



Government of the District of Columbia
Department of Health

BOARD of AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

899 NORTH CAPITOL ST. NE – 2ND FLOOR.
WASHINGTON, DC 20002

JUNE 6, 2016

9:00 a.m. -12:00 p.m.

MEETING AGENDA



Government of the District of Columbia
Department of Health

BOARD of AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

OPEN SESSION JUNE 6, 2016

Call to Order Time:

	<u>Executive Director’s Report:</u>	
	<u>Chairperson’s Report:</u>	
	<u>Board Attorney’s Report</u>	
OS-o6o6-01	<u>MINUTES</u> <u>Board Action:</u> Consideration of the Open Session Minutes of the March 21, 2016 meeting.	
OS-o6o6-02	<u>CLINICAL FELLOWS, AUDIOLOGY ASSISTANTS, AND SLP ASSISTANTS UPDATE</u> <u>Board Action:</u> To review SLPA draft regulations and review CE requirements in SLP and AUD regulations. The LGBTQ CE requirement mandates that SLPA, SLP and AUD regulations include the relevant requirements. <u>Note:</u> Recommended changes are shown in color.	

This completes the OPEN SESSION Agenda

TO BE READ BY THE CHAIRPERSON PRIOR TO THE END OF THE PUBLIC SESSION:

This concludes the public open session meeting and pursuant to the DC Official Code 2-575B and for the purposes set forth therein, the Board will now move into the closed executive session portion of the meeting.



Government of the District of Columbia
Department of Health
BOARD of AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**899 NORTH CAPITOL ST. NE – 2NDFLOOR.
WASHINGTON, DC 20002**

**MARCH 21, 2016
9:00 a.m. -12:00 p.m.**

**OPEN SESSION
MEETING MINUTES**



Government of the District of Columbia
Department of Health
BOARD of AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

OPEN SESSION MINUTES MARCH 2015

ATTENDANCE:

BOARD MEMBERS:		
	GABRIELE S. NICOLET, CHAIRPERSON	Present
	STEPHANIE MARSHALL. BOARD MEMBER	Present
STAFF:	ROBIN Y. JENKINS, EXECUTIVE DIRECTOR	Present
	ERIC YEAGER, HEALTH LICENSING SPECIALIST	Present
	LEONARD HOWARD, INVESTIGATOR	Present
LEGAL STAFF:	PANRAVEE VONGJAROENRAT, ASSISTANT GENERAL COUNSEL	Present
GUESTS:	Wanda Colston, Ph. D., University of the District of Columbia	Present

The Agenda begins on the next page.



Government of the District of Columbia
Department of Health

BOARD of AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

OPEN SESSION MINUTES MARCH 2016

OPEN SESSION: Call to Order

	<p><u>Executive Director’s Report:</u></p> <p><u>Board Action:</u> The Executive Director reported that the Health Regulation and Licensing Administration (HRLA) had oversight hearings in February before the D.C. City Council, and 19 licensing boards covering 49 professions were under review. She reported that Dr. Sharon Lewis, HRLA’s Interim Senior Deputy Director, spoke on issues relating to HRLA while Department of Health Director Dr. LaQuandra Nesbitt spoke on issues impacting DOH in its entirety.</p> <p>Executive Director Robin Jenkins also noted that City Council also recently passed legislation requiring all licensed health professionals in the city to complete two (2) CEUs in training related to treating lesbian, gay, bisexual, transgender, and queer (LGBTQ) clients. This legislation would require licensees to complete this training every two years for licensure renewal.</p>	
	<p><u>Chairperson’s Report:</u></p> <p><u>Board Action:</u> The Board Chair reported that she had recently attended the District of Columbia Speech-Language Hearing Association meeting and spoken to the group about the likely</p>	



