



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

7/22/2024 9:20:10 AM

Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Speech Language Pathology And Audiology TITLE-SERIES: 29-01  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes  
RULE NAME: 29-01 Licensure of Speech-Pathology, Audiology, and Hearing Aid Dispensers

**PRIMARY CONTACT**

NAME: West Virginia Board of Examiners for Speech-Language Pathology and Audiology  
ADDRESS: 99 Edmiston Way Ste 214 Box 11  
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CITE STATUTORY AUTHORITY: 30-32-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/31/2024

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/30/2024

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The purpose for the proposed rules is to add hearing aid dealers to our rules. We made changed to dealers to dispensers, added scope of practice for hearing aid dealers, changed cerumen removal to cerumen management, changed license renewal to biannual, changed the renewal fee for hearing aid dealer to \$240 (2year), changed late fee for hearing aid dealers to \$75, took out the percentages for written test for hearing aid dealers and changed AUD education requirement to Doctorate.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

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

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>			

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

N/A

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

**Yes**

**Pamela Coughlin -- 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~~ AND HEARING AID DISPENSERS

SERIES 1  
LICENSURE OF SPEECH-PATHOLOGY, ~~AND AUDIOLOGY, AND HEARING AID~~  
DEALERS HEARING AID DISPENSERS

**§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, and Hearing Aid Dealers~~ Dispensers 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 Audiologist, and Hearing Aid Dealers~~ and Fitters-Dispensers 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, §29-2, §29-3, §29-4 and §29-5.

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

1.3. Filing Date. -- ~~April 1, 2022.~~

1.4. Effective Date. -- ~~May 1, 2022.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 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 Audiologist, and Hearing Aid Dealers~~ Dispensers 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 Audiologist, and/or Hearing Aid Dealers~~ Dispensers.

2.6. "Unreversed", as that term refers to a criminal conviction, means that a conviction has not been set aside, vacated, pardoned, or expunged.

~~2.6.2.7.~~ "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.

~~2.7.2.8.~~ "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. 2.9.~~ "Provisional License" means a license issued by the Board for completion of the Postgraduate Professional Experience, as set forth in section 13 of this rule.

~~2.9.2.10.~~ "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.

#### **§8-4-3. 29-1-3. Request for Waiver of Initial Licensure Fee.**

3.1. Low-income individuals may request a waiver of the initial Licensure fee by submitting, with their completed license application, a low-income waiver of initial licensure fee form, as provided by the Board, and all documentation of eligibility for the waiver, as prescribed by this rule. The Board shall review the low-income waiver of initial licensure fee form and issue a decision regarding eligibility for the initial licensure fee waiver within 30 days of receipt of the completed application and form.

3.2. Military families may request a waiver of the initial licensure fee by submitting with their completed license application a military service verification form as provided by the Board, and all documentation of eligibility for the waiver, as prescribed by this rule. The Board shall review the military service verification form and issue a decision regarding eligibility for the initial licensure fee waiver within 30 days of receipt of the completed application and form.

3.3. Upon determining that an applicant is eligible to obtain a license, the Board shall waive the initial licensure fee if the applicant qualifies as a "low-income individual" or as an individual within the class "military families" as defined in this rule.

#### **§8-5-3. 29-1-4. Rational nexus to the practice of hearing-aid dealing and fitting, dispensing**

~~3.1-4.1.~~ The board may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the practice of ~~speech language pathology, audiology, provisional, assistant, hearing-aid-dealing, dispensing and fitting.~~ In determining whether a criminal conviction bears a rational nexus to the practice of hearing-aid ~~dealing and fitting,~~ dispensing the board shall consider at a minimum:

~~3.1.1.~~ 4.1.1. The nature and seriousness of the crime for which the individual was convicted;

~~3.1.2.~~ 4.1.2. The passage of time since the commission of the crime;

~~3.1.3.~~ 4.1.3. The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of a hearing-aid dealer or fitter; and

3.1.4. 4.1.4. Any evidence of rehabilitation or treatment undertaken by the individual.

**§29-1-35. Qualifications for licensure in speech-language pathology.**

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

3.1.1. 5.1.1. Make application to the Board on the license application form approved by the Board;

3.1.1.a. 5.1.1.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. 5.1.2. Pay to the Board the appropriate application and license fee as required by section 11 of this rule; or

3.1.2.a. 5.1.2.a. Apply for a military family waiver of all initial licensing fees. The applicant shall submit the military service verification form, provided by the Board at [www.wvspeechandaudiology.com](http://www.wvspeechandaudiology.com), and all required verification documents with the application for licensure.

3.1.2.b. 5.1.2.b. Apply for a low-income waiver of all initial licensing fees. The applicant shall submit the Low-Income Waiver of Initial Licensing Fees form, provided by the Board at [ww.wvspeechandaudiology.com](http://ww.wvspeechandaudiology.com), 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. 5.1.3. 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. 5.1.3.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. The applicant may obtain a list of approved credentials evaluation agencies from the board;

3.1.4. 5.1.4. Complete supervised clinical practicum experience requirements as defined in section 12 of this rule;

3.1.5. 5.1.5. Complete a post-graduate professional experience as described in section 13 of this rule;

3.1.6. 5.1.6. 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 13 of this rule;

3.1.7. 5.1.7. 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; and

3.1.8. 5.1.8. Pass the jurisprudence examination developed by the Board. The examination score shall be submitted with the application for licensure, fees and other required documents.

**§29-1-46. Qualifications for licensure in Audiology.**

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

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

4.1.4.a.6.1.1.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;

4.1.2.6.1.2. Pay to the Board the appropriate application and license fee as required in section 11 of this rule;

4.1.2.a.6.1.2.a. Apply for a military family waiver of all initial licensing fees. The applicant shall submit the military service verification form, provided by the Board at [www.wvspeechandaudiology.com](http://www.wvspeechandaudiology.com), and all required verification documents with the application for licensure; or

4.1.2.b.6.1.2.b. Apply for a low-income waiver of all initial licensing fees. The applicant shall submit the Low-Income Waiver of Initial Licensing Fees form, provided by the Board at [www.wvspeechandaudiology.com](http://www.wvspeechandaudiology.com) 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;

4.1.3.6.1.3. Possess ~~an at least a master's~~ a Doctorate degree equivalent in Audiology that consists of coursework approved by the Council of Academic Accreditation (CAA); ~~A master's degree or equivalent Doctorate degree~~ in Audiology from an international college or university shall be submitted in the English language and accompanied by an evaluation provided by a credential's evaluation agency approved by the Board. A list of approved credentials evaluation agencies may be obtained from the board;

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

4.1.5.6.1.5. Complete a post-graduate professional experience as described in section 13 of this rule, with the exception of; Any person who has completed a clinical doctorate in audiology (Au.D.) from an accredited institution fulfills the requirement for the Postgraduate Professional Experience;

~~4.1.6.6.1.6. 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 13 of this rule;~~

4.1.7.6.1.7.6. 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; and

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

#### §29-1-57. Qualifications for a Provisional License.

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

5.1.4.7.1.1. Make application to the Board on the license application form approved by the

Board;

5.1.2.7.1.2. Pay to the Board the appropriate application and license fee as required by section 11 of this rule; or,

5.1.2.a.7.1.2.a. Apply for a military family waiver of all initial licensing fees. The applicant shall submit ~~the~~ the military service verification form, provided by the Board at [www.wvspeechandaudiology.com](http://www.wvspeechandaudiology.com), and all required verification documents with the application for licensure; or

5.1.2.b.7.1.2.b. Apply for a low-income waiver of all initial licensing fees. The applicant shall submit the Low Income Waiver of Initial Licensing Fees form, provided by the Board at [www.wvspeechandaudiology.com](http://www.wvspeechandaudiology.com), 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;

5.1.3.7.1.3. 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.7.1.3.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.7.1.3.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 credential's evaluation agency approved by the Board. A list of approved credentials evaluation agencies may be obtained from the board; and

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

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

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

5.4.7.4.1.7. 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 11 of this rule.

