



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: SpeechLanguage Pathology And Audiology

TITLE-SERIES: 29-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Licensure of Speech-Pathology and Audiology

CITE STATUTORY AUTHORITY: 30-32-7

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/04/2021 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

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

ADDRESS: 99 Edmiston Way, Suite 214 - Box 11

Buckhannon, WV 26201

EMAIL: wvbeslpa@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Modifications all relate specifically to telepractice and permits health care practitioners licensed in other states to practice in WV, sets forth requirements for registration, permits a fee for registration, establishes a registrant is subject to this jurisdiction and adds criteria to the standard of care related to telepractice services with exceptions.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Provides a new section for registration, renewal, standard of care & standards of conduct of an interstate telepractice practitioner. Section references were also changed as required. The rule is required per HB 2024 signed by the Governor 04/09/21 but effective from passage on 03/30/2021.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will be a positive revenue stream from registration and renewal fees but it is totally dependent on the number of interstate practitioners who register.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			.00
Personal Services			.00
Current Expenses			.00
Repairs and Alterations			.00
Assets			.00
Other			.00
2. Estimated Total Revenues			\$3000 to \$5000

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

The above estimate is based on the # of registrations received under the Governor's Executive Order 26-20. There was no fee involved in that registration. The long term is dependent on the # of interstate practitioners who register to provide telepractice services. It is not possible to know the total positive revenue effect this rule change will have in the future.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Patty Nesbitt -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

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

SERIES 1
LICENSURE OF SPEECH-PATHOLOGY AND AUDIOLOGY

§29-1-1. General.

1.1. Scope. -- This legislative rule establishes the qualifications necessary to obtain licensure as a Speech-Language Pathologist and/or Audiologist in the State of West Virginia. It also establishes the prerequisites and requirements for provisional licensure, license renewal, reinstatement of expired licenses, retirement of licenses, fees, telepractice services and standards of conduct.

1.1.1. The West Virginia Board of Speech-Language Pathology and Audiology is authorized to grant or deny licensure only according to the requirements in W.Va. Code §30-32-1 *et seq.* The Board has no authority to waive licensure requirements or any conditions for licensure except as stipulated by the law. All applicants, licensees, registered assistants, postgraduate professional experience supervisors, assistant's supervisors and all others concerned with licensure or registration shall be held responsible for knowing and understanding W.Va. Code §30-32-1 *et seq.* and Legislative Rules Title 29-1, Title 29-2, Title 29-3, Title 29-4 and Title 29-5.

1.2. Authority. -- W.Va. Code §30-32-7.

1.3. Filing Date. -- ~~May 5, 2020.~~

1.4. Effective Date. -- ~~July 1, 2020.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on July 1, 2030.

§29-1-2. Definitions.

2.1. "ASHA" means the American Speech-Language-Hearing Association.

2.2. "AAA" means the American Academy of Audiology.

2.3. "Board" refers to the West Virginia Board of Examiners for Speech-Language Pathology and Audiology, abbreviated as WVBESLPA.

2.4. "Initial" means obtaining a license in West Virginia for the profession sought for the first time.

2.5. "License" means a license issued by the Board to someone who meets all the requirements for licensure in Speech-Language Pathology and/or Audiology.

2.6. "Low-income Individuals" means individuals in the local labor market as defined in W.Va. Code §21-1C-2 whose household adjusted gross income is below 130 percent of the federal poverty line. This term also includes any person enrolled in a state or federal public assistance program including, but

not limited to, the Temporary Assistance for Needy Families Program, Medicaid, or the Supplemental Nutrition Assistance Program. These individuals may apply for the low-income waiver of initial licensing fees.

2.7 “Military Families” means any person who serves as an active member of the armed forces of the United States, the National Guard, or a reserve component as described in 38 U.S.C §101, honorably discharged veterans of these forces, and their spouses. The term also includes surviving spouses of deceased service members who have not remarried. These individuals may apply for the military family waiver of initial licensing fees.

2.8. “Provisional License” means a license issued by the Board for completion of the Postgraduate Professional Experience, as set forth in section ~~4213~~ of this rule.

2.9. “Telepractice Services” is defined as the application of telecommunication technology to deliver speech-language pathology and/or audiology services at a distance for assessment, intervention and/or consultation.

§29-1-3. Qualifications for licensure in speech-language pathology

3.1. To be eligible for licensure by the Board as a speech-language pathologist, the applicant shall:

3.1.1. Make application to the Board on the license application form approved by the Board;

3.1.1.a. All required documents for application for a license in Speech-Language Pathology shall be in the English language or sent with a certified translation into the English language.

3.1.2. Pay to the Board the appropriate application and license fee as required by section ~~4011~~; or,

3.1.2.a. Apply for a military family waiver of all initial licensing fees. The military service verification form, provided by the Board at www.wvspeechandaudiology.com, and all required verification documents shall be submitted with the application for licensure.

3.1.2.b. Apply for a low-income waiver of all initial licensing fees. The Low-Income Waiver of Initial Licensing Fees form, provided by the Board at www.wvspeechandaudiology.com, shall be submitted with the application for licensure. The applicant shall attest to the validity of the information provided by signing, under penalty of perjury, the Written Declaration.

3.1.3. Possess at least a master’s degree or equivalent in Speech-Language Pathology that consists of coursework approved by the Council of Academic Accreditation (CAA).

3.1.3.a. A master’s degree or equivalent in Speech-Language Pathology from an international college or university shall be submitted in the English language and accompanied by an evaluation provided by a credentials evaluation agency approved by the Board. A list of approved credentials evaluation agencies may be obtained from the board.

3.1.4. Complete supervised clinical practicum experience requirements as defined in section ~~4412~~ of this rule;

3.1.5. Complete a post-graduate professional experience as described in section ~~42~~13 of this rule;

3.1.6. Authenticate post-graduate professional experience requirements by submitting verification of the certificate of clinical competence (CCC) issued by ASHA. Applicants not seeking the certificate of clinical competence shall submit a completed clinical fellowship year report on a form prescribed by the Board and related documentation as described in section ~~42~~13 of this rule;

3.1.7. Obtain a passing score on the national examination in the area of Speech-Language Pathology. The Board recognizes only the Educational Testing Service's (ETS) specialty area examinations.

3.1.8. Pass the jurisprudence examination developed by the Board. The examination score shall be submitted with the application for licensure, fees and other required documents.

§29-1-4. Qualifications for licensure in Audiology

4.1. To be eligible for licensure by the Board as an Audiologist, the applicant shall:

4.1.1. Make application to the Board on the license application form approved by the Board;

4.1.1.a. All required documents for application of a license in Audiology shall be in the English language or sent with a certified translation into the English language.