Government of the District of Columbia
Department of Health

BOARD of AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

	<p>passage of the LGBTQ CEU requirement. She clarified that these CEUs should first be due at the 2020 renewal.</p>	
	<p><u>Board Attorney’s Report</u> <u>Board Action:</u> There was no report from the Board Attorney.</p>	
OS-0321-01	<p><u>MINUTES</u> <u>Board Action:</u> The Open Session Minutes of the December 21, 2015, meeting were approved.</p>	
OS-0321-02	<p><u>CLINICAL FELLOWS, AUDIOLOGY ASSISTANTS, AND SLP ASSISTANTS UPDATE</u> The Board discussed SLP Assistants (SLPAs) with visitor Wanda Colston, Ph. D., Program Director of Speech and Language Pathology Program at the University of the District of Columbia.</p> <p>Having completed a survey on the practicality of an SLPA certification based on individuals with undergraduate SLP degrees, Dr. Colston reported four key findings: 1) that there is sufficient demand for SLPAs; 2) that there is sufficient support in the market for a licensing structure for SLPAs; there is not yet a strong SLPA presence in the Washington, D.C., area, but some employers do hire them; and 4) that local universities like UDC, Howard University, George Washington University, and Gallaudet University should be approached by the Board to develop SLPA programs. The Board thanked Dr. Colston for her</p>	



Government of the District of Columbia
Department of Health

BOARD of AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

	<p>effort and agreed to move forward with outreach to local universities.</p> <p>Board Actions: The Board then approved the SLP draft regulations after adding language in Chapter 79 for Clinical Fellows and SLPAs, amending the language in §7903 pertaining to Clinical Fellows, adding a provision in §7906 to require LGBTQ continuing education, and moving the continuing education language of §7907.5 to § 7907.1.</p> <p>Continuing, the Board approved the Clinical Fellow draft regulations in Chapter 84. The Board did so after adding language in § 8402.2 to state that a Clinical Fellow supervisor may not have been subject to a “public” order within the previous two years, after removing “supervisor” from § 8404.4, and after moving the limitation on the number of supervised Clinical Fellows from § 8404.4(c) to § 8403(d).</p> <p>The Board then approved the SLPA regulations.</p>	
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The OPEN SESSION concluded at 10:30 a.m.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in section 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to take action to adopt the following amendments to title 17, Business, Occupations, and Professions,” of the District of Columbia Municipal Regulations in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

This rulemaking will establish regulations for the registration of speech-language pathology assistant in accordance with D.C. Official Code § 3-1209.10.

Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, of the District of Columbia Municipal Regulations is amended by adding a new chapter 102 to read as follows:

CHAPTER 102 SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

10200 GENERAL PROVISIONS

- 10200.1 This chapter shall apply to applicants for and holders of a registration to practice as a speech-language pathology assistant.
- 10200.2 Chapter 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 79 (Speech-Language Pathology) of this title shall supplement this chapter.

10201 TERM OF REGISTRATION

- 10201.1 Subject to § 10201.2, a registration issued pursuant to this chapter shall expire at 12:00 midnight of December 31st of each even-numbered year.
- 10201.2 If the Director changes the renewal system pursuant to § 4006.3 of this title, a registration issued pursuant to this chapter shall expire at 12:00 midnight on the last day of the month of the birth of the holder of the registration, or other date established by the Director.

10202 EDUCATIONAL REQUIREMENTS

10202.1 Except as otherwise provided in this chapter, an applicant for a registration shall furnish proof satisfactory to the Board that the applicant possesses one of the following:

- (a) An associate's degree in speech-language assisting;
- (b) A certificate from a technical training program for speech-language pathology assistant; or
- (c) A bachelor's degree in speech-language pathology.

10202.2 An applicant's credential as required in § 10202.1 shall have been conferred by an institution or program that was recognized at the time the degree was conferred by a state's higher education authority.

Comment [PV1]: NOTE – I added this after the last subcommittee meeting (3/7). Is this available to a technical training program?

10203 WAIVER OF EDUCATIONAL AND TRAINING REQUIREMENTS

10203.1 The Board may waive the educational and clinical experience requirements for an applicant who:

- (a) Provides proof that he or she was employed as a speech-language pathology assistant under the supervision of a speech-language pathologist for a minimum of 15 hours per week during three (3) of the five (5) years before February 5, 2014; and
- (c) Applies for registration no later than twelve (12) months from the effective date of this provision.

10204 REGISTRATION BY ENDORSEMENT

10204.1 An applicant for registration by endorsement may qualify for registration by endorsement if the applicant is licensed, registered, certified, or accredited by an accrediting association or a state board and recognized by the Board as a qualified professional according to standards that were the substantial equivalent of the requirements of § 10202, at the time of the licensing, registration, certification, or accreditation.

