

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.23.01 - RULES OF THE SPEECH AND HEARING SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-1601 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2910, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rules are being amended to define Audiology Support Personnel along with the criteria for Support Personnel to ensure public safety in the practice of Audiology. These amended rules also establish qualifications for Hearing Aid Dealer and Fitter Supervisors which will ensure provisional permit holders obtain adequate training. Finally, the Board is striking the subsection dealing with Audiology Provisional Permits as the training programs for Audiology are doctorate level and require experience as part of the curriculum. These rules will also reduce the fees for original license and license renewal.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

These rules reduce the fees for an original license from \$100 to \$70 and for annual license renewal from \$125 to \$100. These fees or charges are being imposed pursuant to Sections 54-2910, 54-2912, 54-2913, 54-2914, 54-2915, and 54-2921, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed changes to these rules were discussed during noticed, open meetings of the Board.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Mitchell Toryanski at (208) 334-3233. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 2nd day of September, 2016.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W State St.
P O Box 83720
Boise, ID 83720-0063
Phone: (208) 334-3233
Fax: (208) 334-3945

THE FOLLOWING IS THE PROPOSED FEE RULE TEXT OF DOCKET NO. 24-2301-1601
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS (RULE 10).

- 01. Board.** The Speech and Hearing Services Licensure Board as prescribed in Section 54-2908, Idaho Code. (3-30-06)
- 02. Bureau.** The Bureau of Occupational Licenses as prescribed in Sections 54-2903 and 67-2602, Idaho Code. (3-30-06)
- 03. Audiology Support Personnel.** Unlicensed natural persons who work under the direction and supervision of an audiologist who is licensed in accordance with Title 54, Chapter 29, Idaho Code and is engaged in the practice of audiology. ()

(BREAK IN CONTINUITY OF SECTIONS)

175. FEES (RULE 175).

- Applications should not be filed unless the applicant can meet all requirements. (3-30-06)
- 01. Application Fee.** Application Fee - Thirty dollars (\$30). (3-30-06)
- 02. Original License Fee.** The original license fee is ~~one hundred~~ seventy dollars (~~\$107~~) to be accompanied by the completed application. (~~3-30-06~~) ()
- 03. Examination/Reexamination Fee.** Examination fee shall be that charged by the examination provider plus an administration fee of fifty dollars (\$50) when the examination is administered by the Board. (3-30-06)
- 04. Provisional Permit.** Provisional permit fee is one hundred dollars (\$100). (3-30-06)
- 05. Annual Renewal Fee.** Annual renewal fee is one hundred ~~twenty-five~~ dollars (~~\$125~~00). (~~3-29-10~~) ()
- 06. Annual Renewal Fee for Inactive License.** Annual renewal fee is sixty-five dollars (\$65). (3-27-13)
- 07. Refund of Fees.** No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license or examination fees for unexcused applicants. (3-29-10)

(BREAK IN CONTINUITY OF SECTIONS)

211. SUPPORT PERSONNEL: AUDIOLOGY (RULE 211).

- 01. Supervising Audiologist – Responsibilities – Restrictions.** ()
- a.** The supervising audiologist, a person licensed to practice audiology under Title 54, Chapter 29, Idaho Code, is responsible for everything audiology support personnel do or fail to do while performing their duties

under the supervising audiologist's supervision. ()

b. Responsibilities of the supervising audiologist include but are not limited to: ()

i. Hiring, training, assessing the competency, and evaluating the performance of audiology support personnel. ()

ii. Approving or disapproving all orders and directives concerning audiology tasks issued by administrators or other managers. ()

iii. Assigning audiology tasks to audiology support personnel and supervising the performance of those tasks. Assigned tasks must not exceed the knowledge and skills of audiology support personnel nor require the exercise of professional judgment, interpretation of test results, or the development or modification of treatment plans. ()

iv. Assessing the abilities of audiology support personnel to perform assigned audiology tasks. ()

v. Providing feedback to audiology support personnel to facilitate improved job performance. ()

c. The number of audiology support personnel that an audiologist may supervise at any one time must be consistent with the delivery of appropriate, quality service, and Title 54, Chapter 29, Idaho Code. ()

d. An audiologist must supervise audiology support personnel in the following manner: ()

i. A supervising audiologist must directly supervise audiology support personnel no less than one time for every five times that support personnel provide audiology services to a patient (20%). Direct supervision requires in-view real-time observation and guidance while an assigned activity is performed. This requirement can be met when the supervisor is providing supervision from a distant site using two-way video and audio transmission. The supervising audiologist will document and retain a record of all direct supervision periods. ()

ii. When not providing direct supervision, the supervising audiologist must provide direction and supervision to audiology support personnel while support personnel are providing audiology services to a patient by making themselves accessible to the support personnel by telephone, video conferencing or in person. ()

