



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

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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: 29-05

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

RULE NAME: 29-05 West Virginia Board of Examiners for Speech-Language Pathology, Audiology, and Hearing Aid Dispensers Code of Ethics

PRIMARY CONTACT

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

ADDRESS: 99 Edmiston Way Ste 214 Box 11
Buckhannon, WestVirginia 26201

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CITE STATUTORY AUTHORITY: 32-32-7

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:

Hearing Aid Dealer Board sunset on July 1, 2023 so we needed to add Hearing Aid Dispenser to our rule.

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: No

(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?

N/A

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

Added Hearing Aid Dispenser to the existing rule 29-5

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Added Hearing Aid Dispensers to our 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)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

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 5

WEST VIRGINIA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY, ~~AND~~
AUDIOLOGY, ~~AND HEARING AID DISPENSERS~~-CODE OF ETHICS

§29-5-1. General.

1.1. Scope. -- This legislative rule establishes a Code of Ethics outlining principles essential for upholding the highest ethical standards essential to the practice of Speech-Language Pathology, ~~and~~ Audiology, and Hearing Aid Dispensers.

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

1.3. Filing Date. -- ~~April 22, 2014~~.

1.4. Effective Date. -- ~~July 1, 2014~~.

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

§29-5-2. Ethics Standards and Principles for Speech-Language Pathologists, Audiologists and Provisional Licensed by the Board and Speech-Language Pathology, ~~and~~ Audiology, Assistants registered by the Board, Hearing Aid Dispensers and Trainees licensed by the Board.

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

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

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

2.4. Principle of Ethics I

~~2.4.1.2.4.a.~~ Individuals shall honor their responsibility to hold paramount the welfare of persons they serve professionally.

~~2.4.2.2.4.b.~~ Rules of Ethics

~~2.4.2.a.2.4.b.1.~~ Individuals shall provide all services competently.

~~2.4.2.b.2.4.b.2.~~ Individuals shall use every resource, including referral when appropriate, to ensure that high-quality service is provided.

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

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

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

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

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

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

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

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

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

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

2.5. Principles of Ethics II

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

2.5.2.2.5.b. Rules of Ethics

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

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

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

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

~~2.5.2.e.2.5.b.5.~~ Individuals shall prohibit any of their professional staff from providing services that exceed the staff member's competence, considering the staff member's level of education, training, and experience.

~~2.5.2.f.2.5.b.6.~~ Individuals shall ensure that all equipment used in the provision of services is in proper working order and is properly calibrated.

2.6. Principle of Ethics III

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

~~2.6.1.2.6.a.~~ Rules of Ethics

~~2.6.2.1.a.2.6.a.1.~~ Individuals shall not misrepresent their credentials, competence, education, training, or experience.

~~2.6.2.1.b.2.6.a.2.~~ Individuals shall not participate in professional activities that constitute a conflict of interest.

~~2.6.2.1.c.2.6.a.3.~~ Individuals shall not misrepresent diagnostic information, services rendered, or products dispensed or engage in any scheme or artifice to defraud in connection with obtaining payment or reimbursement for such services or products.

~~2.6.2.1.d.2.6.a.4.~~ Individuals' statements to the public shall provide accurate information about the nature and management of communication disorders, about the professions, and about professional services.

~~2.6.2.1.e.2.6.a.5.~~ Individuals' statements to the public -- advertising, announcing, and marketing their professional services, reporting research results, and promoting products -- shall adhere to prevailing professional standards and shall not contain misrepresentations.

2.7. Principle of Ethics IV

~~2.7.1.2.7.a.~~ Individuals shall honor their responsibilities to the professions and their relationships with colleagues, students, and members of allied professions. Individuals shall uphold the dignity and autonomy of the professions, maintain harmonious interprofessional and intraprofessional relationships, and accept the professions' self-imposed standards.

~~2.7.2.2.7.b.~~ Rules of Ethics

~~2.7.2.a.2.7.b.1.~~ Individuals shall prohibit anyone under their supervision from engaging in any practice that violates the Code of Ethics.

~~2.7.2.b.2.7.b.2.~~ Individuals shall not engage in dishonesty, fraud, deceit, misrepresentation, or any form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.

~~2.7.2.c.2.7.b.3.~~ Individuals shall assign credit to only those individuals who have contributed to a publication, presentation, or product. Credit shall be assigned in proportion to the contribution and only with the contributor's consent.

29CSR5

2.7.2.d.2.7.6.4. Individuals statements to colleagues about professional services, research results, and products shall adhere to prevailing professional standards and shall contain no misrepresentations.

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

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

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

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