10205 SCOPE OF PRACTICE

10205.1 No person may practice as a speech-language pathology assistant unless duly registered under this chapter.

10205.2 A speech-language pathology assistant may practice only under supervision of a licensed speech-language pathologist meeting the requirements of §

7914.2 of this title.

10205.4 A speech-language pathology assistant may not engage in the following:

- (a) Representing himself or herself as an SLP;
- (b) Performing standardized or nonstandardized diagnostic tests, formal or informal evaluations, or swallowing screenings/checklists;
- (c) Performing procedures that require a high level of clinical acumen and technical skill (e.g., vocal tract prosthesis shaping or fitting, vocal tract imaging and oral pharyngeal swallow therapy with bolus material);
- (d) Interpreting clinical results and observations;
- (e) Participating in formal parent conferences, case conferences, or any interdisciplinary team without the presence of the supervising SLP or other designated SLP;
- (f) Providing interpretative information to the student/patient/client, family, or others regarding the patient/client status or service;
- (g) Writing, developing, or modifying a student's, patient's, or client's treatment plan in any way;
- (h) Assisting with students, patients, or clients without following the individualized treatment plan prepared by the certified SLP or without access to supervision;
- (i) Signing any formal documents (e.g., treatment plans, reimbursement forms, or reports; the SLPA should sign or initial informal treatment notes for review and co-sign with the supervising SLP as requested);
- (j) Selecting students, patients, or clients for service;
- (k) Discharging a student, patient, or client from services;
- (l) Making referrals for additional service;
- (m) Disclosing clinical or confidential information either orally or in writing to anyone other than the supervising SLP unless mandated by law;
- (n) Developing or determining the swallowing strategies or precautions for patients, family, or staff;
- (o) Treating medically fragile students/patients/clients independently;

- (p) Designing or selecting augmentative and alternative communication systems or devices; or
- (q) Invoicing a payor directly for his or her services.

10205.5 A speech-language pathology assistant may perform the following duties under indirect supervision of a speech-language pathologist:

- (a) Performing speech-language and hearing screenings, without clinical interpretation of results;
- (b) Assisting with informal documentation as directed by the speech-language pathologist;
- (c) Following documented treatment plans or protocols developed by the supervising speech-language pathologist;
- (d) Documenting patient or client performance, such as tallying data for the speech-language pathologist to use, preparing charts, records, and graphs, and reporting the information to the supervising speech-language pathologist;
- (e) Programming and providing instruction in the use of augmentative and alternative communication devices.
- (f) Sharing information with patients, families, and staff regarding feeding strategies developed and directed by the supervising speech-language pathologist; or
- (g) Participating in preventive and advocacy activities in the community as directed by the supervising speech-language pathologist.

10205.6 A speech-language pathology assistant may perform the following duties only under the direct supervision of a speech-language pathologist:

- (a) Participating in parent conferences, case conferences, or any interdisciplinary team;
- (b) Signing or initialing informal treatment notes to be reviewed and co-signed by the supervising speech-language pathologist;
- (c) Using a checklist or tabulating results of feeding or swallowing evaluations; or
- (d) Treating medically fragile students, patients, or clients.

- 10205.7 A speech-language pathology assistant shall meet with the supervising speech-language pathologist at least once per month to discuss his or her practice and services.
- 10205.8 A speech-language pathology assistant may not perform tasks when a supervising speech-language pathologist cannot be reached by personal contact, phone, pager, or other immediate or electronic means.
- 10205.9 A speech-language pathology assistant shall cease practice immediately if there is no speech-language pathologist providing current and active supervision.

10206 STANDARDS OF CONDUCT

- 10206.1 A speech-language pathology assistant shall adhere to the standards set forth in the most current publication of the “Code of Ethics” as published by the American Speech-Language-Hearing Association, as it may be republished from time to time.
- 10206.2 A speech-language pathology assistant shall clearly identify himself or herself to patients or clients as a speech-language pathology assistant practicing under the supervision of the supervising speech-language pathologist at all times.
- 10206.3 A speech-language pathology assistant shall display his or her current registration in a conspicuous place in the office in which he or she is employed.
- 10206.4 A speech-language pathology assistant shall perform only those functions of the profession that are within his or her scope of competence, training, and experience.

