceed thirty (30) days pursuant to such terms and requirements as set forth in the rules of the board.

(f) A person providing services to the activities and services of any religious denomination or sect;

(g) Interpreting in an inconsequential situation, which means the level of significance is such that a licensed interpreter would not be deemed necessary for effective communication during that interaction. Inconsequential situations may include, but are not limited to: ordering food at a restaurant, checking into a hotel or purchasing an item from a retailer;

(h) A person providing services in a private, noncommercial, family event; or

(i) Exigent emergency circumstances for temporary interpreting services until a qualified interpreter can be obtained.

(5) Interpreters and video remote interpreting services performing interpretation for the judicial department will be selected and assigned and will provide interpreting services pursuant to rules and orders promulgated by the Idaho supreme court to ensure full access to the courts and court services for all deaf and hard of hearing persons as required by the due process provisions of the United States and Idaho constitutions and the provisions of the Americans with disabilities act (ADA).

[54-2905, added 2005, ch. 277, sec. 2, p. 855; am. 2017, ch. 67, sec. 4, p. 160; am. 2018, ch. 72, sec. 1, p. 166.]

54-2906. DEALING AND FITTING OF HEARING AIDS. (1) The board shall have the authority to promulgate, by rule, written contract forms that are in compliance with the provisions of this chapter.

(2) Any licensed audiologist or hearing aid dealer and fitter who fits and dispenses hearing aids shall provide to each client:

(a) A written contract executed between the audiologist or hearing aid dealer and fitter, and the client, in accordance with rules established by the board for each hearing aid dispensed;

(b) A minimum thirty (30) day trial period that shall include a provision for the refund of moneys paid for every hearing aid dispensed; and

(c) Written notice of the name, mailing address and telephone number of the board.

(3) A person licensed as a hearing aid dealer and fitter shall, when dealing with a person eighteen (18) years of age or younger, obtain written confirmation that such person has been examined by a licensed otolaryngologist or audiologist within thirty (30) days of the sale of any hearing aid.

[54-2906, added 2005, ch. 277, sec. 2, p. 856.]

54-2907. AUDIOLOGY, SPEECH-LANGUAGE PATHOLOGY AND HEARING AID DEALERS AND FITTERS SUPPORT PERSONNEL -- SPEECH-LANGUAGE PATHOLOGY AIDES AND SPEECH-LANGUAGE PATHOLOGY ASSISTANTS. (1) Audiology, speech-language pathology and hearing aid dealer and fitter support personnel must be trained under the direction of an audiologist, speech-language pathologist or hearing aid dealer and fitter, respectively, and may only perform designated and supervised routine audiology, speech-language pathology or hearing aid dealer and fitter tasks, respectively.

(2) Support personnel, speech-language pathology aides and speech-language pathology assistants shall not act independently and shall only work under the direction and supervision of an audiologist, speech-language pathologist or hearing aid dealer and fitter, respectively, licensed under this chapter.

(3) The supervising audiologist, speech-language pathologist or hearing aid dealer and fitter accepts full responsibility for the tasks and activities of support personnel and speech-language pathology aides and assistants under their direction and supervision.

(4) Support personnel, aides and assistants shall at all times be designated by the title "support personnel," "aide" or "assistant," respectively, which clearly identifies such person's status as support personnel or as an aide or assistant, and such person shall not use any prohibited title as set forth in section [54-2904](#), Idaho Code.

(5) The board shall establish rules to define the role of audiology, speech-language pathology and hearing aid dealer and fitter support personnel and speech-language pathology aides and assistants including, but not limited to:

(a) Supervisory responsibilities of the licensee;

(b) Ratio of support personnel, aides or assistants to licensees;

(c) Designation of support personnel's designated and supervised routine audiology, speech-language pathology or hearing aid dealer and fitter tasks, restrictions and responsibilities;

- (d) Scope of practice for speech-language pathology aides and assistants, restrictions, and responsibilities;
- (e) Frequency, duration and documentation of direct, on-site supervision; and
- (f) The quantity and content of preservice and in-service instruction.

[54-2907, added 2005, ch. 277, sec. 2, p. 856.]