02. Audiology Support Personnel – Roles – Restrictions. ()

a. Audiology support personnel perform only tasks that are planned, delegated, and supervised by the supervising audiologist. Duties and responsibilities are assigned based on training, available supervision, and specific work setting. ()

b. Authorized audiology support personnel tasks include but are not limited to the following: ()

i. Greet and escort patients. ()

ii. Schedule patients. ()

iii. Package and dispatch by mail ear-mold orders, devices for repair, and manufacturer/lab returns. ()

iv. Maintain an inventory of supplies. ()

v. Check equipment for functionality. ()

vi. Test hearing aids and other amplification devices. ()

vii. Troubleshoot and perform minor repairs to hearing aids, ear molds, and other amplification devices. ()

- viii. Clean hearing aids and other amplification devices. ()
- ix. Perform electroacoustic analysis of hearing aids and other amplification devices. ()
- x. Instruct patients in the proper use and care of hearing aids and other amplification devices. ()
- xi. Demonstrate how to use alerting and assistive listening devices. ()
- xii. Instruct patients on how to perform proper ear hygiene. ()
- xiii. Assist audiologist in treatment programs. ()
- xiv. Assist audiologist with setup and technical tasks. ()
- xv. Prepare materials for ear impressions. ()
- xvi. Maintain and restock testing and treatment rooms. ()
- xvii. Perform equipment maintenance and biological checks. ()
- xviii. Conduct hearing and tympanic screening on children and adults without interpretation. ()
- xix. Conduct otoacoustic emission screening. ()
- xx. Perform non-diagnostic otoscopy. ()
- xxi. Perform pure-tone audiological reassessment on established patients. ()
- xxii. Prepare patients for vidoenystagmography/electronystagmography or evoked testing. ()
- xxiii. Assist audiologists to test the hearing of pediatric patients. ()
- xxiv. Perform universal newborn hearing screening tests. ()
- xxv. Perform infection control duties with the clinic/service. ()
- xxvi. Assist patients in recording their case history and completing other relevant forms. ()
- xxvii. Communicate with hearing instrument manufacturers and suppliers regarding the status of orders and repairs. ()
- xxviii. Facilitate the exchange of information between audiologist and patient when differences in languages or culture are an issue. ()
- xxix. Assist in clinical research. ()
- c. Audiology support personnel are prohibited from performing the following: ()
 - i. Any task prohibited by state or federal law. ()
 - ii. Any task not expressly approved by the supervising audiologist. ()
 - iii. Interpreting observations or data into diagnostic statements of clinical management strategies or procedures. ()
 - iv. Determining case selection. ()

v. Transmitting clinical information, either verbally or in writing, to anyone without the approval of the supervising audiologist. ()

vi. Composing clinical reports except for progress notes to be reviewed by the audiologist and held in the client's records. ()

vii. Referring a patient/client to other professionals or agencies. ()

viii. Referring to self or using in connection with audiology support person's name, any title other than one determined by the supervising audiologist that is consistent with state and federal law. ()

ix. Signing any formal documents (e.g. treatment plans, reimbursement forms, or reports). ()

x. Discharging a patient/client from services. ()

xi. Communicating with a patient/client's family or others regarding any aspect of the patient/client's status or services without the specific consent of the supervising audiologist. ()

03. Audiology Support Personnel certified by the Council for Accreditation in Occupational Hearing Conservation (CAOHC) – Roles – Restrictions. ()

a. Audiology support Personnel who are certified by the CAOHC as a Certified Occupational Hearing Conservationist (COHC) may perform the following tasks under the supervision of a licensed audiologist in addition to those tasks set forth in Subsection 211.02.b: ()

i. Check and calibrate audiometric instrumentation. [see Rule 211.02.b.v & vi] ()

ii. Conduct otoscopic screening and pure-tone threshold testing. ()

iii. Counsel employees about test results and the criteria for employee referral. ()

iv. Fit employees and train them on personal hearing protection devices. ()

v. Fit hearing protection devices for testing. ()

vi. Assist CAOHC course directors in the conduct of training. ()

vii. Educate, train, and motivate employees to conserve their hearing. ()

viii. Maintain business and medical records. ()

ix. Generate periodic hearing conservation statistical reports. ()

b. In addition to being prohibited from performing the tasks listed in Subsection 211.02.c, CAOHC's are also prohibited from performing the following tasks: ()

i. Assuming the role of a professional supervisor of the audiometric monitoring portion of a hearing conservation program. ()

ii. Assuming the role of instructor of other occupation hearing conservationists. ()

iii. Interpreting audiograms. ()

iv. Conducting any type of audiometric testing other than air conduction (e.g. not bone-conduction testing or speech audiometry). ()