10207 SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

- 10207.1 The speech-language pathologist supervising a speech-language pathology assistant shall retain full professional and ethical responsibility for the professional conduct and performance of the speech-language pathology assistant and shall delegate duties only as consistent with the training, experience, and ability of the speech-language pathology assistant.
- 10207.2 A speech-language pathologist supervising a speech-language pathology assistant shall meet the following requirements:
- (a) Possessing current and valid license to practice speech-language pathology in the District of Columbia;

- (b) Having practiced speech-language pathology in the District or any other jurisdiction of the United States for at least two (2) years; and
- (c) Not having been subject to a formal or public disciplinary action by the Board or any other jurisdiction within the United States within the previous two (2) years.

10207.3 A supervising speech-language pathologist may supervise no more than the equivalent of two (2) full-time speech-language pathology assistants at any given time.

10207.4 A speech-language pathologist may not supervise more than a total of four (4) individuals, inclusive of speech-language pathology assistant(s), speech-language pathology clinical fellow(s), and speech-language pathology student(s), at any given time regardless of the total number of work hours performed by the supervisees.

10207.5 The supervising speech-language pathologist shall be responsible for designing and implementing a supervisory plan that ensures the highest standard of quality care can be maintained for patients and clients.

10207.6 The supervising speech-language pathologist shall provide supervision consistent with the speech-language pathology assistant's known and documented ability, training, education, and experience; the needs of the patients and clients; the service setting; the tasks assigned; and requirements set forth in this chapter.

10207.7 Except as required by § 10207.8, and subject to the supervising speech-language pathologist's professional assessment concerning the level of necessary supervision in accordance with § 10207.6, the supervising speech-language pathologist shall provide the following minimum supervision:

- (a) Documentation of direct supervision relating to each patient or client at least every 60 calendar days;
- (b) At minimum one (1) hour of direct supervision of the speech-language pathology assistant per week; and
- (c) Documentation of all supervisory activities, both direct and indirect.

10207.8 Unless the supervising speech-language pathologist possesses sufficient knowledge and documentation of the speech-language pathology assistant's ability, training, education, and experience to perform his or her duties effectively and safely with the level of supervision outlined in § 10207.7, the supervising speech-language pathologist shall provide supervision as outlined below for a minimum of ninety (90) workdays:

- (a) Weekly direct supervision for a minimum of twenty per cent (20%) of the speech-language pathology assistant's work time;
- (b) Weekly indirect supervision for a minimum of ten per cent (10%) of the speech-language pathology assistant's work time;
- (c) Notwithstanding the requirement of subsection a), the supervising speech-language pathologist shall provide direct supervision for no less than twenty per cent (20%) of the speech-language pathology assistant's actual contact time with patients or clients weekly;
- (d) The supervising speech-language pathologist shall review the information and data on every patient or client seen by the speech-language pathology assistant on a weekly basis;
- (e) The supervising speech-language pathologist shall have contact time with all patients or clients seen or served by the speech-language pathology assistant at least once every two (2) weeks; and
- (f) The amount, type, and detail of all supervision shall be documented.

10207.9 The supervising speech-language pathologist shall co-sign all documents and therapy notes prepared by the speech-language pathology assistant.

10207.10 A supervising speech-language pathologist who will not be able to supervise an speech-language pathology assistant for more than one (1) week shall:

- (a) Inform the speech-language pathology assistant of the planned absence; and
- (b) Make other arrangements for the speech-language pathology assistant's supervision of services while the speech-language pathologist is unavailable; or
- (c) Inform the patients or clients that services will be rescheduled.

10207.11 A supervising speech-language pathologist shall maintain ongoing written documentation of a systematic method of supervision of speech-language pathology assistants.

10207.12 The supervising speech-language pathologist shall maintain the record of all supervision and supervisory details provided to the speech-language pathology assistant continuously throughout the supervisory relationship. After the termination of the supervisory relationship, all supervision-related records shall be maintained and preserved for a minimum of three (3) years after the last adult patient or client is seen, served, or treated or all minor patients or clients have reached the age of majority, whichever is later.

10208 CONTINUING EDUCATION REQUIREMENTS

10208.1 This section shall apply to applicants for a renewal, reactivation, or reinstatement of a registration and shall not apply to applicants for an initial registration or applicants seeking the renewal of a registration for the first time after the initial grant of a registration.