4.1.2. Pay to the Board the appropriate application and license fee as required in section ~~40~~11 of this rule; or,

4.1.2.a. Apply for a military family waiver of all initial licensing fees. The military service verification form, provided by the Board at www.wvspeechandaudiology.com, and all required verification documents shall be submitted with the application for licensure.

4.1.2.b. Apply for a low-income waiver of all initial licensing fees. The Low-Income Waiver of Initial Licensing Fees form, provided by the Board at www.wvspeechandaudiology.com, shall be submitted with the application for licensure. The applicant shall attest to the validity of the information provided by signing, under penalty of perjury, the Written Declaration.

4.1.3. Possess at least a master's degree or equivalent in Audiology that consists of coursework approved by the Council of Academic Accreditation (CAA);

4.1.3.a. A master's degree or equivalent in Audiology from an international college or university shall be submitted in the English language and accompanied by an evaluation provided by a credentials evaluation agency approved by the Board. A list of approved credentials evaluation agencies may be obtained from the board.

4.1.4. Complete supervised clinical practicum experience requirements as defined in section ~~44~~12 of this rule;

4.1.5. Complete a post-graduate professional experience as described in section ~~42~~13 of this rule, with the exception of;

4.1.5.a. Any person who has completed a clinical doctorate in audiology (Au.D.) from an accredited institution fulfills the requirement for the Postgraduate Professional Experience

4.1.6. Authenticate post-graduate professional experience requirements by submitting verification of the certificate of clinical competence (CCC) issued by ASHA. Applicants not seeking the certificate of clinical competence shall submit a completed clinical fellowship year report on a form prescribed by the Board and related documentation as described in section ~~4213~~ of this rule;

4.1.7. Obtain a passing score on the national examination in the area of Audiology. The Board recognizes only the Educational Testing Service's (ETS) specialty area examinations.

4.1.8. Pass the jurisprudence examination developed by the Board. The examination shall be submitted with the application for licensure, fees and other required documents.

§29-1-5. Qualifications for a Provisional License.

5.1. To be eligible for provisional licensure by the Board, for purposes of fulfilling a Postgraduate Professional Experience, the applicant shall:

5.1.1. Make application to the Board on the license application form approved by the Board;

5.1.2. Pay to the Board the appropriate application and license fee as required by section ~~4011~~ of this rule; or,

5.1.2.a. Apply for a military family waiver of all initial licensing fees. The military service verification form, provided by the Board at www.wvspeechandaudiology.com, and all required verification documents shall be submitted with the application for licensure.

5.1.2.b. Apply for a low-income waiver of all initial licensing fees. The Low Income Waiver of Initial Licensing Fees form, provided by the Board at www.wvspeechandaudiology.com, shall be submitted with the application for licensure. The applicant shall attest to the validity of the information provided by signing, under penalty of perjury, the Written Declaration.

5.1.3. Submit to the Board an official university/college transcript from a university/college approved by the Council of Academic Accreditation in Audiology and Speech-Language (CAA).

5.1.3.a. All required documents for application of a provisional license shall be in the English language or sent with a certified translation into the English language.

5.1.3.b. A master's degree or equivalent from an international college or university shall be submitted in the English language and accompanied by an evaluation provided by a credentials evaluation agency approved by the Board. A list of approved credentials evaluation agencies may be obtained from the board.

5.1.4. Submit to the Board an original test score from the Educational Testing Service for the specialty area of Speech-Language Pathology.

5.2. The Board shall issue the provisional license for a period of one year.

5.3. The provisional licensee shall submit an original Postgraduate Professional Experience (PPE) agreement form to the Board within 30 days after employment begins. The form must be completed and signed by the provisional licensee and the licensee's supervisor. The Postgraduate Professional Experience requirements are stated in section ~~42~~13 of this rule.

5.4. The provisional license is renewable for one additional year upon proof of the completion of a minimum of 10 hours of Board approved continuing education in the previous one year licensing period, the completion of the license renewal application form, and payment of the provisional license renewal fee as prescribed in section ~~40~~11 of this rule.

§29-1-6. Registration as an Interstate Telepractice Practitioner with Out-Of-State License.

6.1. Registration, Renewal, Standard of Care & Standards of Conduct of an Interstate Telepractice Practitioner are state in section 16 of this rule.

§29-1-~~67~~. License Renewal.

~~67~~1. All licenses, except provisional licenses and assistants' registrations, expire biennially on the 31st day of December. Expiration of licenses is always on the even year, e.g., 2018, 2020, etc.

~~67~~2. A licensee requesting renewal of a license shall:

~~67~~2.1. Pay to the Board the license renewal fees, as stated in section ~~40~~11 of this rule.

~~67~~2.2. Submit an application for renewal on the license renewal form prescribed by the Board;

~~67~~2.3. Complete Board approved continuing education activities as stated in section ~~43~~14 of this rule.

~~67~~3. The Board shall notify all licensees of the renewal procedures during the fourth quarter of the year the license expires. Notifications will be sent via email to the last email address provided by the licensee. If an email address is not available, the notification will be sent via US Mail to the last physical home address provided by the licensee. It is the responsibility of the licensee to notify the Board of any change in contact information.

~~67~~4. A license that expires may be renewed within one year of the expiration date, as long as the licensee is entitled to renewal and pays to the Board the renewal fee and the late fee as stated in section 10.

~~67~~4.1. A license renewed after expiration will be valid only when all renewal requirements are met. Prior to the renewal of an expired license, the license shall be considered inactive. Anyone providing services with an expired/inactive license may face disciplinary actions for unlicensed practice.

§29-1-~~78~~. Reinstatement of Expired Licenses.

~~78~~1. The Board may reinstate a license expired for more than one year but fewer than five years if the licensee:

~~78.2.~~ Pays to the Board a reinstatement fee equal to the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement, and the license reinstatement fee stated in section ~~4011~~ of this rule.

~~78.2.1.~~ Completes 10 clock hours of approved continuing education per year that the license was expired up to a maximum of 25 hours. Verification of the required continuing education shall be submitted as part of the license reinstatement process. The continuing education shall include one clock hour of ethics training per year that the license was expired up to a maximum of two hours as stated in section ~~4314~~ of this rule.

§29-1-~~89~~. Retirement of Licenses.

~~89.1.~~ Retired status is granted to Speech-Language Pathologists and Audiologists who do not practice Speech-Language Pathology or Audiology for an extended time period after the expiration date of their current license because of retirement, family matters, etc.

~~89.2.~~ A retired license request form must be completed and submitted to the Board by the licensee requesting the retired license status.

~~89.3.~~ Retired licensees may resume their active status by payment of the biennial renewal fee.

~~89.4.~~ In order to resume the practice of Speech-Language Pathology or Audiology, retired status licensees shall demonstrate completion of five clock hours of continuing education in the area of licensure for each year that the retired status was maintained (maximum of 25 hours). The continuing education shall include one clock hour of ethics per year the retired status was maintained up to a maximum of two hours as stated in section ~~4314.2.1.~~ of this rule.