- v. Diagnosing hearing disorders. ()
- vi. Independently evaluating a hearing conservation program's effectiveness. ()
- vii. Conducting noise surveys and analyzing or assuming responsibility for noise-control solutions. ()
- 04 Audiology Support Personnel – Pre-Service and In-Service Instruction. ()**
 - a.** The supervising audiologist is responsible for the training of audiology support personnel and for maintaining a written record of completed training activity. ()
 - b.** Training will be conducted pre-service (before tasks are assigned) and in-service (after tasks are assigned). The quality and content of training is left to the discretion of the supervising audiologist. The following guidelines apply to both pre-service and in-service training. ()
 - i. Training should be well-defined and specific to assigned tasks. ()
 - ii. Supervising audiologists should ensure that the scope and intensity of training is sufficient to prepare audiology support personnel to successfully perform assigned tasks. ()
 - iii. Training should be competency based and be provided through a variety of formal and informal instructional methods accompanied by written policies and procedures. ()
 - iv. Supervising audiologists should provide audiology support personnel with a written description of their roles and functions. Audiologists should provide personnel with ongoing training opportunities to ensure that audiology practices are current and skills are maintained. ()
 - v. Training should include the identification of and appropriate response to linguistic and cultural challenges which may affect the delivery of service. ()

~~217~~ -- 219. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

450. PROVISIONAL PERMIT: FITTING AND DEALING HEARING AIDS (RULE 450).

- 01. Issuance of a Provisional Permit.** The Board may issue a provisional permit to allow a person to engage in fitting and dealing hearing aids provided that the holder of a provisional permit may practice only while under the supervision of a person fully licensed as a hearing aid dealer and fitter or audiologist under this chapter. (3-27-13)
- 02. Adequate Personal Contact -- Requirements.** (3-30-06)
 - a.** The supervisor and provisional permit holder must make personal contact each work day to review any assignments, client contacts, and hearing aid fittings for the first sixty (60) days of employment. The nature of the supervision and contact must allow for immediate feedback and includes audio/visual, in person, or telephone contacts. (3-27-13)
 - b.** After the first sixty (60) days of employment, personal contact, described in Subsection 450.02.a., must be made no less than once in each calendar week throughout the remaining period of the permit. (3-27-13)
 - c.** In the event a permit holder fails the licensing examination two (2) consecutive times, and is eligible to maintain a permit, the supervisor and permit holder must reinstate contact in person each work day as set

forth in Subsection 450.02.a. (3-29-10)

03. Supervisor -- Qualifications -- Responsibilities -- Restrictions. (~~3-30-06~~)()

a. Supervisors. A supervisor must: ()

i. Be approved in advance by the Board for each permit holder; and ()

ii. Hold either an Idaho hearing aid dealer and fitter license or an Idaho audiologist license that is current and in good standing and is renewed as provided in these rules; and ()

iii. Not have been the subject of any disciplinary action by the Board or by any other jurisdiction for two (2) years immediately prior to being approved as a supervisor. ()

b. Supervisor that is a hearing aid dealer and fitter. A supervisor that is a hearing aid dealer and fitter must: ()

i. Hold a current board certificate in hearing instrument sciences (BC-HIS) from the National Board for Certification in Hearing Instrument Sciences; or ()

ii. Have actively practiced as a hearing aid dealer and fitter for at least three (3) years immediately prior to being approved as a supervisor. ()

c. Supervisor that is an audiologist. A supervisor that is an audiologist must have actively practiced audiology for at least one (1) year immediately prior to being approved as a supervisor. ()

~~d.~~ The supervisor is responsible for all practice and conduct of each permit holder under supervision. (3-27-13)

~~e.~~ A supervisor may not supervise more than two (2) permit holders at a time. (3-29-10)

~~f.~~ The supervisor must have an established business site within the state of Idaho which ~~he the~~ supervisor regularly utilizes as a base of operation. The supervisor and the permit holder shall be required to work within the same facility. (~~3-29-10~~)()

~~g.~~ The supervisor must provide the permit holder with adequate training and client contact necessary to prepare for the required examination. (3-30-06)

~~h.~~ The supervisor of a hearing aid dealer and fitter permit holder must record with the Board a plan of training that encompasses all sections covered in the license examination. The plan must be accepted and approved by the Board or its agent prior to issuance of the permit. The supervisor shall document, by the quarterly report, the permit holder's progress. (3-27-13)