#### §29-1-8. Scope of practice for Hearing Aid Dealers-Dispensers

8.1. The scope of practice for hearing aid ~~dealers~~ dispensers includes:

(1) 8.1.1. Pure tone audiometry, including air and bone conductive testing;

(2) 8.1.2. Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing; and

(3) 8.1.3. Masking when indicated. ~~and effective masking.~~

8.2. The scope of practice for hearing aid ~~dealers~~ dispensers DOES NOT include and prohibits:

~~(1)~~ 8.2.1. Diagnostic testing relative to auditory pathology.

~~(2)~~ 8.2.2. Forensic evaluation.

~~(3)~~ 8.2.3. ~~Cerumen removal or~~ Cerumen management.

~~(4)~~ 8.2.4. Occupational assessments per OSHA or MSHA.

8.2.5. Aural Rehabilitation

8.2.6. Tinnitus evaluation and therapies

8.2.7. Evaluation and treatment of Auditory Processing Disorders

8.2.8. Evaluation and treatment of Vestibular Disorders

~~8.2.9. Auditory processing disorders~~

**§29-1-9. Qualifications for licensure as a hearing aid dealer, dispenser application for licensure; examination.**

~~(a)~~ 9.1. Each person desiring to obtain a license from the board to engage in the practice as a hearing aid dealer dispenser of dealing in or fitting of hearing aids shall make application to the board. The application shall be made in such manner and form as prescribed by the board and shall be accompanied by the prescribed fee. The application shall state under oath that the applicant:

~~(1) Is a resident of this state;~~

~~(2)~~ 9.1.1. Is free of a felony conviction bearing a rational nexus to the profession pursuant to §30-1-24 of this code

~~(3)~~ 9.1.2. Is 1821 years of age or older;

~~(4)~~ 9.1.3. Possess Has an education equivalent to an associate's degree in a health related program, a four-year course in an accredited a high school diploma or equivalent to; and, or a course approved by the board.

~~(5) Is free of chronic infectious or contagious diseases.~~

~~(b)~~ 9.2. The board, after first determining that the applicant is qualified and eligible to take the examination, shall notify the applicant that he or she has fulfilled all of the qualifications and eligibility requirements as required and shall advise him or her of the date, time, and place for him or her to appear to be examined as required by the provisions of this article and the regulations promulgated by the board pursuant to this article. The board may promulgate rules relating to the frequency of examinations and other such related topics pursuant to §29A-3-1 of this code.

~~(c)~~ 9.3. Before obtaining a license to engage in the practice of dealing in or fitting of hearing aids, an applicant must meet the following requirements:

~~(1)~~ 9.4.3.1. The applicant must pass the International Licensing Examination for Hearing Healthcare Professionals, as specified by the Board, prepared by the International Hearing Society, or an equivalent examination selected by the board. Any applicant who has taken the written and practical examinations will be notified by the Board within thirty days of the date the examination result is

received by the Board office, as set forth in Legislative Rule.

~~(2) 9.4.~~ The applicant must pass a practical examination, which shall be a nationally recognized test selected by the board, or a test designed by the board to ~~test-include testing~~ the applicant's proficiency in the following techniques as they pertain to the fitting of hearing aids:

~~(A) 9.4.1.~~ Pure tone audiometry, including air and bone conduction testing;

~~(B) 9.4.2.~~ Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing; and

~~(C) 9.4.3.~~ Masking when indicated ~~and effective masking~~.

~~(3) 9.5.~~ The applicant must pass an examination, as approved by the Board ~~which shall be developed by the board~~, to test an applicant's competency in the following subjects:

~~(A) 9.5.1.~~ Ability to counsel the person or family who will receive the hearing aid relative to the care and use of the instrument;

~~(B) 9.5.2.~~ Knowledge regarding the medical and rehabilitative facilities for hearing ~~handicapped~~ impaired persons ~~children and adults~~ in the area being served;

~~(C) 9.5.3.~~ Knowledge and understanding of the grounds for revocation, suspension, or probation of a license as outlined in this article or in rule; and

~~(D) 9.5.4.~~ Knowledge and understanding of criminal offenses relating to the profession.

~~(4) 9.5.5.~~ The board may promulgate rules to implement the requirements of this section, including emergency rules promulgated pursuant to the provisions of §29A-3-1 of this code.

~~(5) 9.5.6.~~ The provisions of this section will take effect upon the sunset or termination of the Board of Hearing Aid Dealers and Fitters, which in no event will be later than July 1, 2023.

**§29-1-~~610~~. Registration as an Interstate Telepractice Practitioner with Out-Of-State License.**

~~6.1.10.1~~ Registration, Renewal, Standard of Care & Standards of Conduct of an Interstate Telepractice Practitioner are stated in section 16 of this rule.

**§29-1-~~711~~. License Renewal.**

~~7.1.1.1~~ All licenses, except provisional licenses and assistants' registrations, expire biennially on the 31<sup>st</sup> day of December. Expiration of licenses is always on the even year, e.g., 2018, 2020, etc.

~~7.2.11.2~~ A licensee requesting renewal of a license shall:

~~7.2.11.2.1.~~ Pay to the Board the license renewal fees, as stated in section 11 of this rule.

~~7.2.11.2.2.~~ Submit an application for renewal on the license renewal form prescribed by the Board; and

~~7.2.11.2.3.~~ Complete Board approved continuing education activities as stated in section 14 of this rule.

~~7.3.11.3.~~ The Board shall notify all licensees of the renewal procedures during the fourth quarter

of the year the license expires. The Board will send 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.

7.4.11.4. 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 11.

7.4.1.11.4.1. A license renewed after expiration is valid only when the applicant meets all renewal requirements. Prior to the renewal of an expired license, the license is considered inactive. Anyone providing services with an expired/ or inactive license may face disciplinary actions for unlicensed practice.

### **§29-1-812. Reinstatement of Expired Licenses.**

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

8.2.12.2. 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 11 of this rule; and

8.2.1.12.2.1. Completes 10 clock hours of approved continuing education per year that the license was expired up to a maximum of 25 hours. The applicant shall submit verification of the required continuing education 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 14 of this rule.

### **§29-1-913. Retirement of Licenses.**

9.1.13.1. The Board shall grant retired status 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.

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

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

9.3.13.3. In order to resume the practice of Speech-Language Pathology, ~~or~~ Audiology or ~~hearing aid dispensing~~ 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 subsection 14.2.1. of this rule.

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

### **§29-1-4014. Standards of Conduct.**

4014.1. Licensees shall comply with the West Virginia Board of Examiners for Speech-

Language Pathology and Audiology, ~~Hearing Aid Dealer-Dispensing~~ Code of Ethics as set forth in Board Rule §29CSR5. A licensee who fails to comply with the Code of Ethics is subject to disciplinary action as described in W. Va. Code §30-32-19.

~~§29-1-44~~15. Schedule of Fees.

~~44.1.15.1.~~ Application fees:

~~44.1.1.15.1.1.~~ License, Interstate Telepractice Registration and Provisional license application fee (non-refundable) - \$100.

~~44.1.2.15.1.2.~~ 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 paragraphs ~~35.1.2.a.~~, ~~46.1.2.a.~~, and ~~57.1.2.a.~~ of this rule.

~~44.1.3.15.1.3.~~ Initial application fees are waived for applicants who qualify as a low-income individual, as specified in paragraphs ~~35.1.2.b.~~, ~~46.1.2.b.~~, and ~~57.1.2.b.~~ and

~~44.1.4.15.1.4.~~ Initial license and Interstate Telepractice Registrations fees are waived as stated in subdivisions ~~44~~15.1.2. and ~~44~~15.1.3. of this rule.