54-2908. SPEECH, HEARING AND COMMUNICATION SERVICES LICENSURE BOARD. (1) There is hereby established in the department of self-governing agencies a speech, hearing and communication services licensure board. The board shall consist of seven (7) members appointed by the governor. The governor may consider recommendations for appointment to the board from the Idaho speech, language, hearing association, inc. (ISHA), any Idaho association of hearing aid dealers and fitters, any Idaho association of sign language interpreters and any individual residing in this state. Two (2) members of the board shall be speech-language pathologists, one (1) member shall be licensed as a sign language interpreter, two (2) members shall be audiologists, one (1) member shall be a hearing aid dealer and fitter, and one (1) member shall be appointed from the public at-large. Each nonpublic member shall:

- (a) Have been a resident of the state of Idaho for no less than one (1) year immediately preceding his or her appointment;
- (b) Have been engaged in rendering services to the public, teaching, or performing research in the field of audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting for a period of not less than five (5) years preceding his or her appointment;
- (c) Be a currently practicing audiologist, speech-language pathologist, sign language interpreter, or hearing aid dealer and fitter; and
- (d) At all times during such appointment to the board, maintain a valid license in audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting, except for the first appointees who shall meet the eligibility requirements for licensure as specified in this chapter at all times after initial appointment.

(2) The public member appointed as provided herein shall have been a resident of the state of Idaho for not less than one (1) year immediately preceding his appointment. Further, such public member shall not be associated with or financially interested in the practice or business of audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting, nor shall such public member be engaged in an allied or related profession or occupation.

(3) Members shall serve a term of three (3) years at the pleasure of the governor. In the event of a vacancy other than expiration of a term, the governor shall appoint a replacement to fill the vacancy for the remainder of the unexpired term.

(4) Members shall disqualify themselves and, upon the motion of any interested party may, upon proper showing, be disqualified in any proceeding concerning which they have an actual conflict of interest or bias that interferes with their fair and impartial service.

[54-2908, added 2005, ch. 277, sec. 2, p. 857; am. 2008, ch. 64, sec. 1, p. 167; am. 2017, ch. 67, sec. 5, p. 161.]

54-2909. OFFICERS -- QUORUM -- MEETINGS -- COMPENSATION. (1) The board, within sixty (60) days after the effective date of this act and annually thereafter, shall hold a meeting and elect one (1) of its members as chairperson, to serve a one (1) year term in such capacity, who shall preside at meetings of the board. In the event the chairperson is not present at any board meeting, the board may by majority vote of the members present appoint a temporary chairperson.

(2) Four (4) members of the board shall constitute a quorum, provided at least one (1) board member of the relevant profession is present when any board action is taken that affects the profession, its licensees or applicants. The board may act by virtue of a majority vote of members present in which a quorum is present.

(3) The board shall meet at least two (2) times per year at a place, day and hour determined by the board. Other meetings may be convened at the call of the chairperson or upon the written request of any two (2) board members.

(4) Members of the board shall be compensated as provided by section [59-509](#)(n), Idaho Code.

[54-2909, added 2005, ch. 277, sec. 2, p. 858; am. 2014, ch. 105, sec. 1, p. 312.]

54-2910. POWERS AND DUTIES OF THE BOARD. The board shall have the authority to administer, coordinate and enforce the provisions of this chapter including, but not limited to:

(1) Evaluate the qualifications of applicants for licensure, approve and administer examinations to test the knowledge and proficiency of applicants for licensure, and approve or deny the registration and issuance and renewal of licenses and permits;

(2) Authorize all disbursements necessary to carry out the provisions of this chapter;

(3) Promulgate rules not inconsistent with the laws of this state which are necessary to carry out the provisions of this chapter including, but not limited to, ethical standards of practice;

(4) Adopt rules allowing for continuing education;

(5) Obtain restraining orders and injunctions prohibiting conduct in violation of the provisions of this chapter, conduct investigations, issue subpoenas, examine witnesses and administer oaths, concerning practices which are alleged to violate the provisions of this chapter;

(6) Suspend or revoke or otherwise sanction licenses in the manner provided in this chapter, or place a person holding a license under this chapter on probation;

(7) Require as a condition of receiving or retaining a license issued under this chapter that restitution be paid to a consumer;

(8) Require the inspection of testing equipment and facilities of persons engaging in any practice pursuant to this chapter; and

(9) Authorize, by written agreement, the bureau of occupational licenses to act as its agent in its interest.