~~89.5.~~ The licensee may submit the required clock hours of continuing education each year he/she is retired or submit all of the hours the year he/she returns to work in the profession.

§29-1-~~910~~. Standards of Conduct.

~~910.1.~~ Licensees shall comply with the West Virginia Board of Examiners for Speech-Language Pathology and Audiology Code of Ethics as set forth in 29CSR5. Failure to comply with the Code of Ethics will be grounds for disciplinary action as described in W. Va. Code §30-32-19.

§29-1-~~4011~~. Schedule of Fees.

~~4011.1.~~ Application fees:

~~4011.1.1.~~ License, Interstate Telepractice Registration and Provisional license application fee (non-refundable) - \$100

~~4011.1.2.~~ Initial application fees are waived for applicants who serves as an active duty member of the armed forces of the United States, the National Guard or a reserve unit, active duty members' spouses, honorably discharged veterans and their spouses, and surviving spouses of deceased services members who have not remarried, as specified in sections 3.1.2.a., 4.1.2.a., and 5.1.2.a. of this rule.

~~4011.1.3.~~ Initial application fees are waived for applicants who qualify as a low-income individual, as specified in 3.1.2.b., 4.1.2.b., and 5.1.2.b. and

~~4011.1.4.~~ Initial license and Interstate Telepractice Registrations fees are waived as stated in ~~4011.1.2.~~ and ~~4011.1.3.~~ of this rule.

~~4011.2.~~ License and Interstate Telepractice Registration fees: **January – June/First Year of the Licensing Period (odd year)**

~~4011.2.1.~~ License and Interstate Telepractice Registration fee in Speech-Language Pathology or Audiology - \$200

~~4011.2.2.~~ Dual license fee in Speech-Language Pathology and Audiology - \$275

~~4011.3.~~ Pro-Rated License Fees: **July – December/First Year of the Licensing Period (odd year)**

~~4011.3.1.~~ License and Interstate Telepractice Registration fee in Speech-Language Pathology or Audiology - \$150

~~4011.3.2.~~ Dual license fee in Speech-Language Pathology and Audiology - \$206

~~4011.4.~~ Pro-Rated License Fees: **January – June/Second Year of Licensing Period (even year)**

~~4011.4.1.~~ License and Interstate Telepractice Registration fee in Speech-Language Pathology or Audiology - \$100

~~4011.4.2.~~ Dual license fee in Speech-Language Pathology and Audiology - \$138

~~4011.5.~~ Pro-Rated License Fees: **July – December/Second Year of Licensing Period (even year)**

~~4011.5.1.~~ License and Interstate Telepractice Registration fee in Speech-Language Pathology or Audiology - \$50

~~4011.5.2.~~ Dual license fee in Speech-Language Pathology and Audiology - \$70

~~4011.6.~~ Provisional License fee - \$50

~~4011.7.~~ Registration fee of a Speech-Language Pathology or Audiology Assistant - \$50

~~4011.8.~~ Renewal fees:

~~4011.8.1.~~ Renewal fee in Speech-Language Pathology or Audiology (two years) - \$175

11.8.2. Renewal fee for Interstate Telepractice Registration (two years) - \$175

~~4011.8.1.a.~~ Renewal fees are waived in Speech-Language Pathology or Audiology for active duty military families. All other license renewal requirements shall apply as stated in section 6 of this rule.

~~4011.8.2.~~ Renewal fee (Dual) in Speech-Language Pathology and Audiology (two years) - \$250

~~4011.8.2.a.~~ Renewal fees are waived in Speech-Language Pathology and Audiology (Dual License) for active duty military families. All other license renewal requirements shall apply as stated in section 6 of this rule.

~~4011.8.3.~~ Provisional license renewal fee in Speech-Language Pathology (one year) - \$50

~~4011.8.4.~~ Provisional license renewal fee in Audiology (one year) - \$50

~~4011.8.5.~~ Registration Renewal for Speech-Language Pathology or Audiology Assistant - \$30

~~4011.8.6.~~ Renewal late fee - \$75 (applies when renewal application, renewal registration ~~and/or~~ renewal fees or both are received within one year of license or registration expiration date) W.Va. Code §30-32-17.b.

~~4011.8.7.~~ Reinstatement fee - \$100 (applies to a license or registration which has lapsed more than one year and fewer than five years) W.Va. Code §30-32-17.c.

~~4011.9.~~ Fees for Services Rendered.

~~4011.9.1.~~ Duplicate License - \$10

~~4011.9.2.~~ Duplicate Wall Certificate - \$15

~~4011.9.3.~~ Copies of public records (per page; includes shipping) - \$.50

~~4011.9.4.~~ Roster of Active Licensees for Speech-Language Pathology - \$100

~~4011.9.5.~~ Roster of Active Licensees for Audiology - \$50

~~4011.9.6.~~ Insufficient Funds Penalty - \$20

~~4011.9.7.~~ Review and evaluate continuing education program from event provider - \$50

~~4011.9.8.~~ Out - of – State Letters of Good Standing or Affidavits - \$25

~~4011.9.9.~~ Copies of Rules and Regulations - \$10 (Free online on the Board's website.)

§29-1-~~412.~~ Academic Clinical Practicum Requirements.

~~412.1.~~ All Speech-Language Pathology applicants shall complete a minimum of 400 clock hours to complete the academic clinical practicum requirement. Twenty-five hours must be spent in clinical observation and 375 hours must be spent in direct client/patient contact, as required by the Council on Academic Accreditation in Speech-Language Pathology (CAA).

~~412.1.1.~~ Up to 20 clock hours in the major professional area may be in related disorders.

~~412.1.2.~~ At least 20 of the 400 hours shall be in Audiology.

~~412.2.~~ The applicant must demonstrate direct client/patient clinical experiences in both assessment and intervention with children and adults from the following range of disorders and differences:

~~44~~12.2.1. Articulation

~~44~~12.2.2. Fluency

~~44~~12.2.3. Voice and resonance, including respiration and phonation

~~44~~12.2.4. Receptive and expressive language (phonology, morphology, syntax, semantics, pragmatics, prelinguistic communication and paralinguistic communication) in speaking, listening, reading and writing

~~44~~12.2.5. Hearing, including the impact on speech and language

~~44~~12.2.6. Swallowing (oral, pharyngeal, esophageal and related functions, including oral function for feeding, orofacial myology)

~~44~~12.2.7. Cognitive aspects of communication (attention, memory, sequencing, problem-solving and executive functioning)

~~44~~12.2.8. Social aspects of communication (including challenging behavior, ineffective social skills, and lack of communication opportunities)

~~44~~12.2.9. Augmentative and alternative communication modalities

~~44~~12.3. All Audiology applicants shall obtain at least 350 clock hours to complete the academic clinical practicum requirement.

