

RULES AND REGULATIONS
FOR LICENSING
SPEECH PATHOLOGISTS
AND AUDIOLOGISTS
(R5-48-SPA)



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health
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INTRODUCTION

These rules and regulations are promulgated pursuant to the authority conferred under section 5-48-6 of the General Laws of Rhode Island, as amended, and are established for the purpose of establishing prevailing standards and procedures for licensing speech pathologists and audiologists in this state.

Pursuant to the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, the following issues were given consideration in arriving at the regulations: (1) alternative approaches to the regulations; and (2) duplication or overlap with other state regulations. No duplication, overlap, or alternative approach was identified and the regulations are adopted in the best interest of the public.

These regulations shall supersede any previous *Rules and Regulations for Licensing Speech Pathologists and Audiologists (R5-48-SPA)* promulgated by the Department of Health and filed with the Secretary of State.

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Section 1.0 *Definitions*

Wherever used in these rules and regulations, the following terms shall be construed as follows:

- 1.1 **"Accredited/approved"** means that an institution/program holds regional accreditation from one (1) of six (6) regional accrediting bodies: Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, and Western Association of Schools and Colleges.
- 1.2 **"Act"** shall refer to Chapter 5-48 of the General Laws of Rhode Island, as amended, entitled, "Speech Pathology and Audiology."
- 1.3 **"Audiologist"** means an individual who is licensed by the Board to practice audiology.
- 1.4 **"Audiology"** means the application of principles, methods, and procedures related to hearing and the disorders of the hearing and balance systems, to related language and speech disorders, and to aberrant behavior related to hearing loss. A hearing disorder is defined as altered sensitivity, acuity, function, processing, and/or damage to the integrity of the physiological auditory/vestibular systems, in individuals or groups of individuals who have or are suspected of having such disorders.
- 1.5 **"Audiology support personnel"** shall operate under the title "audiometric aide" and means an individual who meets minimum qualifications, established by the Board, which are less than those established by the Act as necessary for licensing as an audiologist; does not act independently; is limited to hearing screening with pass/fail criteria, and works under the direction and supervision of an audiologist licensed under the Act who has been actively working in the field for twenty-four (24) months after completion of the postgraduate professional experience and who accepts the responsibility for the acts and performances of the audiometric aide while working under the Act.
- 1.6 **"Board"** shall mean the "State Board of Examiners for Speech Pathology and Audiology."
- 1.7 **"Clinical fellowship or traineeship"** shall mean the direct clinical work, consultation or other duties relevant to clinical work with individuals presenting disorders in communication, for a cumulative or equivalent total of nine (9) months of full-time employment following completion of professional education under supervision pursuant to section 5-48-7 of the Act and in accordance with the provisions of sections 4.5—4.7 herein.
- 1.8 **"Clinical fellow"** means the person who is practicing speech language pathology under the supervision of a licensed speech language pathologist while completing the postgraduate professional experience as required by the Act and who holds a current provisional license in accordance with the requirements described herein.
- 1.9 **"Department"** means the Rhode Island Department of Health.
- 1.10 **"Director"** shall mean the Director of the Rhode Island Department of Health.

- 1.11 ***“Graduate program”*** means a post-baccalaureate accredited program leading to a master’s or doctoral degree, including a professional doctoral degree, whether offered through an accredited graduate or professional school.
- 1.12 ***“Person”*** means an individual, partnership, organization or corporation, except that only individuals can be licensed under the Act.
- 1.13 ***“The practice of audiology”*** means rendering or offering to render any service in audiology, including prevention, screening and identification, evaluation, habilitation, rehabilitation; participating in environmental and occupational hearing conservation programs, and habilitation and rehabilitation programs including hearing aid and assistive listening device evaluation, prescription, preparation, dispensing, and/or selling and orientation; auditory training and speech reading; conducting and interpreting tests of vestibular function and nystagmus; conducting and interpreting electrophysiological measures of the auditory pathway; cerumen management; evaluating sound environment and equipment; calibrating instruments used in testing and supplementing auditory function; and planning, directing, conducting or supervising programs that render or offer to render any service in audiology.

The practice of audiology may include speech and/or language screening to a pass/fail determination, for the purpose of initial identification of individuals with other disorders of communication.

A practice is deemed to be the "practice of audiology" if services are offered under any title incorporating such word as "audiology", "audiologist", "audiometry" "audiometrist", "audiological", "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing clinician", "hearing conservation", "hearing conservationist", "hearing center", hearing aid audiologist", or any similar title or description of services.

