

## Form #3

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Patricia Reshett  
Authorized Signature

## QUESTIONNAIRE

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: 07/26/2013

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Speech-Language Pathology & Audiology, WV Bd of  
Examiners for  
99 Edmiston Way - Box 11, Suite 214  
Buckhannon, WV 26201  
304-473-4289

LEGISLATIVE RULE TITLE: West Virginia Board of Examiners for Speech-Language  
Pathology and Audiology Code of Ethics

1. Authorizing statute(s) citation 30-32-7

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 21, 2013

b. What other notice, including advertising, did you give of the hearing?  
Legal advertisements re: public comment were posted on June 18 and/or June 19 in the  
following publications:  
Charleston Gazette - Charleston, Greenbrier Valley Ranger - Lewisburg, Bluefield Daily -  
Bluefield, Dominion Post - Morgantown, Intelligencer - Wheeling, News & Sentinel -  
Parkersburg, Martinsburg Journal - Martinsburg, Exponent Telegram - Clarksburg

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
June 18, 2013

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons  
for amendments.

Attached \_\_\_\_\_ No comments received 0

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

07/26/2013

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Patricia Nesbitt

Administrative Services Manager

WVBESLPA

99 Edmiston Way

Box 11 - Suite 214

Buckhannon, WV 26201

304-473-4289 - 304-473-4291 (fax)

wvbeslpa@wv.gov

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

N/A

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

# **West Virginia Board of Examiners for Speech-Language Pathology and Audiology**

## **Board Members**

Michael J. Zagarella, AuD., President  
Vickie Pullins, M.A., CCC-SLP, Secretary  
Joe E. Richards, M.A., Citizen Member

## **SUMMARY OF PROPOSED CHANGES CSR29 – SERIES 5 WEST VIRGINIA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY CODE OF ETHICS**

WV Code §30-32 was amended and reenacted on April 13, 2013 by the WV Legislature and signed by the Governor on May 3, 2013. The proposed changes to WV Code Rule §29-5 are required to comply with the amended WV Code. The changes include:

- Revised References to WV Code Sections
- 29-5-1. – Amended to describe the scope of the Code of Ethics Legislative Rule. The requirements for licensure, etc. in the scope were deleted because they are not applicable to §29-5. The preamble was deleted because it duplicates the revised scope.
- 29-5-2. – Wording changes and revision of the title of Section 2.

*99 Edmiston Way, Box 11 – Suite 214, Buckhannon, WV 26201*

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*Web Site: [www.wvspeechandaudiology.com](http://www.wvspeechandaudiology.com)*

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*~Patricia Nesbitt – Administrative Services Manager~*

**West Virginia Board of Examiners for  
Speech-Language Pathology and Audiology**

**Board Members**

Michael J. Zagarella, AuD., President  
Vickie Pullins, M.A., CCC-SLP, Secretary  
Joe E. Richards, M.A., Citizen Member

**STATEMENT OF CIRCUMSTANCES  
CSR29 – SERIES 5**

**WEST VIRGINIA BOARD OF EXAMINERS FOR  
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

**WEST VIRGINIA BOARD OF EXAMINERS FOR  
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY  
CODE OF ETHICS**

WV Code §30-32 was amended and reenacted on April 13, 2013 by the WV Legislature and signed by the Governor on May 3, 2013. The proposed changes to WV Code Rule §29-5 are required to comply with the amended WV Code.

*99 Edmiston Way, Box 11 – Suite 214, Buckhannon, WV 26201*

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*~Patricia Nesbitt – Administrative Services Manager~*

## APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: West Virginia Board of Examiners for Speech-Language Pathology & Audiology Code of Ethics  
29CSR - Series 5

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: Speech-Language Pathology & Audiology, WV Board of Examiners for

Address: 99 Edmiston Way  
Box 11 - Suite 214  
Buckhannon, WV 26201

Phone Number: 304-473-4289 Email: wvbeslpa@wv.gov

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure  
will have on costs and revenues of state government.