[54-2910, added 2005, ch. 277, sec. 2, p. 858.]

54-2911. DISPOSITION OF RECEIPTS -- EXPENSES. All moneys received pursuant to the provisions of this chapter shall be deposited to the occupational license fund. All expenses incurred pursuant to the provisions of this chapter shall be paid from the occupational fund.



[54-2911, added 2005, ch. 277, sec. 2, p. 859.]

54-2912. QUALIFICATIONS FOR LICENSURE -- AUDIOLOGIST. (1) To be eligible for licensure by the board as an audiologist, the applicant shall:

(a) File a written application with the board on forms prescribed and furnished by the board. A nonrefundable application fee shall accompany the completed written application. Such fees shall be established by the administrative rules of the board and shall be in such amounts as are reasonable and necessary for the proper execution and enforcement of this chapter;

(b) Provide documentation satisfactory to the board that the applicant possesses 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 or other recognized degree from a nationally accredited school for audiology with a curriculum acceptable to the board;

(c) Pass an examination in audiology approved by the board;

(d) Meet the current supervised academic clinical practicum, and supervised postgraduate professional experience approved by the board;

(e) Have never had a license for audiology revoked as part of disciplinary action from this or any other state, and shall not be found by the board to have engaged in conduct prohibited by section [54-2923](#), Idaho Code, provided however, the board may take into consideration the rehabilitation of the applicant and other mitigating circumstances.

(2) The applicant shall disclose on his written application:

(a) Any criminal conviction or charge, other than minor traffic infractions, against the applicant;

(b) Any disciplinary action taken against the applicant by any professional regulatory agency, including any agency within the state or any other state; and

(c) Any denial of registration or licensure by any state or district regulatory body.

(3) The board may require an applicant to be personally interviewed by the board or a designated committee of the board. The interview shall be limited to a review of the applicant's qualifications and professional credentials.

[54-2912, added 2005, ch. 277, sec. 2, p. 859.]

54-2913. QUALIFICATIONS FOR LICENSURE -- SPEECH-LANGUAGE PATHOLOGIST. (1) To be eligible for licensure as a speech-language pathologist the applicant shall:

(a) File a written application with the board on forms prescribed and furnished by the board. A nonrefundable application fee shall accompany the completed written application. Such fees shall be established by the administrative rules of the board and shall be in such amounts as are reasonable and necessary for the proper execution and enforcement of this chapter.

(b) Provide documentation satisfactory to the board that the applicant possesses a master's or doctoral degree from a nationally accredited school of speech-language pathology with a curriculum acceptable to the board.

(c) Pass an examination in speech-language pathology approved by the board.

(d) Meet the current supervised academic clinical practicum and supervised postgraduate professional experience approved by the board.

(e) Have never had a license for speech-language pathology revoked as part of disciplinary action from this or any other state and shall not be found by the board to have engaged in conduct prohibited by section [54-2923](#), Idaho Code, provided however, the board may take into consideration the rehabilitation of the applicant and other mitigating circumstances.

(2) The applicant shall disclose on his written application:

(a) Any criminal conviction or charge, other than minor traffic infractions, against the applicant;

(b) Any disciplinary action taken against the applicant by any professional regulatory agency, including any agency within the state or any other state; and

(c) Any denial of registration or licensure by any state or district regulatory body.

(3) The board may require an applicant to be personally interviewed by the board or a designated committee of the board. The interview shall be limited to a review of the applicant's qualifications and professional credentials.

[54-2913, added 2005, ch. 277, sec. 2, p. 860.]