~~f.~~ A supervisor may terminate ~~his their~~ supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. (~~3-27-13~~)()

04. Application -- Quarterly Reports. (3-30-06)

a. Application for permit must include completed application, examination fee, permit fee, supervisor statement and plan of training and supervision. (3-30-06)

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the expiration date of the new permit is adjusted to not exceed the date of the third licensure examination following the original application. (3-30-06)

c. Twenty-four (24) months is the maximum time allowed for any combination of new or renewed

permits. (3-27-13)

d. Every permit holder must submit a quarterly report of ~~his~~ **their** activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. All sales or fittings made by the person holding a permit will be indicated on the quarterly report forms supplied by the Bureau. Supplemental attachments to be submitted with this form include:

~~(3-27-13)~~ ()

i. Log of client and supervisor contacts shall be included in each quarterly report. (3-27-13)

ii. Supervisor's statement of completion of training assignments by permit holder as specified in Subsection 450.03.f. (3-29-10)

iii. Copy of test results for all persons tested by the permit holder whether or not a sale occurred. (3-30-06)

iv. Copy of hearing aid order for all fittings including specifications of instruments ordered. Hearing aid dealers and fitters must provide a copy of hearing aid order. (3-27-13)

e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. (3-27-13)

f. Supervisors who fail to properly or adequately supervise permit holders as set forth in Subsection 450.03 will be subject to disciplinary action described in Section 54-2923, Idaho Code. ()

05. Exemptions. (3-30-06)

a. A permit holder who is Board Certified by National Board for Certification in Hearing Instrument Sciences (NBC-HIS) shall be exempt from Subsections 450.02.a., 450.03.c., and 450.03.e. from the date of issuance of the permit until the date of the next offered licensing examination. (3-27-13)

b. Failure of the licensing examination or failure to take the next offered licensing examination rescinds this exemption. (3-30-06)

(BREAK IN CONTINUITY OF SECTIONS)

461. -- 469. (RESERVED)

~~**470. PROVISIONAL PERMIT: AUDIOLOGY (RULE 470).**~~

~~**01. Issuance of a Provisional Permit.** The Board may issue a provisional permit to allow a person to engage in the practice of audiology while completing either the required postgraduate experience or a comparable experience as part of a doctoral program in audiology provided that the holder of a provisional permit may practice only while under the supervision of a person licensed to practice audiology under this chapter. (3-27-13)~~

~~**02. Supervisor Responsibilities Restrictions.** (3-27-13)~~

~~**a.** The supervisor is responsible for all practice and conduct of each permit holder under his supervision. (3-27-13)~~

~~**b.** A supervisor may not supervise more than two (2) permit holders at a time. (3-27-13)~~

~~**e.** The supervisor must provide the permit holder with adequate supervision and direct client contact~~

~~activities which include, but are not limited to, assessment, diagnosis, evaluation, screening, treatment, and client management. (3-27-13)~~

~~d. A supervisor may terminate the supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. (3-27-13)~~

~~e. The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation. All supervised activities shall occur in the state of Idaho. (3-27-13)~~

~~**03. Application—Quarterly Reports. (3-27-13)**~~

~~a. Application for permit must include completed application, permit fee, official transcripts from a college or university, documentation of having passed the approved examination, supervisor statement and plan of training and supervision. (3-27-13)~~

~~b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the expiration date of the new permit is adjusted to not exceed the date from original application. (3-27-13)~~

~~e. Twenty-four (24) months is the maximum time allowed for any combination of new or renewed permits. (3-27-13)~~

~~d. Every permit holder must submit a quarterly report of their activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. All sales or fittings made by the person holding a permit to practice audiology will be indicated on the quarterly report forms supplied by the Bureau. Supplemental attachments to be submitted with this form include: (3-27-13)~~

~~i. Log of client and supervisor contacts shall be included in the quarterly report. (3-27-13)~~

~~ii. Supervisor's statement of completion of training assignments by permit holder as specified in these rules. (3-27-13)~~

~~e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. A new permit may be applied for in accordance with these rules. (3-27-13)~~

(BREAK IN CONTINUITY OF SECTIONS)

~~601. -- 699. (RESERVED)~~

~~700. **ADOPTION AND EFFECTIVE DATE OF RULES (RULE 700).**~~

~~The rules of this Board are hereby approved by the Board on August 19, 2005, and shall become effective on this date. (3-30-06)~~

~~701. -- 999. (RESERVED)~~