There should be no financial impact, cost or revenue, with the revision of this Rule.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of  
Breakdown by fiscal year, including long-range effect.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>	0.00	0.00	0.00

Rule Title: West Virginia Board of Examiners for Speech-Language Pathology and Audiology Code of Ethics  
29CSR5

Rule Title: \_\_\_\_\_

**3. Explanation of above estimates (including long-range effect):**

Please include any increase or decrease in fees in your estimated total revenues.

N/A

**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

The proposed changes to 29CSR2 are required to comply with the amended and reenacted WV Code 30-32. The items added/revised are:

WV Code references

The scope was amended to describe the Code of Ethics Legislative Rule. The current scope is deleted because it is not applicable to 29-5.

The preamble is deleted because it duplicates the revised scope.

Revised Section 2 title to be more understandable.

Date: 07/24/2013

Signature of Agency Head or Authorized Representative

Patricia Nesbitt



FILED

TITLE 29  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND  
AUDIOLOGY  
SERIES 5  
WEST VIRGINIA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND  
AUDIOLOGY CODE OF ETHICS

2013 JUL 25 PM 2: 47  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§29-5-1. General.**

1.1. Scope. -- This legislative rule establishes ~~the a Code of Ethics outlining principles essential for upholding the highest ethical standards essential to the practice of Speech-Language Pathology and Audiology. qualifications necessary to obtain licensure as a Speech-Language Pathologist or Audiologist in the State of West Virginia. It also established the prerequisites for waiving requirements, provisional licensure, professional licensure renewal, reinstatement of expired licenses, and standards of conduct.~~

1.2. Authority. -- W. Va. Code §30-32-107.

1.3. Filing Date. -- ~~March 27, 2008.~~

1.4. Effective Date. -- ~~April 1, 2008.~~

1.5. Preamble:

~~—The preservation of the highest standards of integrity and ethical principles is vital to the responsible discharge of obligations in the professions of Speech-Language Pathology and Audiology. This code of Ethics sets forth the fundamental principles and rules considered essential to this purpose. Every individual who is licensed by this Board as a Professional, Provisional or a Speech or Audiology Assistant.~~

**§29-5-2. Ethics Standards and Principles for Licensed by this Board as a Professional Speech-Language Pathologists, Audiologists and Provisionals Licensed by the Board or and Speech-Language Pathology or and Audiology Assistants registered by the Board.**

2.1. Any action that violates the spirit and purpose of this Code shall be considered unethical. Failure to specify any particular responsibility or practice in this Code of Ethics shall not be construed as denial of the existence of such responsibilities or practices.

2.2. The fundamentals of ethical conduct are described by Principles of Ethics and Rules of Ethics as they relate to responsibility to persons served, to the public, and to the professions of speech-language pathology and audiology.

2.3. Principles of Ethics, aspirational and inspirational in nature, form the underlying moral basis for the Code of Ethics. Individuals shall observe these principles as affirmative obligations under all conditions of professional activity. Rules of Ethics are specific statements of minimally acceptable professional conduct or of prohibitions and are applicable to all individuals.

2.4. Principle of Ethics I

2.4.a. Individuals shall honor their responsibility to hold paramount the welfare of persons they serve professionally.

2.4.b. Rules of Ethics

2.4.b.1. Individuals shall provide all services competently.

2.4.b.2. Individuals shall use every resource, including referral when appropriate, to ensure that high-quality service is provided.

2.4.b.3. Individuals shall not discriminate in the delivery of professional services on the basis of race ethnicity, gender, age, religion, national origin, sexual orientation, or disability.

2.4.b.4. Individuals shall fully inform the persons they serve of the nature and possible effects of services rendered and products dispensed.

2.4.b.5. Individuals shall evaluate the effectiveness of services rendered and of products dispensed and shall provide services or dispense products only when benefit can be reasonably expected.

2.4.b.6. Individuals shall not guarantee the results of any treatment or procedure, directly or by implication; however, they may make a reasonable statement of prognosis.

2.4.b.7. Individuals shall not evaluate or treat speech, language, or hearing disorders solely by correspondence.

2.4.b.8. Individuals shall maintain adequate records of professional services rendered and products dispensed and shall allow access to these records when appropriately authorized.