~~44~~12.3.1. For licensure in Audiology the applicant shall obtain at least 40 hours in the following two categories:

~~44~~12.3.1.a. Evaluation of hearing in children; and

~~44~~12.3.1.b. Evaluation of hearing in adults.

~~44~~12.3.2. At least 80 hours shall be obtained in the following two categories:

~~44~~12.3.2.a. Selection and use of amplification and assistive listening devices for children;
and

~~44~~12.3.2.b. Selection and use of amplification and assistive listening devices for adults.

~~44~~12.3.2.c. At least 10 additional hours shall be completed in any of categories ~~44~~12.3.1.a.; ~~44~~12.3.1.b.; ~~44~~12.3.2.a. through ~~44~~12.3.2.b.

~~44~~12.3.3. At least 20 of the 250 hours shall be obtained in the treatment of hearing disorders in children and adults.

~~44~~12.3.4. Up to 20 hours in the major area may be in related disorders and at least 20 of the 350 clock hours shall be in speech-language pathology.

~~4412.4.~~ Any person who has completed a clinical doctorate in Audiology (Au.D.) from an accredited institution fulfills the requirement for the Clinical Practicum requirements.

§29-1-~~4213.~~ Postgraduate Professional Experience. (Also known as Clinical Fellowship Year)

~~4213.1.~~ The purpose of the post-graduate professional experience (PPE) is to permit a provisional licensee to practice speech-language pathology while working under the supervision of a person fully licensed by the board in the area in which licensure is sought. (The PPE does not apply to an audiologist with a clinical doctorate degree as described in subsection ~~4213.14~~ of this rule.)

~~4213.2.~~ The post-graduate professional experience may be obtained in any one of a number of diverse employment settings. The determination of whether a given setting is appropriate for the clinical fellow is made by applying:

~~4213.2.1.~~ The criterion of whether the particular program is designed to evaluate, habilitate, or rehabilitate the communicative functioning of speech, language, and hearing handicapped persons.

~~4213.2.2.~~ The program must afford the possibility that the postgraduate professional experience supervisory requirements can be met.

~~4213.3.~~ The type and amount of experience which is acceptable during the postgraduate professional experience is defined as no less than nine months of full-time professional employment (a minimum of 30 hours per week).

~~4213.4.~~ The requirement can also be met by less than full-time employment as follows:

~~4213.4.1.~~ Work 15-19 hours per week over 18 months;

~~4213.4.2.~~ Work 20-24 hours per week over 15 months; or

~~4213.4.3.~~ Work 25-29 hours per week over 12 months.

~~4213.5.~~ In the event that part-time employment is used to fulfill a part of the postgraduate professional experience, 100% of the minimum hours of the part-time work per week requirement shall be spent in direct professional experience as defined in section ~~4213.4.~~ of this rule, subsections ~~4213.4.1,~~ ~~4213.4.1~~ and ~~4213.4.3.~~ of this rule. Professional employment of less than 15 hours per week does not fulfill any part of this requirement. If the postgraduate professional experience is not initiated within two years of the date the academic and practicum education is completed, the clinical fellow shall meet the academic and practicum requirements current when the postgraduate professional experience begins. The postgraduate professional experience shall be completed within a maximum of 36 months.

~~4213.6.~~ The Board requires that at least 80% of the postgraduate professional experience work week shall be in direct client contact (assessment, diagnosis, evaluation, screening, habilitation, or rehabilitation) and activities related to client management.

~~4213.7.~~ Only individuals holding a current West Virginia licensure in speech-language pathology, audiology, the ASHA Certificate of Clinical Competence (CCC) and at least two years of clinical experience are eligible to supervise applicants during the postgraduate professional experience. Applicants may obtain names of qualified individuals from the Board.

~~4213~~ 8. Supervision of the provisional licensee shall include direct observation of diagnostic and therapeutic procedures. Other supervisory activities include:

~~4213~~ 8.1. Conferring with the provisional licensee concerning clinical treatment strategies;

~~4213~~ 8.2. Monitoring changes in patients' communication behaviors;

~~4213~~ 8.3. Evaluating the provisional licensee's clinical records, including

~~4213~~ 8.3.a. Diagnostic reports;

~~4213~~ 8.3.b. Treatment records;

~~4213~~ 8.3.c. Correspondence;

~~4213~~ 8.3.d. Plans of treatment; and

~~4213~~ 8.3.e. Summaries of clinical conferences.

~~4213~~ 8.4. Monitoring the provisional licensee's participation in case conferences;

~~4213~~ 8.5. Monitoring the provisional licensee's work by professional colleagues' evaluation of the clinical fellow;

~~4213~~ 8.6. Monitoring the provisional licensee's work by patients and their families' evaluation of the clinical fellow; and

~~4213~~ 8.7. Monitoring the provisional licensee's contributions to professional meetings and publications, as well as participation in other professional growth opportunities.

~~4213~~ 9. Postgraduate professional experience supervision shall entail the personal and direct involvement of the supervisor in any and all ways that will permit the postgraduate professional experience supervisor to monitor, improve and evaluate the provisional licensee's performance in the professional employment. The postgraduate professional experience supervisor shall base the total evaluation on no less than 36 direct supervisory activities and/or observations during the postgraduate professional experience. The supervisor shall include 18 on-site observations of the provisional licensee in the following manner:

~~4213~~ 9.1. one hour = one on-site observation (up to six hours may be accrued in one day); and

~~4213~~ 9.2. at least six on-site observations shall be accrued during each third of the experience.

~~4213~~ 9.3. The postgraduate professional experience supervisor shall complete 18 other monitoring activities (at least one per month).

~~4213~~ 10. The supervisor's role throughout the postgraduate professional experience can be considered that of a mentor and shall include mentoring the provisional licensee in all aspects of the professional employment. The supervisor shall include regular monthly communication around mutually developed goals including professional, educational and personal objectives. Since one purpose of the postgraduate professional experience is to improve the clinical effectiveness of the provisional licensee,

supervisors shall share and discuss their evaluations with the provisional licensee throughout the postgraduate professional experience year, as well as during a monthly evaluation conference. The monthly evaluation conference may be in conjunction with one of the on-site conferences and shall include:

~~4213~~.10.1. Detailed feedback regarding clinical performance; and

~~4213~~.10.2. Summarizing a list of clinical strengths and goals on the “PPE Supervision Contacts Log”.

~~4213~~.11. A conference shall be held upon completion of the professional experience for a review and discussion of the “PPE Supervisor’s Report.”

~~4213~~.12. The PPE Supervision Contacts Log and the PPE Supervisor’s Report shall be submitted to the Board within 30 days after the professional experience is completed.