54-2914. QUALIFICATIONS FOR LICENSURE -- SPEECH-LANGUAGE PATHOLOGIST AIDE. (1) To be eligible for licensure as a speech-language pathologist aide the applicant shall:

(a) File a written application with the board on forms prescribed and furnished by the board. A nonrefundable application fee shall accompany the completed written application. Such fees shall be established by the administrative rules of the board and shall be in such amounts as are reasonable and necessary for the proper execution and enforcement of this chapter;

(b) Provide documentation satisfactory to the board that the applicant possesses a baccalaureate degree from a nationally accredited school of speech-language pathology aide with a curriculum acceptable to the board;

(c) Pass an examination in speech-language pathology aide approved by the board;

(d) Have never had a license for speech-language pathology aide revoked as part of disciplinary action from this or any other state and shall not be found by the board to have engaged in conduct prohibited by section [54-2923](#), Idaho Code. Provided however, the board may take into consideration the rehabilitation of the applicant and other mitigating circumstances.

(2) The applicant shall disclose on his written application:

(a) Any criminal conviction or charge, other than minor traffic infractions, against the applicant;

(b) Any disciplinary action taken against the applicant by any professional regulatory agency, including any agency within the state or any other state; and

(c) Any denial of registration or licensure by any state or district regulatory body.

(3) The board may require an applicant to be personally interviewed by the board or a designated committee of the board. The interview shall be lim-

ited to a review of the applicant's qualifications and professional credentials.

[54-2914, added 2005, ch. 277, sec. 2, p. 860.]

54-2915. QUALIFICATIONS FOR LICENSURE -- SPEECH-LANGUAGE PATHOLOGIST ASSISTANT. (1) To be eligible for licensure as a speech-language pathologist assistant the applicant shall:

(a) File a written application with the board on forms prescribed and furnished by the board. A nonrefundable application fee shall accompany the completed written application. Such fees shall be established by the administrative rules of the board and shall be in such amounts as are reasonable and necessary for the proper execution and enforcement of this chapter;

(b) Provide documentation satisfactory to the board that the applicant possesses an associate's degree from a nationally accredited school of speech-language pathology assistant with a curriculum acceptable to the board;

(c) Pass an examination in speech-language pathology assistant approved by the board; and

(d) Have never had a license for speech-language pathology assistant revoked as part of disciplinary action from this or any other state and shall not be found by the board to have engaged in conduct prohibited by section [54-2923](#), Idaho Code, provided however, the board may take into consideration the rehabilitation of the applicant and other mitigating circumstances.

(2) The applicant shall disclose on his written application:

(a) Any criminal conviction or charge, other than minor traffic infractions, against the applicant;

(b) Any disciplinary action taken against the applicant by any professional regulatory agency, including any agency within the state or any other state; and

(c) Any denial of registration or licensure by any state or district regulatory body.

(3) The board may require an applicant to be personally interviewed by the board or a designated committee of the board. The interview shall be limited to a review of the applicant's qualifications and professional credentials.

[54-2915, added 2005, ch. 277, sec. 2, p. 861.]

54-2916. QUALIFICATIONS FOR LICENSURE -- HEARING AID DEALER AND FITTER. To be eligible for licensure as a hearing aid dealer and fitter, the applicant shall:

(1) Provide verification acceptable to the board of:

(a) Being at least twenty-one (21) years of age;

(b) Good moral character and temperate habits;

(c) Never having had a license revoked or otherwise sanctioned as part of disciplinary action from this or any other state;

(d) Never having been convicted, found guilty, or received a withheld judgment for any felony; and

(e) Never having been found by the board to have engaged in conduct prohibited by this chapter, provided however, the board may take into

consideration the rehabilitation of the applicant and other mitigating circumstances when considering applications for licensure;

(2) Provide educational documentation satisfactory to the board that the applicant has successfully graduated from a four (4) year course at an accredited high school or the equivalent; and

(3) Provide documentation that the applicant has successfully passed an examination approved by the board.

[54-2916, added 2005, ch. 277, sec. 2, p. 862.]

54-2916A. QUALIFICATIONS FOR LICENSURE -- SIGN LANGUAGE INTERPRETER. To be eligible for licensure as a sign language interpreter, the applicant shall:

(1) File a written application with the board on forms prescribed and furnished by the board. A nonrefundable application fee shall accompany the completed written application. Such fees shall be established by the administrative rules of the board and shall be in such amounts as are reasonable and necessary for the proper execution and enforcement of this chapter;

(2) Provide verification acceptable to the board of the following:

(a) Good moral character;

(b) Never having had a license or certification revoked or otherwise sanctioned as part of disciplinary action from this or any other state;

(c) Never having been convicted, found guilty or received a withheld judgment for any crime that is deemed relevant in accordance with section [67-9411](#) (1), Idaho Code; and

(d) Never having been found by the board to have engaged in conduct prohibited by this chapter.