~~44.2.15.2.~~ License and Interstate Telepractice Registration fees: January - June/First Year of the Licensing Period (odd year)

~~44.2.1.15.2.1.~~ License and Interstate Telepractice Registration fee in Speech-Language Pathology or Audiology - \$200

~~44.2.2.15.2.2.~~ Dual license fee in Speech-Language Pathology and Audiology - \$275

~~44.3.15.3.~~ Pro-Rated License Fees: July - December/First Year of the Licensing Period (odd year)

~~44.3.1.15.3.1.~~ License and Interstate Telepractice Registration fee in Speech-Language Pathology or Audiology - \$150

~~44.3.2.15.3.2.~~ Dual license fee in Speech-Language Pathology and Audiology - \$206

~~44.4.15.4.~~ Pro-Rated License Fees: January-June/Second Year of Licensing Period (even year)

~~44.4.1.15.4.1.~~ License and Interstate Telepractice Registration fee in Speech-Language Pathology or Audiology - \$100

~~44.4.2.15.4.2.~~ Dual license fee in Speech-Language Pathology and Audiology - \$138

~~44.5.15.5.~~ Pro-Rated License Fees: July-December/Second Year of Licensing Period (even year)

~~44.5.1.15.5.1.~~ License and Interstate Telepractice Registration fee in Speech-Language Pathology or Audiology - \$50

~~44.5.2.15.5.2.~~ Dual license fee in Speech-Language Pathology and Audiology - \$70

29CSR1

41.6.15.6. Provisional License fee - \$50

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

41.8.15.8. Renewal fees:

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

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

41.8.2.a.15.8.2.a. Renewal fees are waived in Speech-Language Pathology or Audiology for active duty military families. All other license renewal requirements apply as stated in section 6 of this rule.

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

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

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

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

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

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

41.8.8.15.8.8. 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.

41.9.15.9. Fees for Services Rendered.

41.9.1.15.9.1. Duplicate License - \$10

41.9.2.15.9.2. Duplicate Wall Certificate - \$15

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

41.9.4.15.9.4 Roster of Active Licensees for Speech-Language Pathology- \$100

41.9.5.15.9.5. Roster of Active Licensees for Audiology- \$50

41.9.6.15.9.6. Insufficient Funds Penalty - \$20

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

41.9.8.15.9.8. Out - of- State Letters of Good Standing or Affidavits - \$25

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

**§8-29-1-16. Hearing Aid Dealers-Dispensers**

16.1 General regulations governing the West Virginia Board of Hearing Aid Dealers Dispensers as adopted from Legislative rule 8CSR1 pursuant to the transfer of licensure and regulation of hearing aid dealers and fitters to the WV Board of Examiners for Speech-Language Pathology and Audiology approved during the 2022 Regular Legislative Session in HB4333, effective June 10, 2022.

**§829-1-17. Definitions.**

2.17.1. A "Permanent Office" is an office or place of business which is staffed, open and available to the public during normal business hours of the community which it serves. The closing of an office for a lunch period not to exceed one (1) hour or of an additional day on an extended holiday weekend will not be regarded as a violation of this rule, but the rental of desk space, the use of a post office box number as an address or the use of a telephone answering service does not qualify as a permanent office.

2.2.17.2. "Reasonable Distance" as used in W.Va. Code §30-26-5(1) means within twenty (20) statute miles by highway from the borders of the State of West Virginia. The Board may waive this requirement in a specific instance when, in the sole opinion of the Board, the welfare of the people of West Virginia would be better served by waiver.

2.3.17.3. The statement "The Making of Impressions for physical Ear Molds" means making molds of the ear to be used in conjunction with the manufacture and fitting of a hearing aid.

2.4.17.4. "Significant Air-Bone Gap" means a differential between air and bone readings of fifteen (15) or more decibels at five hundred (500), one thousand (1,000) and two thousand (2,000) Hertz, ANSI standard.

**§829-1-18. Application For Licenses And Permits.**

3.1.18.1. The Board shall furnish every person requesting an application for a license or trainee permit the necessary forms, a copy of the West Virginia law pertaining to the licensing of hearing aid dealers and fitters, a copy of any waiver forms prescribed by the Board and such other information or questionnaires as the Board considers necessary.

3.2.18.2 The Board shall design the application forms to provide the information necessary to satisfy itself that all requirements pertaining to the West Virginia law are being fulfilled.

3.3. All applications shall be signed by the applicant and sworn by him or her before a notary public. In the case of a trainee permit, the supervisor's name, address, license number, and signature shall appear on the application.

3.4.18.3. The application shall be accompanied by license or permit fee a money order or certified check for the license or permit fee payment.

3.5.18.4. The Board may reject an incomplete application form and return it to the applicant for completion.

3.6.18.5. The Board shall deny any person knowingly furnishing false information in the application the right to the examination. If the applicant has already been licensed or received a permit before the falsification of the information has been made known to the Board, the license or

permit is subject to suspension or revocation and the Board may forward all pertinent documents to the appropriate prosecuting attorney for possible prosecution for fraud and/or perjury.

§8-29-1-19. Issuance of Licenses and Permits.

4.1.19.1. The Board shall issue to each applicant, within thirty (30) days of receipt of a properly completed application and payment of ~~one~~ two hundred and ~~twenty~~ forty dollars (~~\$120.00~~) (~~\$250.00~~) (\$240) a hearing aid ~~dealer's or fitter's~~ dispensers license if the applicant is an individual who:

4.1.a.19.1.1. Meets the standards set forth in W. Va. Code §§~~30-26-5(1)-(5)~~; §32-30-10 and

~~4.1.b.19.1.2. Has successfully taken and passed a qualifying examination as specified and administered by the Board.~~

4.2.19.2. If the applicant is a firm, partnership, trust, corporation, association or other like organization, the application, in addition to information required by the Board, shall be accompanied by an application for license for each person who engages in the ~~dealing in or fitting~~ dispensing of hearing aids. No licensed partnership, trust, association or corporation shall permit any unlicensed person to ~~sell or fit~~ dispense hearing aids.

4.3.19.3 Each license expires on ~~the first day of July each year~~ biennially the 31<sup>st</sup> day of December. Expiration of licenses is always on an even year, e.g., ~~2018, 2020~~ 2024, 2028 etc. ~~Each licensee engaged in the practice of dealing in or fitting hearing aids shall apply annually to the Board for renewal of the license.~~ The Board shall issue to the applicant a renewal license. The renewal fee is ~~one hundred and twenty dollars (\$120.00)~~ two hundred and forty dollars (\$240). A person who applies for renewal of a hearing aid ~~dealer's or fitter's~~ dispenser's license which has expired is not required to take any examination as a condition for renewal: Provided, that application for renewal is made within two (2) years of the date the license expired. ~~If application for renewal is made within thirty (30) days of expiration of a person's license, the Board may renew such license upon payment of the renewal fee of two hundred and forty dollars (\$240.00) one hundred twenty dollars plus a penalty of for late filing of seventy-five dollars (\$75.00). If application for renewal is made after expiration of such thirty (30) day period, the Board may renew such license upon payment of twice the renewal fee of one hundred and twenty dollars (\$120.00).~~

4.4.19.4. The licensee or ~~permittee~~ trainee is responsible for filing and paying fees for renewals. If reminders of the renewals are sent by the secretary, it is a courtesy only and shall not be considered a responsibility by the Board.

4.5.19.5. Each licensee shall display his or her license in a conspicuous place in his or her office or place of business at all times. The Board shall issue duplicate copies of a license upon receipt of a properly completed application and payment of ten dollars (\$10.00) for each copy requested.