- 1.14 ***“The practice of speech language pathology”*** means rendering or offering to render any service in speech language pathology including prevention, identification, evaluation, consultation, habilitation, rehabilitation; determining the need for augmentative communication systems, dispensing and selling such systems, and providing training in the use of such systems; and planning, directing, conducting, or supervising programs designed to prevent, identify, evaluate, treat or ameliorate disorders of human communication in individuals or groups of individuals that render or offer to render any service in speech language pathology.

The practice of speech language pathology may include nondiagnostic pure-tone air conduction screening, screening tympanometry, and acoustic reflex screening, limited to a pass/fail determination, for the purpose of performing a speech and language evaluation or for the initial identification of individuals with other disorders of communication. The practice of speech language pathology also may include aural rehabilitation which is defined as services and procedures for facilitating adequate receptive and expressive communication in individuals with hearing impairment. A practice is deemed to be the "practice of speech language pathology" if services are offered under any title incorporating such words as "speech pathology", "speech pathologist", "speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic", "speech clinician", "language pathology", "language pathologist", "voice therapy", voice therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist",

"communicology", "communicologist", "aphasiology", "aphasiologist", "phoniatrist" or any similar title or description of services.

- 1.15 **"Regionally accredited"** means the official guarantee that a college or university or other educational institution is in conformity with the standards of education prescribed by a regional accrediting commission recognized by the United States Secretary of Education.
- 1.16 **"Speech language pathologist"** means an individual who is licensed by the Board to practice speech language pathology.
- 1.17 **"Speech language pathology"** means the application of principles, methods, and procedures for prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction, and research related to the development and disorders of human communication. Disorders are defined to include any and all conditions, whether of organic or nonorganic origin, that impede the normal process of human communication in individuals or groups of individuals who have or are suspected of having such conditions, including but not limited to, disorders and related disorders of (1) speech: articulation, fluency, voice, (including respiration, phonation and resonance); (2) language (involving the parameters of phonology, morphology, syntax, semantics and pragmatics; and including disorders of receptive and expressive communication in oral, written, graphic, and manual modalities); (3) oral, pharyngeal, laryngeal, cervical esophageal, and related functions (e.g. dysphagia, including disorders of swallowing and oral function for feeding; oro-facial myofunctional disorders); (4) cognitive aspects of communication (including communication disability and other functional disabilities associated with cognitive impairment); and (5) social aspects of communication (including challenging behavior, ineffective social skills, lack of communication opportunities).
- 1.18 **"Speech language support personnel"** means an individual who meets minimum qualifications established by the Board, which are less than those established by Chapter 5-48 as necessary for licensing as a speech language pathologist; does not act independently; and works under the direction and supervision of a speech language pathologist licensed under Chapter 5-48 who has been actively working in the field for twenty-four (24) months after completion of the postgraduate professional experience and who accepts the responsibility for the acts and performances of the speech language pathology assistant while working under the Act. The speech language support personnel shall be registered with the Board within thirty (30) days of beginning work or the supervising speech language pathologist will be assessed a late filing fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.

Section 2.0 **License Requirements**

- 2.1 No person shall practice as, advertise as, or use the title of speech pathologist or audiologist unless licensed in accordance with the provisions of Chapter 5-48 of the Act and the rules and regulations herein. The provisions of the Act or these rules and regulations shall not apply to individuals specifically exempt from the provisions thereof by section 5-48-10.
- 2.2 A provisional license for the clinical fellow (defined in section 1.8 herein) shall be required in speech language pathology for that period of postgraduate professional experience as required in section 5-48-7 of the Act and section 3.0 herein. A provisional license shall authorize an

individual to practice speech-language pathology solely in connection with the completion of the supervised postgraduate professional experience.