10208.2 To qualify for the renewal of a registration, an applicant shall have completed ten (10) hours of approved continuing education during the two (2)-year period preceding the date the registration expires, including one (1) hour of ethics and two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10(b)(5).

10208.3 To qualify for the reinstatement of a registration, an applicant shall have completed five (5) hours of continuing education including one half (0.5) hour of ethics and one (1) hour of LGBTQ competency for each year during which his or her registration was not valid.

10208.5 To qualify for the reactivation of a registration, an applicant shall have completed five (5) hours of continuing education including one half (0.5) hour of ethics and one (1) hour of LGBTQ competency for each year during which his or her registration remained inactive.

10207.6 A holder of an expired or sanctioned registration shall only be eligible to apply for renewal or reinstatement of the sanctioned or expired registration by meeting any legal and regulatory requirements applicable to the expired registration in addition to the requirements set forth in any applicable order of the Board.

10208.7 The Board may periodically conduct a random audit of at least ten per cent (10%) of its active registrants to determine continuing education compliance. Any registrant selected for the audit shall return the completed continuing education compliance audit form and all supporting documentation to the Board within thirty (30) days of receiving notification of the audit. Failure to comply with the continuing education requirements may subject the registrant to disciplinary actions.

10209 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

10209.1 A continuing education hour shall be valid only if it is part of a program or activity approved by the Board in accordance with § 10209.2.

- 10209.2 The Board may approve a continuing education program or activity if it is deemed to contribute to the growth of professional competence in the practice of speech-language pathology assisting.
- 10209.3 The Board may grant continuing education credit for programs or activities offered or sponsored by the following organizations:
- (a) The Speech-Language Hearing Association of the District of Columbia or similar speech-language hearing association of another state;
 - (b) The American Academy of Audiology;
 - (c) The American Speech-Language Hearing Association (ASHA) and its approved continuing education providers;
 - (d) An accredited provider of The Accreditation Council on Continuing Medical Education of the American Medical Association offering Category I continuing medical education;
 - (e) The International Association of Continuing Education and Training (IACET) and its authorized providers;
 - (f) A health care organization accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or
 - (g) The International Hearing Society.
- 10209.4 The Board may grant continuing education credits for the following activities:
- (a) Attendance and completion of:
 - (1) A course given at an accredited college or university;
 - (2) A seminar or workshop;
 - (3) An educational program given at a conference; or
 - (4) An in-service training;
 - (b) Serving as a presenter or speaker at a conference, seminar, workshop, or in-service training; or
 - (c) Publishing an article or a book review related to audiology or speech-language pathology in a professional journal or authoring publication of a book or a chapter in a book or publication of a book review in a professional journal related to audiology or speech-language pathology.

10209.5 The Board shall not grant credit for work done in the course of a renewal, reinstatement, or reactivation applicant's normal occupation or incident to the performance of his or her regular duties, such as teaching courses, research, or course preparation in the case of a teacher or professor.

10209.6 Satisfactory proof of completion of a seminar, a workshop, an educational program given at a conference or an in-service training shall include:

- (a) The name and address of the provider of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification by the course provider or accreditor of completion, by signature, stamp, or official transcript in the case of accreditors.

10210 CONTINUING EDUCATION CREDITS

10210.1 For the purposes of this chapter, one (1) credit hour shall mean sixty (60) minutes of learning time.

10210.2 The Board may grant credit for Board-approved activities as specified below:

- (a) The Board shall grant credit for a course given at an accredited college or university provided that:
 - (1) Each three (3)-credit-hour academic course constitutes thirty (30) hours of continuing education; and
 - (2) For each approved three (3)-credit-hour academic course that is audited, two (2) continuing education hours shall be granted.
- (b) The Board may grant a maximum of six (6) continuing education hours per renewal period to an applicant who attends a pre-approved in-service education program.

10210.3 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in-service training, or electronic or web-based course subject to the following restrictions:

- (a) Hours granted pursuant to this section shall not exceed six (6) hours per renewal period;
- (b) If a registrant or a renewal, reinstatement, or reactivation applicant has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject;
- (c) The presentation was completed during the period for which credit is claimed; and
- (d) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time or twice the amount of contact hours awarded for participants.