~~4213~~.13. After submission of the PPE Supervision Contacts Logs and the PPE Supervisor’s Report to the Board for approval, the provisional licensee shall abide by the regulations for the provisional license until full licensure is granted.

~~4213~~.14. Any person who has completed a clinical doctorate in audiology (Au.D.) from an accredited institution fulfills the requirement for the Postgraduate Professional Experience.

§29-1-~~4314~~. Continuing Education.

~~4314~~.1. In order to renew a Speech-Language Pathology, Audiology or provisional license, the licensee shall complete continuing education units that relate directly to professional growth and development, e.g., clinical skills. The continuing education requirements for Speech-Language Pathology and Audiology Assistants are stated in 29CSR2 – Rule Governing Speech-Language Pathology and Audiology Assistants.

~~4314~~.1.1. A person initially licensed during the last six months of the two year licensing period is not required to complete CEU’s as a prerequisite for the first renewal of his/her license.

~~4314~~.1.2. The Board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee, such as extended illness, temporary disability, military deployment or officially declared disasters. The request for the exemption shall include corroboration of the circumstance(s).

~~4314~~.2. A professional licensee shall obtain a minimum of 20 clock hours of continuing education during every two-year licensure period. Licensees who exceed the minimum continuing education requirement may carry a maximum of six hours forward to the next reporting period only. A provisional licensee shall obtain ten hours of continuing education during his or her provisional license year in order to renew his or her provisional license. An individual with professional licenses in both speech-language pathology and audiology shall obtain 15 clock hours of continuing education credits in each area, for a total of 30 clock hours during the two-year license period.

~~4314~~.2.1. Effective for licenses expiring December 31, 2014 and thereafter, one clock hour per year (total of two clock hours) of approved ethics continuing education is required for license renewal.

~~4314~~.3. The Board shall accept credits issued by the following organizations:

~~13~~14.3.1. The American Speech-Language-Hearing Association.

~~13~~14.3.2. The West Virginia Speech-Language-Hearing Association.

~~13~~14.3.3. The American Academy of Audiology.

~~13~~14.3.4. Activities approved by the WVBESLPA

~~13~~14.4. Online continuing education courses will be accepted if issued/approved by the organizations in section ~~13~~14.3 or approved by the WVBESLPA.

~~13~~14.5. The presenting licensee may count one and one-half times the value of a workshop the first time it is presented to allow for preparation time (Example: a three hour workshop = four and one-half hours of CE). The workshop will count for the actual hour value for each subsequent presentation of the same workshop.

~~13~~14.6. Teaching at the college level in the area of communication disorders and audiology is not acceptable for continuing education.

~~13~~14.7. A licensee shall attest to the completion of the required continuing education on the renewal application at the time of license renewal.

~~13~~14.7.1. The licensee shall retain all continuing education documents for inspection by the Board for four years after the date of renewal.

~~13~~14.7.2. The Board may audit licensees for continuing education compliance after every two year renewal cycle, to include;

~~13~~14.7.2.a. Licensees who fail to respond to or respond “no” to the continuing education compliance question on the renewal application;

~~13~~14.7.2.b. Fifteen percent of licensees may be selected for a random audit.

~~13~~14.7.3. Licensees randomly selected for the audit will be notified by certified mail. The licensees shall respond by sending continuing education documents via email, fax or mail within 30 days of receiving the audit notification. The documentation may include completion certificates, ASHA CE Registry, AAA transcript, conference session logs, etc.

~~13~~14.7.4. Licensees who fail to comply with the audit requirements may be subject to disciplinary action by the Board.

~~13~~14.8. Continuing education activities from organizations other than those specified in sections ~~13~~14.3.1., ~~13~~14.3.2., ~~13~~14.3.3., and ~~13~~14.3.4. of this rule require prior approval from the Board.

~~13~~14.8.1. The licensee shall submit the following information for pre-approval of continuing education hours:

~~13~~14.8.1.a. The name of the activity;

~~13~~14.8.1.b. The name and credentials of the speaker or presenter;

~~13~~14.8.1.c. The date and hours of the activity (including the agenda);

~~13~~14.8.1.d. The location of the activity;

~~13~~14.8.1.e. The contact person or coordinator of the activity and his/her telephone number;

~~13~~14.8.1.f. The goals of the activity;

~~13~~14.8.1.g. The target group of the activity;

~~13~~14.8.1.h. The total number of continuing education hours requested for the activity.

~~13~~14.9.1. The licensee shall request pre-approval (minimum 30 days in advance) from the Board for self-study or other appropriate CE hours.

~~13~~14.9.2. Self-study activities include:

~~13~~14.9.2.a. Professional presentations on recorded media including; audio, video, online courses (both live and pre-recorded);

~~13~~14.9.2.b. Reading of professional journal articles that contain self-examination questions at the end. Articles shall be submitted for pre-approval:

~~13~~14.9.2.c. Reading journal articles and submitting summarization of articles to the Board; and

~~13~~14.9.2.d. Publication of diagnostic and/or therapeutic materials:

~~13~~14.9.3. Licensees who elect to audit university classes in speech-language pathology or audiology shall submit a self-study plan for pre-approval from the WVBESLPA in order to qualify for CE credit.

~~§29-1-4415~~. Coursework requirement for Master's Equivalency for Speech-Language Pathology and Audiology.

~~4415~~.1 Definitions.

~~4415~~.1.1. "Equivalent" is defined as holding a bachelor's degree from an accredited college or university.

~~4415~~.1.2. "Equivalency" is defined as at least 42 post-baccalaureate semester hours acceptable toward a master's degree.

~~4415~~.2. Outline of the Academic Courses required for the basis of the Master's Degree Equivalency.

~~4415~~.2.1. At least 30 semester hours shall be in the areas of Speech-Language Pathology, Audiology, or Speech-Language and Hearing Science.

~~4415~~.2.2. Speech-Language Pathologists and Audiologists shall obtain at least 21 of these 42 semester hours from a single college or university.

~~4415.2.3.~~ No academic hours shall be completed more than 10 years prior to the date of application.

~~4415.2.4.~~ No more than six semester hours shall be obtained for clinical practicum.

~~4415.3.~~ In evaluation of credits, one-quarter hour is the equivalent of two-thirds of a semester hours. An applicant shall submit official transcripts to the Board for special evaluation if the transcript does not report credit in terms of semester or quarter hours.

~~4415.4.~~ An applicant shall complete a total of 60 additional semester hours of academic credit from accredited colleges or universities. These hours must demonstrate that the applicant has obtained a well-integrated program or course study dealing with the normal aspects of human communication, development, disorders, and clinical techniques for evaluation and management of such disorders.

~~4415.5.~~ Courses in Basic Communication Processes Area.