Section 3.0 *Qualifications for Licensure*

Audiologists

- 3.1 Persons seeking initial licensure as an audiologist on or after **January 1, 2008** shall meet the following requirements:
- a) Be of good moral character;
 - b) Apply to the Board, upon a form prescribed by the Board;
 - c) Submit the appropriate application fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*;
 - d) Submit an official transcript indicating possession of an earned doctorate degree in audiology from a regionally accredited educational institution or other national accrediting organization as may be approved by the Board;
 - e) Pass a national examination in audiology approved by the Board;
 - f) Present evidence of practicum experience that is equivalent to a minimum of twelve (12) months of full-time, supervised experience, that may be completed as part of the graduate degree, as delineated herein;
 - g) Present verification of a Certificate of Clinical Competence from the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the Board;
 - h) If applicable, present evidence from the board of audiology in each state in which the applicant has held or holds licensure to be submitted to the Board of this state, attesting to the licensure status of the applicant during the time period the applicant held licensure in said state;
 - i) Any other requirements as set forth herein.

Qualifications for Audiologists Licensed in Alternate Jurisdictions

- 3.2 Persons licensed as an audiologist in alternate jurisdictions **on or before January 1, 2008** shall meet the requirements of this state that were in effect at the time of initial licensure in the alternate jurisdiction.

Speech Language Pathologists

- 3.3 An applicant seeking licensure to practice as a speech language pathologist in this state must:

- a) Be of good moral character;
- b) Apply to the Department, upon a form prescribed by the Department;
- c) Submit the appropriate application fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*;
- d) Have attained a master's degree or a doctoral degree or equivalent in speech language pathology from an accredited educational institution accredited by the Council on Academic Accreditation (CAA) of the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the Board. The degree shall consist of course work in accordance with the current minimum requirements for the certificate of clinical competence issued by the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the Board;
- e) Pass a national examination in speech language pathology as required by the American Speech-Language Hearing Association (ASHA) or other national accrediting association as may be approved by the Board;
- f) Present verification of a Certificate of Clinical Competence from the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the Board; and
- g) If applicable, present evidence from the board of speech language pathology in each state in which the applicant has held or holds licensure to be submitted to the Board of this state, attesting to the licensure status of the applicant during the time period the applicant held licensure in said state.

Qualifications for a Provisional License for Speech Language Pathologists

3.4 To be eligible for provisional licensure by the Department, the speech language pathologist must submit an application with the required application fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* and be in compliance with the requirements of these rules and regulations herein and sections 5-48-7 (1), (4), (5) and (6) of the Rhode Island General Laws, as amended, and as cited below:

- a) Be of good moral character;
- b) Submit an official transcript indicating possession of a master's degree or a doctorate degree or equivalent in speech language pathology from an educational institution accredited by the Council on Academic Accreditation (CAA) of the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the Board. The degree consists of course work and complete supervised clinical practicum experiences from an educational institution or its cooperating programs in accordance with the current minimum requirements for the certificate of

clinical competence issued by the American Speech Language Hearing Association and delineated in the rules and regulations herein;

- c) Pass a national examination in speech language pathology as required by the American Speech Language Hearing Association (ASHA) or other national accrediting association as may be approved by the Board.
- 3.5 If the postgraduate professional experience extends beyond one (1) year, provisional licensure must be renewed annually and shall not exceed thirty-six (36) months past the initiation of the professional experience.
- 3.6 The provisional licensure will expire ninety (90) days after the end of the postgraduate professional experience.

Section 4.0 *Issuance and Renewal of License and Fee*

- 4.1 The Department shall issue a license or renewal thereof, for a period of two (2) years. Said license, unless sooner suspended or revoked, shall expire by limitation on the first day of July, two (2) years following its issuance, and may be renewed biennially (in even years), provided the applicant meets the requirements of the rules and regulations herein and the statutory provisions of the Act.
- 4.2 A biennial license renewal fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* payable before July 1 of even years (biennially); or a provisional license renewal fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* payable annually from the date of issue payable to the Rhode Island General Treasurer shall accompany each application for licensure renewal.
- 4.3 Any licensee who allows his or her license to lapse may have same reinstated by submitting to the Department an application and accompanying documents and fee as required under sections 3.0 and 4.3 (a) herein.
- a) Any person who allows his or her license to lapse by failing to renew it on or before the thirtieth (30th) day of June, of even years (biennially), may be reinstated by the Department on payment of the current renewal fee plus an additional late filing fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.

Inactive Status

- 4.4 An individual licensed as a speech language pathologist and/or audiologist in this state, not in the active practice of speech-language pathology or audiology within this state during any year, may upon request to the Department, have his or her name transferred to an inactive status and shall not be required to register biennially or pay any fee as long as he or she remains inactive.