10210.4 The Board may grant credit for publication of an article in a professional journal or publication of a book or a chapter in a book or publication of a book review in a professional journal related to audiology or speech-language pathology, subject to the following:

- (a) The Board may grant eight (8) hours of continuing education credit per renewal period to an author or sole editor of a published book, if the book was published or accepted for publication during the period for which credit is claimed and the applicant submits proof of this fact in the application;
- (b) The Board may grant four (4) hours of continuing education per renewal period to the sole author or co-author of a peer-reviewed published original paper; and
- (c) The Board may grant one (1) continuing education hour of credit per renewal period to the sole author of a published book review.

10299 DEFINITIONS

10299.1 The definitions in section 4099 of this title are incorporated by reference into and are applicable to this chapter.

10299.2 As used in this chapter, the following terms shall have the meanings ascribed:

Act -- The District of Columbia Health Occupation Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*)

Board – the Board of Audiology and Speech-Language Pathology, established by section 841 of the Audiology and Speech-Language Pathology Amendment Act of 2006, effective

March 6, 2007 (D.C. Law 16-219; D.C. Official Code § 3-1208.41 (2007 Repl.)).

Direct supervision – supervision in which the supervising speech-language pathologist provides on-site, in-view observation and guidance while the supervised speech-language pathology assistant is performing his or her duties and practice. This can include the supervising speech-language pathologist viewing and communicating with the speech-language pathology assistant via telecommunication technology as the speech-language pathology assistant provides clinical services, because this allows the speech-language pathologist to provide ongoing immediate feedback. Direct supervision does not include reviewing a taped session at a later time.

Indirect supervision – supervision in which the supervisor is available to the person supervised, either in person or by a communications device. Indirect supervisory activities may include demonstration tapes, record review, review and evaluation of audio- or videotaped sessions, and/or supervisory conferences that may be conducted by telephone and/or live, secure webcam via the Internet.

Medically fragile patient or client – an individual suffering from a chronic physical condition, which results in prolonged dependency on medical care for which daily skilled nursing intervention is medically necessary and is characterized by one or more of the following:

- There is a life threatening condition characterized by reasonably frequent periods of acute exacerbation which requires frequent medical supervision, and/or physician consultation and which in the absence of such supervision or consultation would require hospitalization;
- The individual requires frequent, time consuming administration of specialized treatments which are medically necessary; or
- The individual is dependent on medical technology such that without the technology a reasonable level of health could not be maintained. Examples include but are not limited to dependence on ventilators, dialysis machines, enteral or parenteral nutrition support and continuous oxygen.

Speech-language pathology assistant – a person duly registered and authorized to practice as a speech-language pathology assistant under this chapter.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Phillip L. Husband, General Counsel, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor,

Washington, D.C. 20002. Copies of the proposed rules may be obtained during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Administrative Assistant, at Angli.Black@dc.gov, (202) 442-5977.

DRAFT

7906 CONTINUING EDUCATION REQUIREMENTS

- 7906.1 This section shall apply to renewal, reactivation, or reinstatement of a license.
- 7906.2 This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement, nor shall it apply to applicants for the first renewal of a license granted by examination.
- 7906.3 An applicant for renewal of a license, who is not subject to subsection 7906.4, shall submit proof of having completed twenty (20) hours of approved continuing education hours during the two (2) year period preceding the date the license expires, including one (1) hour of ethics. The hours must be related to speech-language pathology.
- 7906.4 An applicant for dual licensure renewal shall submit proof of having completed thirty (30) hours of approved continuing education hours during the two year period preceding the date the license expires, including one (1) hour in ethics. Of the thirty (30) hours, the applicant shall have completed at least five (5) hours in both the audiology and speech-language pathology disciplines. The intent of this paragraph is likewise shared by, and may be cross-referenced with, subsection 7808.4 of chapter 78 of title 17 of the District of Columbia Municipal Regulations, which govern the continuing education requirements of audiologists.
- 7906.5 An applicant for reinstatement of a license shall submit proof of having completed ten (10) hours of continuing education for each year during which the license was not valid, provided that:
- (a) If an applicant seeks to be licensed more than five (5) years after the date that the applicant's license expires, the applicant shall meet the requirements for obtaining an initial license; and
 - (b) In order to reinstate a license, an applicant for reinstatement must have met all continuing education requirements for the licensure period immediately prior to the expiration of the license in addition to ten (10) hours for each year the applicant was unlicensed.
- 7906.6 An applicant for reactivation of a license shall submit proof of having completed twenty (20) hours of continuing education per renewal period.
- 7906.7 A license is not valid until it is renewed or reinstated.
- 7906.8 A holder of an expired or sanctioned license shall only be eligible to apply for renewal or reinstatement of the sanctioned or expired license by meeting any legal and regulatory requirements applicable to the expired license in addition to the requirements set forth in any applicable order of the Board.
- 7906.9 The Board shall periodically conduct a random audit of at least ten percent (10%) of its active licensees to determine continuing education compliance. Any licensee