The board may take into consideration the rehabilitation of the applicant and other mitigating circumstances when considering applications for licensure.

(3) Provide evidence satisfactory to the board of having successfully passed a nationally recognized competency examination approved by the board or achieved certification defined by board rule;

(4) Provide educational documentation satisfactory to the board that the applicant has successfully graduated from a four (4) year course at an accredited high school or the equivalent; and

(5) Provide documentation that the applicant has successfully passed an examination approved by the board.

[54-2916A, added 2017, ch. 67, sec. 6, p. 162; am. 2018, ch. 72, sec. 2, p. 168; am. 2019, ch. 44, sec. 2, p. 123; am. 2020, ch. 175, sec. 28, p. 536.]

54-2917. DUAL LICENSURE. A person may be licensed as both an audiologist and a speech-language pathologist or sign language interpreter, if such person duly meets the requirements of licensure for each such license. A person obtaining licensure as an audiologist and a speech-language pathologist or sign language interpreter shall be charged fees as though the person had obtained only one (1) license.

[54-2917, added 2005, ch. 277, sec. 2, p. 862; am. 2017, ch. 67, sec. 7, p. 163.]

54-2918. LICENSE BY ENDORSEMENT AND EDUCATIONAL EQUIVALENCY. (1)

The board may issue a license by endorsement. An applicant for licensure by endorsement shall substantiate to the board that the applicant holds a current, active and unrestricted equivalent license in another state or United States territory. The applicant shall apply for a license by endorsement on such forms, pay such fees and satisfy such other requirements as may be provided by board rule.

(2) For applicants who received their professional education outside of the United States, the board may deem such education acceptable, provided that the board is satisfied, and the applicant provides documentation acceptable to the board, that equivalent education requirements have been met. The board, in its discretion, may require by rule that applicants who received their professional education outside of the United States provide additional information to the board concerning such professional education. The board may also, in its discretion, require successful completion of additional coursework before proceeding with the application process.

[54-2918, added 2005, ch. 277, sec. 2, p. 862; am. 2011, ch. 76, sec. 1, p. 161.]

54-2919. PROVISIONAL PERMIT. The board shall adopt rules providing for a provisional permit 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 as required by this chapter. The board may further provide for a provisional permit to allow a person to engage in fitting and dealing hearing aids or sign language interpreting pursuant to rules adopted by the board. The holder of a provisional permit may practice only while under the supervision of a person fully licensed under this chapter.

[54-2919, added 2005, ch. 277, sec. 2, p. 863; am. 2017, ch. 67, sec. 8, p. 163.]

54-2920. DENIAL OF APPLICATION. An application for licensure that has been denied by the board shall be considered a contested case as provided for in [chapter 52, title 67](#), Idaho Code, and shall be subject to the provisions of that chapter as well as the administrative rules adopted by the board governing contested cases.

[54-2920, added 2005, ch. 277, sec. 2, p. 863.]

54-2921. RENEWAL AND REINSTATEMENT OF LICENSES -- PUBLIC DISPLAY -- INACTIVE LICENSE. (1) All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section [67-2614](#), Idaho Code.

(2) Each person licensed pursuant to this chapter shall, on or before the expiration of his or her license, submit an application and pay to the board a license fee for a renewal of the license and shall keep such license posted in his or her office or established place of business at all times.

(3) The board may issue inactive licenses pursuant to rules adopted by the board that may specify the terms and procedures necessary to maintain an inactive license. The holder of an inactive license shall not engage in any practice defined by this chapter.

[54-2921, added 2005, ch. 277, sec. 2, p. 863.]

54-2922. REPORTING OF NAME OR ADDRESS CHANGE. All licensed audiologists, speech-language pathologists, speech-language pathology aides and assistants, and hearing aid dealers and fitters shall report to the board any name change or changes in business and home addresses prior to the expiration of thirty (30) days after the change becomes final.

[54-2922, added 2005, ch. 277, sec. 2, p. 863.]