- a) Inactive status may be maintained for no longer than two (2) consecutive licensing periods, after which period licensure will be terminated and reapplication to the Department will be required to resume practice.
- b) Any individual whose name has been transferred to an inactive status may be restored to active status within two (2) licensing periods to practice speech language pathology or audiology without a penalty fee, upon the filing of:
 - 1) an application for licensure renewal with a licensure renewal fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*; and
 - 2) such other information as may be requested by the Board.

Section 5.0 ***Denial, Suspension and Revocation of License***

5.1 The Board is authorized to suspend or revoke any license to practice speech language pathology and/or audiology upon finding by the Board that the person is guilty of conduct, found in section 5-48-11 of the General Laws, as follows:

- a) fraudulently or deceptively obtained or attempted to obtain a license for the applicant, licensee, holder, or for another; or
- b) fraudulently or deceptively used a license; or
- c) altered a license; or
- d) aided or abetted unlicensed practice; or
- e) committed fraud and deceit in the practice of speech language pathology or of audiology including but not limited to:
 - 1) using or promoting or causing the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation;
 - 2) falsely representing the use or availability of services or advice of a physician;
 - 3) misrepresenting the applicant, licensee, or holder by using the word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate or if the degree was not obtained from an accredited institution;
 - 4) making or filing a false report or record in the practice of speech language pathology or audiology;
 - 5) submitting a false statement to collect a fee;
 - 6) obtaining a fee through fraud or misrepresentation; or

- f) Providing services while mentally incompetent; or
- g) Engaging in illegal, incompetent, or habitually negligent practice; or
- h) Providing professional services while:
 - 1) under the influence of alcohol; or
 - 2) using any narcotic or controlled dangerous substance or other drug that is in excess of therapeutic amounts or without valid medical indication; or
- i) Promoting the sale of devices, appliances, or products to a patient who cannot benefit from such devices, appliances or products; or
- j) Violating any provision of the Act, any lawful order given, or rule or regulation adopted by the Board or departure from or failure to conform to the current standards of acceptable prevailing practice and code of ethics of speech language pathology or audiology as adopted by the Board and as contained in reference 1 herein. The Board need not establish actual injury to clients in order to adjudge a speech language pathologist or audiologist of the above named conduct. or
- k) Being convicted of, or pleading guilty or nolo contendere to, a felony or to a crime involving moral turpitude, whether or not any appeal or another proceeding is pending to have the conviction or plea set aside; or
- l) Incompetent or negligent misconduct in the practice of speech language pathology or audiology; or
- m) Is habitually intemperate or is addicted to the use of habit forming drugs; or
- n) Failing to maintain continuing education requirements; or
- o) Being disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section.

5.2 The procedure for denial, revocation or suspension shall be as that set forth in section 5-48-13 of the General Laws of Rhode Island, as amended.

Section 6.0 *Support Personnel*

6.1 Support personnel for speech language pathologists shall meet the following requirements:

- a) hold a bachelor's degree from an accredited college or university and have successfully completed no less than eighteen (18) hours of graduate credit in the areas of speech language pathology to include the following:

- 1) normal processes in speech, language and hearing (3 hours);
- 2) disorders of speech, language and hearing (9 hours);
- 3) equipment, materials, procedures and data collection used in assessment and/or management of speech, language and hearing disorders (6 hours); and
- 4) completion of twenty-five percent (25%) of those practicum hours required for professional personnel by the American Speech-Language Hearing Association (ASHA).

6.2 Support personnel for audiologists (audiometric aide) must meet the following requirements:

- a) hold a high school diploma;
- b) receive intensive on-the-job training in accordance with American Speech-Language Hearing Association (ASHA) or American Academy of Audiology (AAA) guidelines for support personnel by the supervising licensed audiologist prior to providing services. (Any subsequent supervising licensed audiologist may require retraining of an audiometric aide under his/her supervision).

Supervision and Responsibility

6.3 A supervising professional must be licensed under the Act and must be responsible for the acts and performances, patient screening, and specific tasks assigned by the licensee to the speech language pathologist/audiometric aide.

