

From: pete americo [mailto:peteramerico1@gmail.com]
Sent: Friday, August 23, 2019 11:10 AM
To: WVBESLPA <WVBESLPA@wv.gov>
Subject: Re: IMPORTANT - PLEASE REVIEW

Agree with proposed changes.

On Fri, Aug 23, 2019 at 10:37 AM WVBESLPA <WVBESLPA@wv.gov> wrote:

PROPOSED RULE CHANGE - TITLE 29 SERIES 4
DISCIPLINARY AND COMPLAINT PROCEDURES FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

**THE PROPOSED RULE CHANGE HAS BEEN FILED WITH THE WV SECRETARY OF STATE'S OFFICE AND
MY BE VIEWED BY ACCESSING THE LINK BELOW. THE PROPOSED RULE CHANGE ADDS:**

**1. THE BOARD MAY NOT DISQUALIFY AN APPLICATION FROM INITIAL LICENSURE BECAUSE OF A
PRIOR CRIMINAL CONVICTION UNLESS THAT CONVICTION BEARS A RATIONAL NEXUS
TO THE SPEECH-LANGUAGE PATHOLOGY OR AUDIOLOGY PROFESSIONS. SPECIFIC CONSIDERATIONS
MUST BE GIVEN TO THE APPLICANT BEFORE A DETERMINATION BY THE BOARD.**

**The changes to Rule §29-4.4 are as follows: (All underlined text is being
added to the Rule)**

**§29-4-4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of
Licenses of Speech-Language Pathologist, Audiologist, Provisional Licensees and Assistants.**

4.1. The Board may deny an application for license, place a licensee on probation, limit or restrict a license, suspend a license or revoke any license issued by the Board, upon satisfactory proof that a licensee has been convicted of a felony but with considerations, as stated in §29-4-4.1.1 & §29-4-4.1.2., or is, in his or her professional capacity, engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct in violation of WV Code §30-32-1 et seq. or the rules of the Board.

4.1.1. The Board may not disqualify an applicant from initial licensure because of a prior criminal conviction unless that conviction bears a rational nexus to the speech-language pathology or audiology professions. In determining whether a criminal conviction bears a rational nexus to the speech-language pathology or audiology professions, the Board shall consider, at a minimum:

(A) The nature and seriousness of the crime;

(B) The passage of time since the commission of the crime;

(C) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the speech-language pathology and audiology professions; and

(D) Any evidence of rehabilitation or treatment undertaken by the applicant.

4.1.2. An individual with one or more prior criminal convictions who has not previously applied for licensure may file a petition with the Board at any time for a determination of whether the individual's criminal record will disqualify him or her from obtaining a license. The petition shall include sufficient details about the individual's prior criminal convictions to enable the Board to identify the jurisdiction where the conviction(s) occurred, the date(s) of the conviction(s), and the specific nature of the conviction(s). The petition shall also include a payment to the Board of \$150.00 to cover its costs in making a determination. The Board shall provide its determination in writing within sixty (60) days of receiving the petition from the individual.

COMMENTS WILL BE ACCEPTED BY EMAIL AT WVBESLPA@WV.GOV OR FAX TO 304-473-4289 OR US MAIL FROM AUGUST 12, 2019 - SEPTEMBER 13, 2019 @ 4:00 pm

Have a Great Day

Patty Nesbitt

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