selected for the audit shall return the completed continuing education compliance audit form and all supporting documentation to the Board within thirty (30) days of receiving notification of the audit. Failure to comply with the continuing education requirements may subject the licensee to disciplinary action by the Board.

7907 CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

7907.1 A continuing education hour shall be valid only if it is part of a program or activity approved by the Board.

7907.2 The Board may approve a continuing education program if it meets the following criteria:

- (a) It is current in its subject matter;
- (b) It has been developed and will be taught by qualified individuals; and
- (c) The program provider submits for the Board's review, no less than thirty (30) days prior to the date of the presentation, the following documentation:
 - (1) A copy of the official program or syllabus;
 - (2) The presentation title;
 - (3) The date of the presentation;
 - (4) The contact hours or credits awarded for the presentation; and
 - (5) The type of audience for which the program is intended.

7907.3 The Board shall accept for credit, programs or activities conducted by the following organizations (provided that the applicant submits verification of attendance):

- (a) The Speech-Language Hearing Association of the District of Columbia or similar speech-language hearing association of another state;
- (b) The American Academy of Audiology;
- (c) The American Speech-Language Hearing Association (ASHA) and its approved continuing education providers;
- (d) An accredited provider of The Accreditation Council on Continuing Medical Education of the American Medical Association offering Category I continuing medical education;

- (e) The International Association of Continuing Education and Training (IACET) and its authorized providers;
- (f) A health care organization accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or
- (g) The International Hearing Society.

7907.4 The Board may accept for credit the following activities:

- (a) A course given at an accredited college or university;
- (b) A seminar or workshop;
- (c) An educational program given at a conference;
- (d) In-service training;
- (e) Serving as a presenter or speaker at a conference, seminar, workshop, or in-service training; or
- (f) Publishing an article in a professional journal or publication of a book or a chapter in a book or publication of a book review in a professional journal related to audiology or speech-language pathology.

7907.5 The Board may, in its discretion, approve additional continuing education programs and activities that contribute to the growth of professional competence in the practice of audiology or speech-language pathology and meet the other requirements of this section.

7907.6 The Board shall not grant credit for work done in the course of a renewal, reinstatement, or reactivation applicant's normal occupation or incident to the performance of his or her regular duties, such as teaching courses, research, or course preparation in the case of a teacher or professor.

7907.7 A renewal, reinstatement, or reactivation applicant shall have the burden of verifying whether a program is approved by the Board.

7907.8 A renewal, reinstatement, or reactivation applicant shall prove completion of required continuing education hours by submitting upon request the following information with respect to each program:

- (a) The name and address of the provider of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;

- (d) The hours of credit claimed; and
- (e) Verification by the course provider or accreditor of completion, by signature, stamp, or official transcript in the case of accreditors.

7908 CONTINUING EDUCATION CREDITS

7908.1 For the purposes of this chapter, one (1) credit hour shall mean sixty (60) minutes of learning time.

7908.2 The Board may grant credit for Board-approved activities as specified below:

- (a) The Board shall grant credit for a course given at an accredited college or university provided that:
 - (1) Each three (3)-credit-hour academic course constitutes thirty (30) hours of continuing education; and
 - (2) For each approved three (3)-credit-hour academic course that is audited, two (2) continuing education hours shall be granted.

- (b) The Board may grant a maximum of six (6) continuing education hours per renewal period to an applicant who attends a pre-approved in-service education program.

7908.3 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in- service training, or electronic or web-based course subject to the following restrictions:

- (a) Hours granted pursuant to this section shall not exceed six (6) hours per renewal period;
- (b) If a licensee or a renewal, reinstatement, or reactivation applicant has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject;
- (c) The presentation was completed during the period for which credit is claimed; and
- (d) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time or twice the amount of contact hours awarded for participants.