~~4415.5.1.~~ The applicant shall complete 15 of these 60 hours in courses that provide information pertaining to normal development and use in speech, language and hearing, hereafter referred to as the basic communication processes area. These 15 hours will provide the applicant with a wide exposure to diverse kinds of information suggested by the following areas:

~~4415.5.1.a.~~ Anatomic and physiological basis for the normal development and use of speech, language and hearing such as anatomy, neurology, and physiology of speech, language and hearing mechanisms.

~~4415.5.1.b.~~ Physical basis and processes of the production and perception of speech, language and hearing, such as:

~~4415.5.1.b.1.~~ acoustics or physics of sound;

~~4415.5.1.b.2.~~ phonology;

~~4415.5.1.b.3.~~ physiologic and acoustic phonetics;

~~4415.5.1.b.4.~~ perceptual processes;

~~4415.5.1.b.5.~~ psychoacoustics; and

~~4415.5.1.c.~~ Linguistic and psycholinguistic variables related to normal development and use of speech, language and hearing, such as:

~~4415.5.1.c.1.~~ linguistics (historical, descriptive, sociallinguistics, urban language);

~~4415.5.1.c.2.~~ psychology of language;

~~4415.5.1.c.3.~~ psycholinguistics;

~~4415.5.1.c.4.~~ language and speech acquisition; and

~~4415.5.1.c.5.~~ verbal learning or verbal behavior.

~~4415.5.2.~~ The applicant shall earn at least two semester hours of credit in each of the above three categories.

~~4415.6.~~ It is emphasized that the three broad categories of required education in this section, and the examples of areas of study within these classifications, are not meant to be analogous to, or imply, specific course titles. Neither are the examples of areas of study within these categories meant to be exhaustive. Some of these 15 semester hours may be obtained in courses that are taught in departments other than those offering speech-language pathology and audiology degrees.

~~4415.6.1.~~ The applicant will not receive credit for courses designed to improve one's speaking and/or writing ability.

~~4415.7.~~ The applicant shall obtain 30 of these 60 semester hours in courses that provide:

~~4415.7.1.~~ information relative to communication disorders;

~~4415.7.2.~~ information about and training in evaluation and management of speech, language and hearing disorders; and

~~4415.7.3.~~ At least 24 of these 30 semester hours shall be in courses in the major professional area (Speech-Language Pathology or Audiology) for which licensure is requested. At least six hours shall be in audiology for licensure in speech-language pathology and at least six hours shall be in speech-language pathology for licensure in audiology, hereafter referred to as the minor professional area.

~~4415.8.~~ Professional Education Hours Required for Speech-Language Pathology.

~~4415.8.1.~~ The 24 semester hours of professional education required for licensure in speech-language pathology should be in the broad, but not necessarily exclusive, categories of study as follows:

~~4415.8.1.a.~~ Understanding of speech and language disorders, such as:

~~4415.8.1.a.1.~~ various types of disorders of communication;

~~4415.8.1.a.2.~~ their manifestations; and

~~4415.8.1.a.3.~~ their classifications and causes;

~~4415.8.1.b.~~ Evaluation skills such as procedures, techniques, and instrumentation used to assess:

~~4415.8.1.b.1.~~ the speech and language status of children and adults; and

~~4415.8.1.b.2.~~ the basis of disorders of speech and language; and

~~4415.8.1.c.~~ Management procedures; such as principles in remedial methods used in habilitation and rehabilitation for children and adults with various disorders of communication.

~~4415.8.2.~~ At least six semester hours shall deal with speech disorders and at least six semester hours shall deal with language disorders.

~~4415.8.3.~~ The remaining six semester hours of the 30 shall be in the minor professional area of audiology. Of these six semester hours, three semester hours shall be in the habilitative/rehabilitative procedures with speech and language problems associated with hearing impairment, and three semester hours shall be in study of the pathologies of the auditory system and assessment of auditory disorders. However, when more than the minimum six semester hours is met, study of habilitative/rehabilitative procedures may be counted in the major professional area.

~~4415.9.~~ Professional Education Hours Required for Audiology.

~~4415.9.1.~~ The 24 semester hours of professional education required for licensure in audiology should be in the broad, but not necessarily exclusive, categories of study as follows.

~~4415.9.1.a.~~ auditory disorders, such as:

~~4415.9.1.a.1.~~ pathologies of the auditory system; and

~~4415.9.1.a.2.~~ assessment of auditory disorders and their effective on communication;

~~4415.9.1.b.~~ habilitative/rehabilitative procedures, such as:

~~4415.9.1.b.1.~~ selection and use of appropriate amplification instrumentation for the hearing impaired, both wearable and group;

~~4415.9.1.b.2.~~ evaluation of speech and language problems of the hearing impaired; and

~~4415.9.1.b.3.~~ management procedures for speech and language habilitation and/or rehabilitation of the hearing impaired (that may include manual communication);

~~4415.9.1.c.~~ conservation of hearing, such as:

~~4415.9.1.c.1.~~ environmental noise control; and

~~4415.9.1.c.2.~~ identification audiometry (school, military, industry); and

~~4415.9.1.d.~~ Instrumentation, such as:

~~4415.9.1.d.1.~~ electronics

~~4415.9.1.d.2.~~ calibration technique; and

~~4415.9.1.d.3.~~ characteristics of amplifying systems.

~~4415.9.2.~~ At least six semester hours shall deal with auditory pathology and at least six semester hours shall deal with habilitation/rehabilitation.

~~4415.9.3.~~ The remaining six semester hours of the 30 shall be in the minor professional area of speech-language pathology.

~~4415.9.3.a.~~ Of these six semester hours, three semester hours shall be in speech pathology, and three semester hours shall be in language pathology. It is suggested that where only this minimum requirement of six semester hours is met, that the study be in the areas of evaluation procedures and management of speech and language problems that are not associated with hearing impairment.

~~4415.9.4.~~ An individual who holds a clinical doctorate in audiology (Au.D.) and has completed 75 hours of post-baccalaureate coursework from a regionally accredited audiology program fulfills the requirement for a supervised postgraduate professional employment experience.

~~4415.10.~~ Related Areas of Study.

~~4415.10.1.~~ In addition to the 15 semester hours of course study in basic communication processes, the 24 semester hours in the major professional area, and the six semester hours in the minor professional area, credit for study of information pertaining to related fields that augment the work of the clinical practitioner of speech-Language Pathology and/or Audiology may also apply toward the total 60 semester hours, hereafter referred to as related areas. Such study should pertain to the understanding of human behavior, both normal and abnormal, as well as services available from related professions, and in general should augment the background for a professional career. Examples of such areas of study are as follows:

~~4415.10.1.a.~~ theories of learning and behavior;

~~4415.10.1.b.~~ services available from related professional that also deal with persons who have disorders of communication; and

~~4415.10.1.c.~~ information from these professions about the sensory, physical emotional, social, and/or intellectual status of a child or an adult.