4.6.19.6. Each person engaged in training to become a licensed hearing aid ~~dealer or fitter~~ dispenser shall apply to the Board for a hearing aid ~~dealer's or fitter's~~ dispenser's trainee permit. The Board shall issue to each applicant, within thirty (30) days of receipt of a properly executed application and payment of one hundred and twenty dollars (\$120.00), (~~\$250.00~~) a trainee permit if the applicant is:

4.6.a.19.6.1. A person of good moral character and has never been convicted nor is presently under indictment for a crime involving moral turpitude;

4.6.b.19.6.2. Is eighteen (18) years of age or older;

4.6.e.19.6.3. Has an education equivalent to a four (4) year course in an accredited Possess

~~a high school diploma or equivalent, plus training in hearing science and hearing aid fitting-dispensing approved by the board. course approved by the Board. Posses an education equivalent to an Associate degree in a health related program.~~

~~4.6.d. Is free of any chronic infectious or contagious disease; and~~

~~4.6.e.19.6.4. Will engage in training to become a hearing aid dealer or fitter on a full time basis.~~

~~4.7.19.7. Each trainee permit issued by the Board expires one (1) year from the date it was first issued, and may be renewed once if the trainee has not successfully completed the qualifying examination for licensing as a hearing aid dealer or fitter dispenser before the expiration date of the permit. The Board shall issue a renewal permit to each applicant upon the receipt of a properly completed application and the payment of one hundred and twenty dollars (\$120.00); Provided, That the trainee applying for the renewal permit has taken the qualifying examination at least once during the first year the permit was issued and attained a grade of at least fifty percent (50%) in the written portion of the examination and at least seventy percent (70%) in the performance test. If application for renewal is made after expiration of a person's trainee permit, the Board may renew such trainee permit upon payment of twice the renewal fee of one hundred and twenty dollars (\$120.00) and a seventy dollar (\$75) late fee. If the trainee does not successfully complete qualifications for licensure within the two (2) year period, she or he can not reapply as a new trainee.~~

~~19.8 Each trainee must pass the written exam to take the practical exam with a score of 80%.~~

~~4.8.19.9. A person holding a trainee permit shall not engage in the practice of dealing fitting-dispensing-hearing aids except while under the direct supervision of a specified licensed hearing aid dealer or fitter, dispenser or audiology dispenser. The supervisor and the holder of the temporary trainee permit shall work in the same office for the duration of the temporary trainee permit. The supervisor will submit monthly trainee supervisory logs to the board. A licensed hearing aid dealer or fitter dispenser or audiologist may not supervise more than one (1) trainee at a time. The supervisor may will be held responsible to the Board for any violations of the law regulating hearing aid dealers and fitters, dispensers or the rules of the Board.~~

~~4.9.19.9.10. Each trainee permit is valid only for the trainee in whose name it is issued and for his or her specific supervisor unless otherwise approved by the Board.~~

~~4.10.19.10.1. A trainee shall present himself or herself for examination within twelve (12) months from the date of the issuance of his or her trainee permit.~~

~~4.11.19.11. The Board may require any applicant for license or a trainee's permit to appear before it in person for further examination before the issuance of the license or trainee permit, unless the Board waives the personal appearance.~~

#### §829-1-20. Reciprocity.

~~5.1.20.1. The Board shall promote reciprocity agreements with those states adjoining the State of West Virginia if those states provide reciprocity with West Virginia. The Board shall consider reciprocity with other states on an individual basis.~~

~~5.2.20.2. The Board shall not honor a license issued to an individual, partnership, trust, association or other like organization by another state in lieu of a license issued by the State of West Virginia. However, if an individual applicant has completed an examination equal or superior to the West Virginia examination, the Board may waive or partially waive the examination requirements for licensure in the State of West Virginia.~~

**§829-1-21. Responsibilities Of The Licensee.**

6.1.21.1. Each licensee engaged in ~~dealing or fitting~~ dispensing of hearing aids shall be familiar with the requirements of the law regulating those activities in West Virginia and with the rules of the Board.

6.2.21.2. Each licensee engaged in ~~dealing in or fitting~~ dispensing of hearing aids shall make timely application for a license or renewal of a license, to complete the forms properly and pay the fees required, and to hold himself or herself available for examination at the times and places designated by the Board.

6.3.21.3. The licensed ~~dealer or fitter~~ dispenser shall use the results of appropriate test procedures on every individual to whom he or she sells or fits a hearing aid, and have them on file for a period of seven (7) years. The minimum acceptable test records are:

6.3.a.21.3.1. Pure tone tests, including air and bone conduction with masking where appropriate;

6.3.b.21.3.2. Speech reception threshold expressed in decibels;

6.3.c.21.3.3. Most comfortable level expressed in decibels;

6.3.d.21.3.4. Discrimination scores expressed in percentage with indication of the test words used.

21.4. Full responsibility for the compliance of a trainee permit holder rests with the licensed supervisor who is registered as the trainee's supervisor at the time any noncompliance may occur. The supervisor may relieve himself or herself of the responsibility of a trainee by advising the Board by certified mail and explaining fully the circumstances under which he or she is withdrawing supervisory responsibility of the trainee. The trainee permit shall be forwarded to the Board by the supervisor.

**§829-1-22. Matters To Be Ascertained By Licensee Prior To The Sale Or Fitting Dispensing Of Hearing Aids.**

7.1.22.1. Every licensee engaged in the practice of ~~dealing in or fitting~~ dispensing hearing aids shall, prior to the ~~sale or fitting~~ dispensing of a hearing aid to a prospective customer, make the following disclosure, in writing, to the prospective customer: "The purchaser has been advised at the outset of his relationship with the hearing aid ~~dealer~~ dispenser that any examination or representation made by a licensed hearing aid ~~dealer~~ dispenser in connection with the practice of fitting this hearing aid is not an examination, diagnosis, or prescription by a person licensed to practice audiology or medicine in this state and therefore must not be regarded as medical opinion."

7.2.22.2. If such person under the age of eighteen has been so examined, the licensee shall, prior to the ~~sale or fitting~~ dispensing of such hearing aid, obtain from such otolaryngologist or physician written authority to fit a hearing aid.

7.3. 22.3. ~~Been so examined.~~ If such person under the age of eighteen has not been examined by an otolaryngologist or physician, the licensee shall not proceed with the sale or fitting of a hearing aid until after such person has

7.4.22.4. If the prospective user of a hearing aid is eighteen years of age or older, prior to the sale or fitting of a hearing aid to the prospective customer, the hearing aid dispenser may afford the

prospective user an opportunity to waive the medical evaluation requirement provided that the hearing aid dispenser:

7.4.a.22.4.1. Informs the prospective user that the exercise of the waiver is not in the user's best health interests;

7.4.b.22.4.2. Does not in any way actively encourage the prospective user to waive such a medical evaluation;

7.4.e.22.4.3. Affords the prospective user the opportunity to sign the following statement, prior to the sale or fitting of a hearing aid: "I have been advised by (hearing aid dispenser's name) that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation by a licensed physician, preferably one who specializes in diseases of the ear, before purchasing a hearing aid. I do not wish a medical evaluation before purchasing a hearing aid."

7.4.d.22.4.4. Prior to the sale of a hearing aid, every licensee shall determine that the prospective purchaser's best interest would be served by consulting an otolaryngologist or other physician specializing in disease of the ear, or any other physician duly licensed to practice medicine in this state, if any of the following conditions are found upon examination of such person:

7.4.d.1.22.4.4.a. Visible congenital or traumatic deformity of the ear;

7.4.d.2.22.4.4.b. History of active ear discharge within the previous ninety (90) days;

7.4.d.3.22.4.4.c. History of sudden or rapidly progressive hearing loss within the previous ninety days;

7.4.d.4.22.4.4.d. Acute or chronic dizziness;

7.4.d.5.22.4.4.e. Unilateral hearing loss of sudden or recent onset within the previous ninety days; or

7.4.d.6.22.4.4.f. Significant air-bone gap.

7.5.22.5. A copy of any ~~writing or form~~ written document is required to be given to a prospective purchaser or other person by the terms of this section shall be retained in the records of the licensee for a period of at least seven (7) years following the issuance of each writing.

**§829-1-23. Sales Receipt.**

~~8.1.23.1.~~ The licensed individual or permit holder making the sale shall sign a customer's receipt and the name shall be the same name under which the licensee or permit holder is registered with the Board.