2.4.b.9. Individuals shall not reveal, without authorization, any professional or personal information about the person served professionally, unless required by law to do so, or unless doing so is necessary to protect the welfare of the person or of the community.

2.4.b.10. Individuals shall not charge for services not rendered, nor shall they misrepresent, in any fashion, services rendered or products dispensed.

2.4.b.11. Individuals shall use persons in research or as subjects of teaching demonstrations only with their informed consent.

2.4.b.12. Individuals whose professional services are adversely affected by substance abuse or other health-related conditions shall seek professional assistance and, where appropriate, withdraw from the affected areas of practice.

2.5. Principles of Ethics II

2.5.a. Individuals shall honor their responsibility to achieve and maintain the highest level of professional competence.

2.5.b. Rules of Ethics

2.5.b.1. Individuals shall engage in the provision of clinical services only when they hold the appropriate license or when they are in the licensure process and are supervised by an individual who holds the appropriate license.

2.5.b.2. Individuals shall engage in only those aspects of the professions that are within the scope of their competence, considering their level of education, training, and experience.

2.5.b.3. Individuals shall continue their professional development throughout their careers.

2.5.b.4. Individuals shall delegate the provision of clinical services only to persons who are licensed or to persons in the education or licensure process who are appropriately supervised. The provision of support services may be delegated to persons who are neither licensed nor in the licensure process only when a license holder provides appropriate supervision.

2.5.b.5. Individuals shall prohibit any of their professional staff from providing services that exceed the staff member's competence, considering the staff member's level of education, training, and experience.

2.5.b.6. Individuals shall ensure that all equipment used in the provision of services is in proper working order and is properly calibrated.

## 2.6. Principle of Ethics III

Individuals shall honor their responsibility to the public by promoting public understanding of the professions, by supporting the development of services designed to fulfill the unmet needs of the public, and by providing accurate information in all communications involving any aspect of the professions.

### 2.6.a. Rules of Ethics

2.6.a.1. Individuals shall not misrepresent their credentials, competence, education, training, or experience.

2.6.a.2. Individuals shall not participate in professional activities that constitute a conflict of interest.

2.6.a.3. Individuals shall not misrepresent diagnostic information, services rendered, or products dispensed or engage in any scheme or artifice to defraud in connection with obtaining payment or reimbursement for such services or products.

2.6.a.4. Individuals' statements to the public shall provide accurate information about the nature and management of communication disorders, about the professions, and about professional services.

2.6.a.5. Individuals' statements to the public -- advertising, announcing, and marketing their professional services, reporting research results, and promoting products -- shall adhere to prevailing professional standards and shall not contain misrepresentations.

## 2.7. Principle of Ethics IV

2.7.a. Individuals shall honor their responsibilities to the professions and their relationships with colleagues, students, and members of allied professions. Individuals shall uphold the dignity and autonomy of the professions, maintain harmonious interprofessional and intraprofessional relationships, and accept the professions' self-imposed standards.

### 2.7.b. Rules of Ethics

2.7.b.1. Individuals shall prohibit anyone under their supervision from engaging in any practice that violates the Code of Ethics.

2.7.b.2. Individuals shall not engage in dishonesty, fraud, deceit, misrepresentation, or any form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.

2.7.b.3. Individuals shall assign credit to only those individuals who have contributed to a publication, presentation, or product. Credit shall be assigned in proportion to the contribution and only with the contributor's consent.

2.7.b.4. Individuals's statements to colleagues about professional services, research results, and products shall adhere to prevailing professional standards and shall contain no misrepresentations.

2.7.b.5. Individuals shall not provide professional services without exercising independent professional judgment, regardless of referral source or prescription.

2.7.b.6. Individuals shall not discriminate in their relationships with colleagues, students, and members of allied professions on the basis of race or ethnicity, gender, age, religion, national origin, sexual orientation, or disability.

2.7.b.7. Individuals who have reason to believe that the Code of Ethics has been violated shall inform the West Virginia Board of Examiners.

2.7.b.8. Individuals shall cooperate fully with the West Virginia Board of Examiners in its investigation and adjudication of matters related to this Code of Ethics.