54-2923. GROUNDS FOR DISCIPLINARY ACTION AND DENIAL. The following conduct, acts or conditions shall constitute grounds for disciplinary action and grounds for denial of an application for licensure or renewal:

(1) The conviction of any felony or being convicted of any crime which has a bearing on any practice pursuant to this chapter. Conviction, as used in this subsection (1), shall include a finding of verdict of guilt, an admission of guilt, or a plea of nolo contendere or its equivalent. The record of conviction, or a certified copy thereof, certified by the clerk of the court or by the judge in whose court the conviction occurred, shall be conclusive evidence of such conviction;

(2) Obtaining or attempting to obtain a license or registration by fraud, misrepresentation, omission or deceit, or making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession;

(3) When related to the practice for which licensure is required by this chapter, engaging in incompetent or unethical conduct, or practicing or offering to practice beyond the scope of the practice as defined in this chapter, or committing an intentional, negligent, or reckless act or failing to act, or engaging in practice that fails to meet the standard of care provided by licensees in the same or similar communities;

(4) Practicing when physical or mental abilities are impaired by including, but not limited to, the use of controlled substances or other drugs, chemicals or alcohol, or having been adjudged mentally incompetent by a court of competent jurisdiction;

(5) Engaging in practice under a false name or alias or using or attempting to use an invalid license or a license that has been unlawfully purchased, fraudulently obtained, counterfeited or materially altered;

(6) Failing to administer necessary tests utilizing appropriate, established procedures and instrumentation;

(7) Engaging in improper practice or promoting unnecessary devices, treatment, intervention or service for the financial gain of the practitioner or of a third party;

(8) Failing to pay a valid judgment that arose out of any practice pursuant to this chapter within two (2) months of the date that the judgment became final;

(9) Having had a license revoked or suspended, other disciplinary action taken or an application for licensure or license renewal refused, revoked or suspended by the proper authorities of another state, territory or country, or omitting such information from any application to the board, or failure to divulge such information when requested by the board;

(10) Failing to notify the board of any change of address of a place of business within thirty (30) days of the date of such change;

(11) Failing to meet continuing education requirements as established by the board;

(12) Failing to provide refunds pursuant to the terms of a written contract entered into by the consumer and the licensee;

(13) Failing to properly or adequately supervise any permit holder, support person, or assistant in accordance with this chapter and the administrative rules adopted by the board, or aiding or abetting a person not licensed in this state who directly or indirectly performs activities requiring a license;

(14) Committing any act of sexual contact, misconduct, exploitation or intercourse with a client or former client or related to the licensee's practice, provided:

(a) Consent of the client shall not be a defense;

(b) This subsection (14) shall not apply to sexual contact between a licensee and such licensee's spouse or a person in a domestic relationship with the licensee who is also a client;

(c) A former client means a client for whom the licensee is not at the relevant time providing services but for whom the licensee has provided services within the last twelve (12) months; and

(d) Sexual or romantic relationships with former clients beyond the period of time set forth herein may also be a violation if the licensee uses or exploits the trust, knowledge, emotions or influence derived from the prior professional relationship with the client;

(15) Failing to report to the board any act or omission of a licensee, applicant, or any other person, which violates any provision of this chapter;

(16) Interfering with a board investigation or disciplinary proceeding by willful misrepresentation of facts, failure to provide information upon request from the board, or by use of threats or harassment against any client or witness to prevent them from providing evidence in a disciplinary proceeding, investigation or other legal action;

(17) Violating any provisions of this chapter, board rules, adopted codes of ethics or other applicable federal or state statutes or rules including, but not limited to, the Idaho consumer protection act, relating directly or indirectly to any practice pursuant to this chapter.

[54-2923, added 2005, ch. 277, sec. 2, p. 863.]

54-2924. INVESTIGATIONS AND DISCIPLINARY ACTIONS -- PROCEDURES. (1) The board is authorized to institute any investigation, hearing or other legal proceeding necessary to effect compliance with this chapter.