~~8.2.23.2.~~ The receipt shall bear the following information:

~~8.2.a.23.2.1.~~ The name, address and date of birth of the recipient of the hearing aid;

~~8.2.b.23.2.2.~~ The date of sale;

~~8.2.e.23.2.3~~ The name of the manufacturer, the model number and serial number of the hearing aid sold;

8.2.d.23.2.4. The name, address, and telephone number of the licensee's office;

8.2.e.23.2.5. The signature of the licensee or permit holder making the fitting;

8.2.f.23.2.6. The terms of the guarantee or warranty under which the hearing aid is sold. To satisfy this requirement, the receipt may bear the notation "One Year Warranty" or similar expression; Provided, that the full terms of the warranty by the manufacturer or seller are available for inspection;

8.2.g.23.2.7. If the hearing aid has previously been sold at retail, the term "Used" or "Reconditioned", whichever is applicable, with the terms of the guarantee or warranty; and

8.2.h.23.2.8. The retail price of the hearing aid, any discount or trade-in allowance, the net price of the aid, and the terms of the installment or time purchase agreement if applicable. If more convenient, the terms of the installment or time payment contract may be executed on a separate document and attached to the receipt.

8.2.i.23.2.9. Information about the right to rescind the purchase agreement as required by §§8- 1-12.2 and 8-1-12.4 of this Title.

8.3.23.3. For the purpose of interpreting this rule, the term "New" means a hearing aid which has not been previously sold at retail or used as a demonstrator.

8.4.23.4. If all the requirements of this Section are contained and/or met in a sales agreement, sales contract or purchase order, the agreement, contract or order shall be considered as a receipt for the purposes of this section.

#### **§829-1-24. Advertising.**

9.1.24.1. All advertisements to the general public offering replicas, descriptive literature on wearable hearing aids, hearing loss, etc., placed by an individual or organization whose business includes the merchandising of hearing aids shall be considered as advertising hearing aids for sale.

9.2.24.2. The licensee shall not advertise a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type.

9.3.24.3. The licensee shall not advertise that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, nor shall the advertising use the words, "Doctor, Audiologists, "Clinic", or similar words, abbreviations or symbols which tend to connote the medical profession when the use is not accurate.

9.4.24.4. The licensee shall not advertise using the words "Audiologist", "Audioprosthologist", "State Licensed Certified", "State Registered", "State Certified", "State Approved", or any other term, abbreviation, or symbol when it would falsely give the impression that service is being provided by persons holding a degree in audiology, or trained in clinical audiology, or that the licensee's service has been recommended by the state when that is not the case. The term "Certified Member" may be used when the certification has been granted by the National Hearing Aid Society: Provided, that it is made clear that the certification is granted by the National Hearing Aid Society and not by any college, university, or agency of this state.

9.5.24.5. The licensee shall not advertise using a manufacturer's name or trademark which would

imply that a relationship exists with that manufacturer when in fact it does not.

9.6.24.6. In evaluating advertising, the Board may use all the available criteria (such as the regulations of the Federal Trade Commission, the code of ethics of the National Hearing Aid Society, the Hearing Aid Industry Conference, and the West Virginia Hearing Aid Society) and may regard a violation of any of these criteria as unethical conduct.

9.7.24.7. The hearing aid ~~dealer~~ dispenser must prominently display the current address, email address and the board's phone number following advisement: "Consumers may contact the West Virginia Board of Examiners for ~~Hearing Aid Dealers 179 Summers St Suite 715, Charleston, Speech-Language Pathology and Audiology, at~~ ~~99 Edmiston Way, Ste. 214, Box 11, Buckhannon, WV 25301 26201~~, if the consumer believes that the hearing aid dispenserr has not satisfied the terms of the contract."

### §29-1-25. Complaint Procedures.

40.1.25.1. A licensee or permittee whose license has been revoked or suspended by the Board, or to whom the Board has refused to issue a license or permit, may appeal the Board's decision under the Board's Rule "CONTESTED CASE HEARING PROCEDURE" 8CSR2.

40.2.25.2. The Board shall investigate complaints and discipline licensees and permittees under the Board's Rule "DISCIPLINARY AND COMPLAINT PROCEDURES FOR HEARING AID DEALERS" 8CSR3.

### §~~8-44~~29-1-26. Causes For The Suspension Or Revocation Of Licenses Or Permits.

41.1.26.1. The Board may suspend or revoke the license or permit if the person holding the license or permit:

41.1.a.26.1.1. Violates any provision of the law regulating the licensure of hearing aid dealers and fitters or any violations of the rules of the Board of Hearing Aid Dealers;

41.1.b.26.1.2. Procured a license by fraud or deceit practiced upon the Board;

41.1.e.26.1.3. Obtained any fee or made any sale of a hearing aid by fraud or misrepresentation;

41.1.d.26.1.4. Employed any person without a license or trainee permit or an individual whose license was suspended or revoked to engage in the fitting or sale of hearing aids;

41.1.e.26.1.5. Used, caused or promoted the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, grand, insignia, or other representation however disseminated or published which is misleading, deceptive, or untruthful;

41.1.f.If he or she is found by the Board to be a person of habitual intemperance or gross immorality;

41.1.g.26.1.6. Fitted, sold, or attempted to fit or sell, a hearing aid to a person without first utilizing the appropriate procedures and instruments required for the proper fitting of hearing aids;

41.1.h.26.1.7. Engaged in the fitting or sale of hearing aids under a false name or alias;

41.1.i.26.1.8. Engaged in the practice of fitting hearing aids while suffering from a

contagious or infectious disease;

11.1.j.26.1.8. Permitted another person to use his or her license; or

11.1.k.26.1.9. Is found by the Board to be guilty of gross incompetence or negligence in the fitting and sale of hearing aids.

**§8-12 29-1-27. Right to Rescind Purchase Agreement.**

12.1.27.1. Each person supplied with a hearing aid by a licensed hearing aid ~~dealer~~ dispenser shall have the right to return the hearing aid to the dealer within thirty (30) calendar days of receipt and rescind the purchase agreement if the hearing aid does not function properly, cannot be adjusted to satisfactorily compensate for the deficiency in the person's hearing, or the person is otherwise dissatisfied with the hearing aid.

12.2.27.2. The sales receipt shall contain the following wording in type not smaller than that used in the body of the purchase agreement: " You have the right to return the hearing aid to the dealer from whom it was purchased at any time within thirty (30) days after receipt of the aid and rescind the purchase agreement except for reasonable fitting and examination charges (\$125.00 maximum fitting charge), if the aid does not function properly or cannot be adjusted to correct the deficiency in your hearing or is otherwise unsatisfactory. The aid so returned must be without damage."

12.3.27.3. In the event that the prospective purchaser of a hearing aid exercises his or her right to rescind the purchase agreement, the fee to be charged for the cancellation shall not exceed one hundred twenty-five dollars (\$125.00) per hearing aid provided. This fee shall include all services performed by the dealer and all materials used in the fitting including the fee for the examination, fitting, training, use of the hearing aid (s), the cost of the ear molds(s) if required, and any batteries provided.

12.4.27.4. Hearing aid ~~dealers~~ dispensers are required to provide at least one thirty (30) calendar day extension of the right to rescind the purchase agreement so long as the consumer alerts the hearing aid ~~dealer~~ dispenser of the hearing aids deficiencies within the first thirty (30) days of purchase and the hearing aid ~~dealer~~ dispenser makes an adjustment or advises the consumer to continue using the aid.

12.5.27.5. For purposes of computing the thirty (30) calendar day extension to rescind the purchase agreement, the last visit or communication the customer made to the hearing aid dealers within the original thirty (30) day right to rescind period shall constitute the first day of the thirty (30) day extension.

12.6.27.6. Unless the purchase agreement provides otherwise, further adjustments or advertisements to continue wearing the hearing aid made within the thirty (30) day extension period will not constitute a new beginning of another thirty(30) day extension period for the consumer to rescind the purchase agreement.

12.7.27.7. The hearing aid ~~dealer or fitter~~ dispenser may elect to meet the return privilege by renting or leasing the aid to the prospective customer. If the ~~dealer~~ dispenser so elects, the rental or leasing agreement shall have a fee not to exceed one hundred twenty-five dollars (\$125.00) per hearing aid and the agreement shall specify that the prospective buyer may rescind the rental or lease agreement at any time by returning the hearing aid in good condition and that he or she shall incur no further costs by returning the hearing aid.