~~4415.10.2.~~ Academic credit obtained from practice teaching or practicum work in other professions shall not be counted toward the minimum requirements.

~~4415.10.3.~~ In order that the future applicant for one of the professional licenses shall be capable of critically reviewing scientific matters dealing with clinical issues relative to speech-language pathology and audiology, credit for study in the area of statistics, beyond an introductory course, shall be allowed to a maximum of three semester hours. Academic study of the administrative organization of Speech-Language Pathology and Audiology programs may also be applied to a maximum of three semester hours.

~~4415.10.4.~~ Certain types of course work shall be acceptable among more than one of the areas of study specified in section 14.10 of this rule, depending on the emphasis. For example, courses that provide an overview of research, e.g., introduction to graduate study or introduction to research in communication sciences, disorders or management, and/or a more general presentation of research procedures and techniques that shall permit the clinician to read and evaluate literature critically are acceptable for a maximum of three semester hours. These courses may be credited to the basic communication process area, or one of the professional areas or related area, if substantive content of the courses covers material in those areas.

~~4415.10.4.a.~~ Academic credit for a thesis or dissertation shall be acceptable for a maximum of three semester hours in the appropriate area.

~~1415~~.10.4.b. The applicant shall submit an abstract of the study with the application if credit is requested.

~~1415~~.10.4.c. In order to be acceptable, the thesis or dissertation must have been an experiment of descriptive investigation in the areas of speech, language and hearing science, Speech-Language Pathology or Audiology. Credit is not allowed if the project was a survey of opinions, a study of professional issues, an annotated bibliography, biography, or a study of curricular design.

~~1415~~.10.5. As set forth in section ~~1415~~.10 of this rule, the academic credit hours obtained from one course or one enrollment may, although should not be in some instances, divided among the basic communication processes area and one of the professional areas, and/or the related area. In such cases, a description of the content of that course should accompany the application. This description should be extensive enough to provide the Board with information necessary to evaluate the validity of the request to apply the content to more than one of the areas. Study in the area of understanding, evaluation, and management of speech and language disorders associated with hearing impairment may apply to the 24 semester hours in the major professional area associated with either license (Speech-Language Pathology or Audiology).

~~1415~~.10.5.a. The applicant is not allowed more than six semester hours in that area of study toward the license in speech-language pathology.

~~1415~~.10.6. Thirty of the total 60 semester hours that are required for licensure shall be in courses that are acceptable toward a graduate degree by the college or university in which they are taken.

~~1415~~.10.6.a. This requirement can be met by courses completed as an undergraduate providing the college or university in which they are taken specifies that these courses would be acceptable toward a graduate degree if they were taken for graduate degree if they were taken for graduate credit.

~~1415~~.10.6.b. Twenty-one of these 30 semester hours shall be within the 24 semester hours required in the professional area (speech-language pathology or Audiology) for which licensure is requested or within the six semester hours required in the other area as specified in section 14.7.3. of this rule.

~~1415~~.11. A student who is enrolled in a terminal degree program in Speech-Language Pathology or Audiology who has not yet completed a terminal degree is not eligible for licensure.

§29-1-16. Registration, Renewal, Standard of Care & Standards of Conduct of an Interstate Telepractice Practitioner.

16-1. Definitions:

16.1.1. "Established patient" means a patient who has received professional services, face-to-face, from the physician, qualified health care professional, or another physician or qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.

16.1.2. "Health care practitioner" means a person authorized to practice under §30-3-1 et. seq., & 30-32-1 et seq., and any other person licensed under this chapter that provides healthcare services.

16.1.3. “Interstate telepractice services” means the provision of telepractice services to a patient located in West Virginia by a health care practitioner located in any other state or commonwealth of the United States.

16.1.4. “Registration” means an authorization to practice a health profession regulated by §30-1-1 *et seq.* and §30-32-1 *et seq.* of this code for the limited purpose of providing interstate telepractice services within the registrant’s scope of practice.

16.1.5. “Telepractice services” means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include internet questionnaires, email messages, or facsimile transmissions.

16.2. To be eligible for registration as an interstate telepractice practitioner, the registrant shall:

16.2.1. Submit registration to the Board on the registration form approved by the Board;

16.2.2. Pay to the Board the appropriate registration fee as required to section 11 of this rule;

16.2.3. Pass the jurisprudence examination developed by the Board. The examination score/completion certificate shall be submitted with the registration form, fees and other required documents.

16.2.4. Hold license(s) in good standing in all states in which he or she is currently licensed and shall not currently be under investigation or subject to an administrative complaint.

16.2.5. Registration as an out-of-state telepractice practitioner shall be issued when the health care practitioner-patient relationship is established.

16.3. The registration of out-of-state telepractice practitioner shall expire biennially on the 31st day of December. Expiration of a registration is always on the even year, e.g., 2022, etc.

16.4. A registrant requesting renewal of a registration shall:

16.4.1. Pay to the Board the registration renewal fees, as stated in section 11 of this rule.

16.4.2. Submit a registration for renewal on the registration form prescribed by the Board;

16.4.3. Complete 20 hours of Board approved continuing education activities specific to telepractice clinical skills. Full details of the continuing education requirements are stated in section 14 of this rule.

16.5. The Board shall notify all registrants of the renewal procedures during the fourth quarter of the year the registration expires. Notifications will be sent via email to the last email address provided by the registrant. If an email address is not available, the notification will be sent via US Mail to the last physical home address provided by the licensee. It is the responsibility of the licensee to notify the Board of any change in contact information.

16.6. A registration that expires may be renewed within one year of the expiration date, as long as the registrant is entitled to renewal and pays the Board the renewal fee and the late fee as stated in section 11.

16.6.1. A registration renewed after expiration will be valid only when all renewal requirements are met. Prior to the renewal of an expired registration, the registrant shall be considered inactive. Anyone providing services with an expired/inactive license may face disciplinary actions for unlicensed practice.

16.7. The Standard of Care for the Provision of Out-of-State Telepractice Services.

16.7.1 The standard of care shall require that with respect to the established patient, the patient shall visit an in-person health care practitioner within 12 months of using the initial telepractice service or the telepractice service shall no longer be available to the patient until an in-person visit is obtained. This requirement may be suspended, in the discretion of the health care practitioner, on a case-by-case basis, but it does not apply to the following services: acute inpatient care, post-operative follow-up checks, behavioral medicine, addiction medicine, or palliative care.

16.8. A registration issued pursuant to the provisions of the requirements of this section does not authorize a health care professional to practice from a physical location within this state without first obtaining appropriate licensure.

16.9. A healthcare professional who registers to provide interstate telepractice services pursuant to the provisions of or the requirements of this section shall immediately notify the board of any restrictions placed on the individual's license to practice in any state or jurisdiction.