(2) The board or its hearing officer, upon a finding that action is necessary, shall have the power pursuant to this chapter to administer oaths, take depositions of witnesses within or without the state in the manner provided by the administrative rules adopted by the board, and shall have power throughout the state of Idaho to require the attendance of such witnesses and the production of such books, records and papers as it may desire at any hearing and for that purpose the board may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county of the state of Idaho, where such witness resides or may be found, which shall be served and returned. The board may require a licensee to be examined to determine his or her mental or physical competence when the board has probable cause to believe the licensee is suffering from an impairment that might impede his or her ability to practice competently. The board may accept a voluntary restriction of-

ferred by a licensee on a licensee's scope of practice due to impairment of the licensee's competence.

(3) When it is brought to the attention of the board by the written statement of any person that a person licensed under this chapter has done any act or thing in violation of any provision of this chapter, the board shall make an investigation of such person and, if it is determined there is probable cause to institute proceedings against such person, the board shall commence a formal proceeding against the person in accordance with [chapter 52, title 67](#), Idaho Code, and with the administrative rules adopted by the board.

(4) The board may investigate any person to the extent necessary to determine if the person is engaged in the unlawful practice of audiology, speech-language pathology, sign language interpreting or hearing aid dealing or fitting. If an investigation indicates that a person may be practicing audiology, sign language interpreting, hearing aid dealing or fitting, or speech-language pathology unlawfully, the board shall inform the person of the alleged violation. The board shall refer all violations of this section made known to it to appropriate prosecuting attorneys whether or not the person ceases the unlawful practice. The board may render assistance to a prosecuting attorney in the prosecution of a case pursuant to this section.

(5) The board may, in the name of the people of the state of Idaho, apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing any act in violation of this chapter. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided for in this chapter.

[54-2924, added 2005, ch. 277, sec. 2, p. 865; am. 2017, ch. 67, sec. 9, p. 163.]

54-2925. DISCIPLINARY ACTIONS -- PENALTIES. (1) The board, upon receipt of a recommendation received from the licensure board that a person has violated any provision of this chapter, may take the following disciplinary actions singly or in combination:

- (a) Issue a formal reprimand;
- (b) Require additional education as a requirement for continued practice;
- (c) Impose restrictions and/or conditions as to scope of practice, place of practice, supervision of practice, duration of license status, or type or condition of client served. The board may require a licensee to report regularly to the board on matters regarding the restricted license;
- (d) Suspend a license, the duration of which shall be determined by the board;
- (e) Revoke a license;
- (f) Refuse to issue or renew a license; or
- (g) Impose a fine not to exceed one thousand dollars (\$1,000) for each violation of this chapter.

(2) The assessment of costs and attorney's fees for any investigation and prosecution or defense in an administrative proceeding against a licensee shall be governed by the provisions of section [12-117](#)(5), Idaho Code.

[54-2925, added 2005, ch. 277, sec. 2, p. 866; am. 2018, ch. 348, sec. 16, p. 813.]



54-2926. JUDICIAL REVIEW. Any person who is aggrieved by any action of the board in denying, refusing to renew, suspending or revoking a license, issuing a censure, imposing any restriction upon a license, or imposing any fine, may seek judicial review thereof in accordance with the provisions of [chapter 52, title 67](#), Idaho Code.

[54-2926, added 2005, ch. 277, sec. 2, p. 866.]

54-2927. UNLAWFUL PRACTICE -- PENALTIES. (1) It shall be unlawful for any person to practice or offer to practice audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting in this state, or to use in connection with his or her name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an audiologist, speech-language pathologist, sign language interpreter, or hearing aid dealer and fitter, unless such person has been appropriately licensed under the provisions of this chapter.

(2) It shall be unlawful for any person to aid, abet or require another person, licensed or unlicensed, to directly or indirectly violate or evade any provision of this chapter, or to combine or conspire with another person, or permit one's license to be used by another person, or to act as an agent, partner, associate or otherwise, of another person with the intent to violate or evade the provisions of this chapter.

(3) A violation of the provisions of this chapter shall constitute a misdemeanor and any person convicted thereof shall be fined an amount not to exceed one thousand dollars (\$1,000), or imprisoned in a county jail for a period not to exceed six (6) months, or shall be punished by both such fine and imprisonment.

[54-2927, added 2005, ch. 277, sec. 2, p. 866; am. 2011, ch. 76, sec. 2, p. 161; am. 2017, ch. 67, sec. 10, p. 164.]