**§829-1-28. Examination Fees For Licensure**

~~13.1.28.1. Each applicant for licensure shall submit payment of one hundred fifty dollars (\$150.00) for the Practicum examination. The fee to retest for the Practicum exam shall be seventy five dollars (\$75.00). Each applicant shall also submit payment of fifty dollars (\$50.00) for the West Virginia jurisprudence examination. The fee to retest for the West Virginia jurisprudence examination shall be fifty dollars (\$50.00).~~

**§12 ~~29-1-29.~~ Academic Clinical Practicum Requirements.**

~~12.29.1.~~ 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).

~~12.1.4.29.1.1.~~ Up to 20 clock hours in the major professional area may be in related disorders.

~~12.1.2.29.1.2.~~ At least 20 of the 400 hours shall be in Audiology.

~~12.2.29.2.~~ The applicant shall demonstrate direct client/patient clinical experiences in both assessment and intervention with children and adults from the following range of disorders and differences:

~~12.1.2.29.2.1.~~ Articulation;

~~12.1.2.29.2.2.~~ Fluency;

~~12.1.3.29.2.3.~~ Voice and resonance, including respiration and phonation;

~~12.1.4.29.2.4.~~ Receptive and expressive language (phonology, morphology, syntax, semantics, pragmatics, prelinguistic communication and paralinguistic communication) in speaking, listening, reading and writing;

~~12.1.5.29.2.5.~~ Hearing, including the impact on speech and language;

~~12.1.6.29.2.6.~~ Swallowing (oral, pharyngeal, esophageal and related functions, including oral function for feeding, orofacial myology);

~~12.1.7.29.2.7.~~ Cognitive aspects of communication (attention, memory, sequencing, problem-solving and executive functioning);

~~12.1.8.29.2.8.~~ Social aspects of communication (including challenging behavior, ineffective social skills, and lack of communication opportunities); and

~~12.1.9.29.2.9.~~ Augmentative and alternative communication modalities

~~12.2.29.3.~~ All Audiology applicants shall obtain at least 350 clock hours to complete the academic clinical practicum requirement.

~~12.29.3.1.~~ For licensure in Audiology the applicant shall obtain at least 40 hours in the following two categories:

~~12.3.1.a.29.3.1.a.~~ Evaluation of hearing in children; and

~~12.3.1.b.~~29.3.1.b. Evaluation of hearing in adults.

~~12.3.2.~~29.3.2. At least 80 hours shall be obtained in the following two categories:

~~12.3.2.a.~~29.3.2.a. Selection and use of amplification and assistive listening devices for children; and

~~12.3.2.b.~~29.3.2.b. Election and use of amplification and assistive listening devices for adults.

~~12.3.2.c.~~29.3.2.c. At least 10 additional hours shall be completed in any of categories in paragraphs ~~1229.3.1.a.~~29.3.1.a.; ~~1229.3.1.b.~~29.3.1.b.; ~~12.3.2.a.~~ through ~~1229.3.2.b.~~29.3.2.b. of this rule.

~~12.3.3.~~29.3.3. At least 20 of the 250 hours shall be obtained in the treatment of hearing disorders in children and adults.

~~12.3.4.~~29.3.4. 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.

~~12.3.5.~~29.3.5. Any person who has completed a clinical doctorate in Audiology (Au.D.) from an accredited institution fulfills the requirement for the Clinical Practicum requirements.

**§~~13~~ 29-1-30. Postgraduate Professional Experience. (Also known as Clinical Fellowship Year)**

~~13.1.30.1.~~ 29.1.30.1. 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 provisional licensee may not provide services that are not supervised. The PPE does not apply to an audiologist with a clinical doctorate degree as described in subsection 13.14 of this rule.

~~13.2.30.2.~~ 29.2.30.2. 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 achieved by applying:

~~13.2.4.30.2.1.~~ 29.2.4.30.2.1. The criterion of whether the particular program is designed to evaluate, habilitate, or rehabilitate the communicative functioning of speech, language, and hearing handicapped persons.

~~13.2.2.30.2.2.~~ 29.2.2.30.2.2. The program shall afford the possibility that the postgraduate professional experience supervisory requirements can be met.

~~13.3.30.3.~~ 29.3.30.3. 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).

~~13.4.30.4.~~ 29.4.30.4. The requirement may also be met by less than full-time employment as follows:

~~1330.4.1.~~ 2930.4.1. Work 15-19 hours per week over 18 months;

~~1330.4.2.~~ 2930.4.2. Work 20-24 hours per week over 15 months; or

~~1330.4.3.~~ 2930.4.3. Work 25-29 hours per week over 12 months.

~~13.5.30.5.~~ 29.5.30.5. 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 subsection ~~1330.4~~ 30.4. of this rule, subdivisions ~~1330.4.1~~ 30.4.1 and ~~1330.4.3~~ 30.4.3. 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.

~~13.6.30.6~~ 30.6 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.

~~13.7.30.7~~ 30.7 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.

~~13.8.30.8~~ 30.8 Supervision of the provisional licensee shall include direct observation of diagnostic and therapeutic procedures. Other supervisory activities include:

~~13.8.1.30.8.1~~ 30.8.1. Conferring with the provisional licensee concerning clinical treatment strategies.

~~13.8.2.30.8.2~~ 30.8.2. Monitoring changes in patients' communication behaviors;

~~13.8.3.30.8.3~~ 30.8.3. Evaluating the provisional licensee's clinical records, including

~~13.8.3.a.30.8.3.a~~ 30.8.3.a. Diagnostic reports;

~~13.8.3.b.30.8.3.b~~ 30.8.3.b. Treatment records;

~~13.8.3.e.30.8.3.c~~ 30.8.3.c. Correspondence;

~~13.8.3.d.30.8.3.d~~ 30.8.3.d. Plans of treatment; and

~~13.8.3.e.30.8.3.e~~ 30.8.3.e. Summaries of clinical conferences must be documented on the PPE Supervision contacts log

~~13.8.4.30.8.4~~ 30.8.4. Monitoring the provisional licensee's participation in case conferences;

~~13.8.5.30.8.5~~ 30.8.5. Monitoring the provisional licensee's work by professional colleagues' evaluation of the clinical fellow;

~~13.8.6.30.8.6~~ 30.8.6. Monitoring the provisional licensee's work by patients and their families' evaluation of the clinical fellow; and

~~13.8.7.30.8.7~~ 30.8.7. Monitoring the provisional licensee's contributions to professional meetings and publications, as well as participation in other professional growth opportunities.

~~13.9.30.9~~ 30.9 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:

~~13.9.1.~~30.9.1. one hour= one on-site observation (up to six hours may be accrued in one day); and

~~13.9.2.~~30.9.2. at least six on-site observations shall be accrued during each third of the experience.

~~13.9.3.~~30.9.3. The postgraduate professional experience supervisor shall complete 18 other monitoring activities (at least one per month).

~~13.10.~~30.10. The supervisor's role throughout the postgraduate professional experience may 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:

~~13.10.1.~~30.10.1. Detailed feedback regarding clinical performance; and

~~13.10.2.~~30.10.2. Summarizing a list of clinical strengths and goals of the provisional licensee on the "PPBE Supervision Contacts Log".

~~13.11.~~30.11. A conference shall be held upon completion of the professional experience for a review and discussion of the "PPB Supervisor's Report."

~~13.12.~~30.12. 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.

~~13.13.~~30.13. 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.

~~13.14.~~30.14. Any person who has completed a clinical doctorate in audiology (Au.D.) from an accredited institution fulfills the requirement for the Postgraduate Professional Experience.

#### **§14 29-1-31. Continuing Education.**

~~14.1.31.1.~~31.1.1. In order to renew a Speech-Language Pathology, Audiology, ~~Hearing Aid Dealer Dispenser~~ provisional or ~~permitteds-trainee~~ 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 the Board's Rule - Rule Governing Speech-Language Pathology and Audiology Assistants, 29CSR2. The continuing education requirements for Hearing Aid Dealers-Dispensers are stated in Board's Rule. Rule governing Hearing Aid Dealers Dispenser 29CSR2.