16.10. Interstate Registrants shall comply with the West Virginia Board of Examiners for Speech-Language Pathology and Audiology W. Va. Code §30-32-1 *et seq.* and W. Va. C.S.R. §29-1, C.S.R. §29-2, C.S.R. §29-3, C.S.R. §29-4, C.S.R. §29-5. Failure to comply with the W. Va. Code and W. Va. C.S.R. §29 Rules will be grounds for disciplinary action as described in W.Va. Code §30-32-19.

16.11. A person currently licensed in West Virginia is not subject to registration but shall practice telepractice in accordance with the provisions of sections C.S.R. §29-1-16 & C.S.R. §29-1-17 and the rules promulgated thereunder.

§29-1-4517. Telepractice

4517.1. Definitions.

4517.1.1. "Asynchronous" is defined as images or data that are captured and transmitted for later review by a provider.

4517.1.2. "Client/Patient" is defined as a consumer of telepractice services.

4517.1.3. "Facilitator" is defined as the individual at the client site who facilitates the telepractice service delivery at the direction of the speech-language pathologist or audiologist. For purposes of fulfilling the facilitator role at the direction of the speech-language pathologist or audiologist, an individual does not have to become licensed as an aide.

4517.1.4. "Provider" is defined as a speech-language pathologist or audiologist, fully licensed by the board, who provides telepractice services.

~~45~~17.1.5. “Service Delivery Model” is defined as the method of providing telepractice services.

~~45~~17.1.6. “Site” is defined as the client/patient location for receiving telepractice services.

~~45~~17.1.7. “Stored Clinical Data” is defined as video clips, sound/audio files, photo images, electronic records, and written records that may be available for transmission via telepractice communications.

~~45~~17.1.8. “Synchronous” is defined as interactive audio and video telepractice service occurring in real time.

~~45~~17.1.9. “Telepractice Service” is defined as the application of telecommunication technology to deliver speech-language pathology and/or audiology services at a distance for assessment, intervention and/or consultation.

~~45~~17.2. Service Delivery Models

~~45~~17.2.1. Telepractice Services may be delivered in a variety of ways, including, but not limited to those set out in this section.

~~45~~17.2.1.a. Store-and-forward model/is the asynchronous capture and transmission of clinical data from one location to a provider.

~~45~~17.2.1.b. Synchronous clinician interactive model is a real time interaction between the provider and client/patient that may occur via encrypted audio and video transmission over telecommunication links including, but not limited to, videoconferencing.

~~45~~17.3. Guidelines for Use of Facilitators

~~45~~17.3.1. Facilitators may be used to assist clients on site when telepractice services are provided. The Speech-Language Pathologist or Audiologist is responsible for conducting the session and directing the activities of the facilitator. The facilitator may be a teacher’s aide, a nursing assistant, a speech-language pathology or audiology assistant or other type of support personnel.

~~45~~17.3.2. The Speech-Language Pathologist or Audiologist is responsible for ensuring the facilitator is appropriately trained to provide the type of assistance needed. Activities may include:

~~45~~17.3.2.a. Escorting client/patient or student to and from sessions;

~~45~~17.3.2.b. Establishing and troubleshooting the telepractice connection;

~~45~~17.3.2.c. Setting up therapy materials;

~~45~~17.3.2.d. Positioning the client/patient at the direction of the Speech-Language Pathologist or Audiologist;

~~45~~17.3.2.e. Remaining with the client/patient or student during sessions;

~~45~~17.3.2.f. Assisting with behavior management, as needed;

~~45~~17.3.2.g. Communicating with on-site staff or teachers about scheduling, and

~~45~~17.3.2.h. In some instances serving as the interpreter.

~~45~~17.4. Guidelines for Use of Telepractice.

~~45~~17.4.1. The provider shall comply with the West Virginia Board of Examiners for Speech-Language Pathology and Audiology Code of Ethics as set forth in 29CSR5 and Scope Practice requirements set forth in W.Va. Code §30-32-13 & §30-32-14, when providing telepractice services. Failure to comply will be grounds for disciplinary action as described in W.Va. Code §30-32-19.

~~45~~17.4.2. Telepractice services delivered via telecommunication technology must be equivalent to the quality, scope and nature of services delivered face-to-face, i.e., in person.

~~45~~17.4.3. The quality of electronic transmissions shall be appropriate for the delivery of telepractice services as if those services were provided in person.

~~45~~17.4.4. Providers must have the knowledge and skills to competently deliver services via telecommunication technology by virtue of education, training and experience.

~~45~~17.4.5. Providers are responsible for assessing the client's candidacy for telepractice including behavioral, physical and cognitive abilities to participate in services provided via telecommunications.

~~45~~17.4.6. A provider shall be sensitive to cultural and linguistic variables that affect the identification, assessment, treatment and management of the clients/patients.

~~45~~17.4.7. Equipment used for the delivery of telepractice services at the provider site shall be maintained in appropriate operational status to provide appropriate quality of services.

~~45~~17.4.8. Equipment used at the client/patient site shall be in appropriate working condition and deemed appropriate by the provider.

~~45~~17.4.9. As pertaining to liability and malpractice issues, a provider shall be held to the same standards of practice as if the telepractice services were provided in person.

~~45~~17.4.10. Telepractice providers shall comply with all laws, rules and regulations governing the maintenance of patient/client records, including patient/client confidentiality requirements, regardless of the state where the records of any patient/client within this state are maintained.

~~45~~17.4.11. Notification of telepractice services should be provided to the patient/client, the guardian, the caregiver, and the multi-disciplinary team, if appropriate. The notification shall include, but not be limited to: the right to refuse telepractice services and options for service delivery.

~~45~~17.5. Limitations of Telepractice Services

~~45~~17.5.1. Telepractice services shall not be provided by correspondence only, e.g., mail, email, fax, although they may adjuncts to telepractice.

~~45~~17.5.2. Telepractice services shall not be provided by:

~~15.5.2.a. Speech Pathologists with a provisional license while completing a postgraduate professional experience/clinical fellowship year.~~

~~4517.5.2.b~~a. Speech Pathology or Audiology Assistants

~~4517.6.~~ Licensure Requirements for Providing Telepractice Services.

~~4517.6.1.~~ A provider of telepractice services who practices in this State shall be licensed by the Board, per license requirements set forth in W.Va. Code, §30-32-9., §30-32-10. & W.Va. C.S.R. §29-1.

~~4517.6.2.~~ A provider of telepractice services who resides out of this State and who provides telepractice services to clients/patients in West Virginia shall be ~~licensed~~ registered by the Board, per registration ~~license~~ requirements set forth in W.Va. Code, §30-~~32-91~~ et seq., & ~~§30-32-10.~~ & W.Va. C.S.R. §29-1.

~~4517.6.3.~~ A provider of telepractice services shall be competent in both the type of services provided and the methodology and equipment used to provide the services.