6.3.1 A licensee who supervises support personnel must:

- a) utilize the services of only those who meet the minimum requirements enumerated under section 6.0 of these rules and regulations;
- b) ensure that the support personnel are assigned only those duties and responsibilities for which the person has been specifically trained and which the assistant is qualified to perform;
- c) ensure that persons who will be receiving services from support personnel, or the person's legal representative, are informed that services are being rendered by support personnel;
- d) provide supervision of the support personnel:
 - 1) a speech/language pathologist supervisor may only supervise one (1) full-time equivalent speech language support personnel and an audiologist supervisor may only supervise three (3) full-time equivalent audiometric aides, unless otherwise approved by the Board;

- 2) observations of support audiometric aides must be completed and documented as to date, amount of time, and accuracy and efficacy of service according to the following:
 - i. direct on-site observations of the first ten (10) hours of direct client contact; and five percent (5%) of all clinical sessions after the first ten hours for every forty (40) consecutive hours worked; and
 - ii. indirect supervision (e.g. phone, interactive television, audio/video review or patient record review) of five percent (5%) of each forty (40) consecutive hours worked.
- 3) observations of speech language pathology support personnel must be completed and documented as to date, amount of time, and accuracy and efficacy of service according to the following:
 - i. direct on-site observations of the first ten (10) hours of direct client contact; and ten percent (10%) of clinical sessions after the first ten (10) hours of each forty (40) consecutive hours worked; and
 - ii. Indirect supervision (e.g. phone, interactive television, audio/video review) of ten percent (10%) of each forty (40) consecutive hours worked.
- e) observe all provisions of the ASHA policy regarding support personnel unless a specific policy is addressed in these regulations, including but not limited to, that the licensee must maintain records which document the frequency and type of supervision of support personnel, such records to be available for audit upon request by the Board.

Registration of Support Personnel

- 6.4 All audiology and speech language support personnel shall be registered with the Department within thirty (30) days of beginning work or the supervising audiologist/speech language pathologist (respectively) will be assessed a late filing fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.
- 6.5 Application for registration as an audiology or speech language support personnel shall be made on a form provided by the Department, which may be obtained at:

The Rhode Island Department of Health
Health Professions Regulation, Room 104

Three Capitol Hill
Providence, RI 02908
401.222.2828

Section 7.0 *Continuing Education Requirements*

- 7.1 On or before the thirtieth (30th) day of June of even years, every person licensed to practice speech language pathology and/or audiology within this state shall complete not less than twenty (20) clock hours of continuing education within the preceding two (2) years and be able to present satisfactory evidence of completion to the Department.
- a) Course descriptions, proof of attendance, or other documentation of completion shall be retained by the licensee for a minimum of four (4) years and is subject to random audit by the Department.
 - b) Activities approved by the Board for continuing education credit are those sponsored by the American Speech-Language Hearing Association (ASHA), the American Academy of Audiology (AAA), a state department of education, other International Association for Continuing Education and Training (IACET)-authorized providers, and/or continuing medical education units (CMEs) from the Accreditation Council for Continuing Medical Education (ACCME). Approved activities may include conferences, seminars, self-study programs, courses, or workshops sponsored by the organizations noted above, or course work from an accredited institution.
- 7.2 Those persons holding licensure in both speech language pathology and audiology must have completed and have evidence of completion of not less than thirty (30) clock hours of continuing education within the preceding two (2) years.
- 7.3 Continuing education hours may not be carried over from one (1) renewal period to the next.
- 7.4 Speech language pathologist or audiologists initially licensed by examination after the July 1st renewal date shall be exempt from the continuing education requirements stated herein until the date of the next renewal cycle (i.e., June 30th of the second year following its issuance).
- 7.5 The Board, at its discretion, may extend, reduce, or waive for a person the requirement for continuing education for hardship or other extenuating circumstances as the Board deems appropriate.

Section 8.0 *Rules Governing the Dispensing and/or Selling of Hearing Aids*

- 8.1 An audiologist who engages in the dispensing and/or selling of hearing aids shall comply with any and all federal and state laws and regulations governing the sale of hearing aids.

Section 9.0 *Rules Governing Practices and Procedures*

- 9.1 All hearings and reviews required under the provisions of Chapter 5-48 of the General Laws of Rhode Island, as amended, shall be held in accordance with the provisions of the rules and regulations promulgated by the Rhode Island Department of Health, entitled *Rules and*

Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP).

Section 10.0 Severability

- 10.1 If any provisions of these rules and regulations or the application thereof to any persons or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

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Wednesday, 26 September 2012

References

1. American Speech-Language Hearing Association, “*Code of Ethics*”, last revised January 1, 2003 (and subsequent amendments thereto). Available online: <http://www.asha.org/docs/html/ET2003-00166.html>