~~14.1.4.31.1.1.~~31.1.1.1. 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 or her license.

14.1.2.31.1.2. 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 circumstances.

14.2.31.2. 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.

14.3.31.3. A licensed Hearing Aid Dealer Dispenser shall obtain a minimum of 10 hours of continuing education including one hour of ethics during every one year licensure period. Licensee who exceeds minimum continuing education requirement may carry maximum of six hours forward to next reporting period only.

14.3.1.31.3.1. One clock hour per year (total of two clock hours) of approved ethics continuing education is required for license renewal.

14.4.31.4. The Board shall accept credits issued by the following organizations:

14.4.1.31.4.1. The American Speech-Language-Hearing Association

14.4.2.31.4.2. The West Virginia Speech-Language-Hearing Association International Hearing Society;

14.4.3.31.4.3. The American Academy of Audiology; and

14.4.4.31.4.4. Activities approved by the Board.

14.5.31.5. Online continuing education courses will be accepted if issued/approved by the organizations in subsection 14.3 or approved by the Board.

14.6.31.6. 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.

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

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

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

14.8.2.31.8.2. The Board may audit licensees for continuing education compliance after every two year renewal cycle, to include:

14.8.2.a.31.8.2.a. Licensees who fail to attest to the completion of all required continuing education on the renewal application;

14.8.2.b.31.8.2.b. Fifteen percent of licensees may be selected for a random audit.

14.8.3.31.8.3. The Board shall notify licensees randomly selected for the audit 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.

14.8.4.31.8.4. Licensees who fail to comply with the audit requirements may be subject to the following disciplinary action by the Board:

14.8.4.a.31.8.4.a. Educational letter to be sent to licensees by mail or email for insufficient continuing education hours.

14.8.4.b.31.8.4.b. Complete missing continuing education hours including one extra hour of ethics. All continuing education hours may be sent via email, fax or mail within 30 days of receiving Educational letter.

14.8.4.c.31.8.4.c. Automatic continuing education audit for next renewal.

14.8.4.d.31.8.4.d. Failure to complete hours may result in disciplinary action such as written reprimand on license (reportable to NPDB-National Practitioner Data Bank).

14.8.4.e.31.8.4.e. Issue a consent agreement with opportunity for hearing.

14.9.31.9. Continuing education activities from organizations other than those specified in subdivisions 14.4.1., 14.4.2., 14.4.3., and 14.4.4. of this rule require prior approval from the Board.

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

14.9.1.a.31.9.1.a. The name of the activity.

14.9.1.b.31.9.1.b. The name and credentials of the speaker or presenter.

14.9.1.c.31.9.1.c. The date and hours of the activity (including the agenda);

14.9.1.d.31.9.1.d. The location of the activity; and

14.9.1.e.31.9.1.e. The contact person or coordinator of the activity and his or her telephone number.

14.9.1.f.31.9.1.f. The goals of the activity;

14.9.1.g.31.9.1.g. The target group of the activity; and

14.9.1.h.31.9.1.h. The total number of continuing education hours requested for the activity.

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

14.9.3.31.9.3. Self-study activities include:

~~14.9.3.a.~~31.9.3.a. Professional presentations on recorded media including; audio, video, and online courses (both live and pre-recorded);

~~14.9.3.b.~~31.9.3.b. Reading of professional journal articles that contain self-examination questions at the end. The licensee shall submit the articles for pre-approval:

~~14.9.3.c.~~31.9.3.c. Reading journal articles and submitting summarization of articles to the Board; and

~~14.9.3.d.~~31.9.3.d. Publication of diagnostic and/or therapeutic materials:

~~14.9.4.~~31.9.4. Licensees who elect to audit university classes in speech-language pathology or audiology shall submit a self-study plan for pre-approval from the Board in order to qualify for CE credit.

**§15 ~~29-1-32.~~ Coursework requirement for Master's Equivalency for Speech-Language Pathology and Doctorate for Audiology.**

~~15-1.~~32.1. Definitions.

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

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

32.2. Outline of the Academic Courses required for the basis of the master's degree Equivalency.

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

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

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

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

32.3. 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.

32.4. 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.

32.5. Courses in Basic Communication Processes Area.

32.5.1. 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 shall provide the applicant with a wide exposure to diverse kinds of information suggested by the following ~~as~~ as:

32.5.1.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.

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

~~15.5.1.b.1.~~32.5.1.b.1. acoustics or physics of sound;

~~15.5.1.b.2.~~32.5.1.b.2. phonology;

~~15.5.1.b.3.~~32.5.1.b.3. physiologic and acoustic phonetics;

~~15.5.1.b.4.~~32.5.1.b.4. perceptual processes; and

~~15.5.1.b.5.~~32.5.1.b.5. psychoacoustics; and

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

~~15.5.1.c.1.~~32.5.1.c.1. linguistics (historical, descriptive, sociolinguistics, urban language);

~~15.5.1.c.2.~~32.5.1.c.2. psychology of language;

~~15.5.1.c.3.~~32.5.1.c.3. psycholinguistics;

~~15.5.1.c.4.~~32.5.1.c.4. language and speech acquisition; and

~~15.5.1.c.5.~~32.5.1.c.5. verbal learning or verbal behavior.

32.5.2. The applicant shall earn at least two semester hours of credit in each of the three categories, set forth in 15.5.1.a., 15.5.1.b., and 15.5.1.c. of this rule.

32.6. 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.

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

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

32.7.1. information relative to communication disorders;

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

32.7.3. 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.

32.8. Professional Education Hours Required for Speech-Language Pathology.

32.8.1. 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:

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

15.8.1.a.1.32.8.1.a.1. various types of disorders of communication;

15.8.1.a.2.32.8.1.a.2. their manifestations; and

15.8.1.a.3.32.8.1.a.3. their classifications and causes.

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

15.8.1.b.1.32.8.1.b.1. the speech and language status of children and adults; and

15.8.1.b.2.32.8.1.b.2. the basis of disorders of speech and language; and

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

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

32.8.3. 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 or rehabilitative procedures may be counted in the major professional area.

32.9. Professional Education Hours Required for Audiology.

32.9.1. 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.

32.9.1.a. auditory disorders, such as:

15.9.1.a.1.32.9.1.a.1. pathologies of the auditory system; and

15.9.1.a.2.32.9.1.a.2. assessment of auditory disorders and their effective on communication;

32.9.1.b. habilitative or rehabilitative procedures, such as:

15.9.1.b.1.32.9.1.b.1. selection and use of appropriate amplification instrumentation

for the hearing impaired, both wearable and group;

15.9.1.b.2.32.9.1.b.2. evaluation of speech and language problems of the hearing impaired; and

15.9.1.b.3.32.9.1.b.3. management procedures for speech and language habilitation and/or rehabilitation of the hearing impaired, that may include manual communication;

32.9.1.c. conservation of hearing, such as:

32.9.1.c.1. environmental noise control; and

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

32.9.1.d. Instrumentation, such as:

15.9.1.d.1.32.9.1.d.1. electronics;

15.9.1.d.2.32.9.1.d.2. calibration technique; and

15.9.1.d.3.32.9.1.d.3. characteristics of amplifying systems.

32.9.2. At least six semester hours shall deal with auditory pathology and at least six semester hours shall deal with habilitation and rehabilitation.

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

32.9.4. 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.

### 32.10. Related Areas of Study.

32.10.1. 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:

32.10.1.a. theories of learning and behavior;

32.10.1.b. services available from related professions that also deal with persons who have disorders of communication; and

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

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

32.10.3. 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, 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.

32.10.4. Certain types of course work are acceptable among more than one of the areas of study specified in subsection 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 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.

32.10.4.a. Academic credit for a thesis or dissertation is acceptable for a maximum of three semester hours in the appropriate area.

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

32.10.4.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.

32.10.5. As set forth in subsection 15.10 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).

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

32.10.6. 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.

32.10.6.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.

32.10.6.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 subdivision 15.7.3. of this rule.

32.11. 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.

**§16-29-1-33. Registration, Renewal, Standard of Care & Standards of Conduct of an Interstate Telepractice Practitioner.**

~~16-1-33.1.~~ 33.1. Definitions:

33.1.1. "Established patient" means a patient who has, within the last three years, 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.

33.1.2. "Health care practitioner" means a person authorized to practice under W. Va. Code §30-3-1 *et seq.*, & 30-32-1 *et seq.*, and any other person who provides healthcare services and is licensed under this Rule.

33.1.3. "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.

33.1.4. "Registration" means an authorization to practice a health profession regulated by W. Va. Code §30-1-1 *et seq.* and §30-32-1 *et seq.* for the limited purpose of providing interstate telepractice services within the registrant's scope of practice.

~~16-1-33.1.5.~~ 33.1.5. "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 the 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.

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

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

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

33.2.3. Pass the jurisprudence examination developed by the Board. The applicant shall submit the completion certificate with the registration form, fees, and other required documents.

33.2.4. Hold license in good standing in all states he or she is currently providing services and shall not currently be under investigation or subject to an administrative complaint.

33.2.5. The Board shall issue registration as an out-of-state telepractice practitioner when the health care practitioner-patient relationship is established.

33.3. The registration of out-of-state telepractice practitioner expires biennially on the 31<sup>st</sup> day

of December. Expiration of a registration is always on the even year, e.g., 2022, etc.

33.4. A registrant requesting renewal of a registration shall:

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

33.4.2. Submit a registration for renewal on the registration form provided by the Board;

33.4.3. 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.

33.5. 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.

33.6. 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.

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

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

~~46.7.1.~~33.7.1. The standard of care requires 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.

33.8. 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.

33.9. 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.

33.10. 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 the Board W. Va. Code Rule Title §29. Failure to comply with the W, Va. Code §30-32-1 *et seq.* and W. Va. Code Rule Title §29 will be grounds for disciplinary action as described in W.Va. Code §30-32-19.

33.11. A person currently licensed in West Virginia is not subject to registration but shall practice telepractice in accordance with the provisions of sections W. Va. Code Rule §29-1-17.

§~~17~~ 29-1-34. Telepractice.

34.1. Definitions.

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

34.1.2. "Client/Patient" is defined as a consumer of Telepractice services.

34.1.3. "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.

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

34.1.5. "Service Delivery Model" is ~~defined~~ defined as the method of providing telepractice services.

34.1.6. "Site" is defined as the client/patient location for receiving telepractice services.

34.1.7. "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.

34.1.8. "Synchronous" is defined as interactive audio and video telepractice service occurring in real time.

34.1.9. "Telepractice Service" is defined as 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 the 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.

34.2. Service Delivery Models

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

34.2.1.a. Store-and-forward model, L is the asynchronous capture and transmission of clinical data from one location to a provider.

34.2.1.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.

34.3. Guidelines for Use of Facilitators

34.3.1. 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.

34.3.2. 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:

34.3.2.a. Escorting the client or patient or student to and from sessions;

34.3.2.b. Establishing and troubleshooting the telepractice connection;

34.3.2.c. Setting up therapy materials;

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

34.3.2.e. Remaining with the client/patient or student during sessions;

34.3.2.f. Assisting with behavior management, as needed;

34.3.2.g. Communicating with on-site staff or teachers about scheduling, and

34.3.2.h. In some instances, serving as the interpreter.

34.4. Guidelines for Use of Telepractice.

34.4.1. The provider shall comply with the West Virginia Board of Examiners for Speech-Language Pathology and Audiology Code of Ethics as set forth in W. Va. Code Rule §29 -1, §29-5-2 and Scope of Practice requirements set forth in W.Va. Code §30-32-13 & §30-32-14, when providing telepractice services. A provider who fails to comply may be subject to disciplinary action as described in W.Va. Code §30-32-19.

34.4.2. Telepractice services delivered via telecommunication technology shall be equivalent to the quality, scope and nature of services delivered face-to-face, i.e., in person.

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

34.4.4. Providers shall have the knowledge and skills to competently deliver services via telecommunication technology by virtue of education, training, and experience.

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

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

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

34.4.8. Equipment used at the client/patient site shall be in appropriate working condition and considered appropriate by the provider.

34.4.9. 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.

34.4.10. Telepractice providers shall comply with all laws and rules 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.

34.4.11. Notification of telepractice services shall be provided by the practitioner 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.

34.5. Limitations of Telepractice Services

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

34.5.2. Telepractice services shall not be provided by:

34.5.2.a. Speech Pathology or Audiology Assistants

34.6. Licensure Requirements for Providing Telepractice Services.

34.6.1. 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..Code Rule §29- 1-3., §29-1-4., and §29-1-5.

34.6.2. A provider of telepractice services who resides out of this State and who provides telepractice services to clients/patients in West Virginia shall be registered by the Board, per registration requirements set forth in W.Va. Code, §30-1-26 *et seq.*, & W.Va. Code Rule §29-1-16.

34.6.3. 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.

**§29-1-35 Advertising for Speech-Language Pathology and Audiology.**

35.1. Speech Pathologist and Audiologist must prominently display the current board address, email address and phone number ~~the~~ following advisement: "Consumers may contact the West Virginia Board of Examiners for Speech-Language Pathology, and Audiology, and Hearing Aid-Dispensers at 99 Edmiston Way, Ste. 214, Box 11, Buckhannon, WV 26201, if the consumer believes that a Speech Pathologist or Audiologist violates the Code of Ethics."

**§29-1-36. Criminal Background Check for Speech-Language Pathology and Audiology.**

36.1. In addition to all of the requirements for licensure set forth elsewhere in this legislative rule, all applicants applying to this Board for licensure shall request and submit to the Board the results of a state and a national criminal history record check.

36.2. The purpose of the criminal history record check is to assist the Board in obtaining information that may relate to the applicant's fitness for licensure.

36.3. In addition to the State Police, the Board may contract with and designate a company specializing in the services required by this section instead of requiring the applicant to apply directly to the West Virginia State Police or similar out-of-state agency for the criminal history records checks. Provided, that any such company must utilize protocols consistent with standards established by the Federal Bureau of Investigation and the National Crime Prevention and Privacy Compact.

36.4. The applicant shall furnish to the State Police, or other organization duly designated by

the Board, a full set of fingerprints and any additional information required to complete the criminal history record check.

36.5. The applicant is responsible for any fees required by the State Police, or other organization duly designated by the Board, for the actual costs of the fingerprinting and the actual costs of conducting a complete criminal history record check.

36.6. The Board may require the applicant to obtain a criminal history records check from a similar Board approved agency or organization in the state of the applicant's residence, if outside of West Virginia.

36.7. The applicant shall authorize the release of all records obtained by the criminal history record check to the Board.

36.8. A criminal history record check submitted in support of an application for licensure must have been requested by the applicant no earlier than twelve months immediately prior to the Board's receipt of the applicant's electronic application for licensure.

36.9. A Speech-Language Pathology ~~or~~ Audiology and Hearing Aid Dispenser initial licensure application is not complete until the Board receives the results of a state and a national criminal history record check conducted by the State Police or another entity duly authorized by the Board. The Board shall not grant an application for licensure submitted by any applicant who fails or refuses to submit the criminal history record check required by this section.

36.10. The Board may, in its discretion, require any applicant for reactivation of a license which has been expired for greater than five years to request and submit to the Board the results of a state and a national criminal history record check in conformity with the requirements of this section.

36.11. Should criminal offenses be reported on an applicant's criminal history record check, the board will consider the nature, severity, and recency of offenses, as well as rehabilitation and other factors on a case by case basis for licensure.

36.12. The results of the state and national criminal history record check may not be released to or by a private entity except:

36.12.1. To the individual who is the subject of the criminal history record check;

36.12.2. With the written authorization of the individual who is the subject of the criminal history record check; or

36.12.3. Pursuant to a court order.

36.13. Criminal history record checks and related records are not public records for the purposes of chapter thirty two of the West Virginia Code.