7908.4

The Board may grant credit for publication of an article in a professional journal or publication of a book or a chapter in a book or publication of a book review in a professional journal related to audiology or speech-language pathology, subject to the following:

- (a) The Board may grant eight (8) hours of continuing education credit per renewal period to an author or sole editor of a published book, if the book was published or accepted for publication during the period for which credit is claimed and the applicant submits proof of this fact in the application;
- (b) The Board may grant four (4) hours of continuing education per renewal period to the sole author or co-author of a peer-reviewed published original paper; and
- (c) The Board may grant one (1) continuing education hour of credit per renewal period to the sole author of a published book review.

7906 CONTINUING EDUCATION REQUIREMENTS

- 7906.1 This section shall apply to applicants for a renewal, reactivation, or reinstatement of a license and shall not apply to applicants for an initial license or applicants seeking the renewal of a license for the first time after the initial grant of a license.
- ~~7906.2 This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement, nor shall it apply to applicants for the first renewal of a license granted by examination.~~
- 7906.23 To qualify for the renewal of a license, an applicant for renewal of a license, who is not subject to subsection 7906.4, shall submit proof of having have completed twenty (20) hours of approved continuing education hours during the two (2)-year period preceding the date the license expires, which shall includeing one (1) hour of ethics and two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10(b)(5). The hours must be related to speech language pathology.
- 7906.34 Notwithstanding the requirement of § 7906.2, an applicant for dual licensure renewal shall submit proof of having have completed thirty (30) hours of approved continuing education hours during the two (2)-year period preceding the date the licensure expires, including one (1) hour in ethics and two (2) hours of LGBTQ continuing education. Of the thirty (30) hours, the applicant shall have completed at least five (5) hours in both each of the audiology and speech-language pathology disciplines. The intent of this paragraph is likewise shared by, and may be cross-referenced with, subsection 7808.4 of chapter 78 of title 17 of the District of Columbia Municipal Regulations, which governs the continuing education requirements of audiologists.
- 7906.5 To qualify for the reinstatement of a license in accordance with D.C. Official Code § 3-1205.12, An applicant for reinstatement of a license shall submit proof of having completed ten (10) hours of continuing education for each year during which the license was not valid, provided that:
- (a) ~~If an applicant seeks to be licensed more than five (5) years after the date that the applicant’s license expires, the applicant shall meet the requirements for obtaining an initial license; and~~
- (b) ~~In order to reinstate a license, an applicant for reinstatement must have met all continuing education requirements for the licensure period immediately prior to the expiration of the license in addition to ten (10) hours for each year the applicant was unlicensed, which shall include one half (0.5) hour of ethics and one (1) hour of LGBTQ continuing education.~~

7906.6 ~~An applicant for reactivation of a license shall submit proof of having completed twenty (20) hours of continuing education per renewal period. To qualify for the reactivation of a license in accordance with D.C. Official Code § 3-1205.11, an applicant in inactive status who seeks reactivation of his or her license more than five (5) years after the expiration of the license and who does not hold or maintain a valid authorization to practice speech-language pathology in another U.S. jurisdiction shall submit proof of having completed ten (10) hours of continuing education, which shall include one half (0.5) hour of ethics and one (1) hour of LGBTQ continuing education for each year that the license has been inactive.~~

~~7906.7 A license is not valid until it is renewed or reinstated.~~

Comment [PV1]: This is not necessary.

7906.8 A holder of an expired or sanctioned license shall only be eligible to apply for renewal or reinstatement of the sanctioned or expired license by meeting any legal and regulatory requirements applicable to the expired license in addition to the requirements set forth in any applicable order of the Board.

7906.9 The Board shall periodically conduct a random audit of at least ten percent (10%) of its active licensees to determine continuing education compliance. Any licensee selected for the audit shall return the completed continuing education compliance audit form and all supporting documentation to the Board within thirty (30) days of receiving notification of the audit. Failure to comply with the continuing education requirements may subject the licensee to disciplinary action by the Board.

7907 CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

7907.1 A continuing education hour shall be valid only if it is part of a program or activity approved by the Board.

7907.2 The Board may approve a continuing education program if it meets the following criteria:

- (a) It is current in its subject matter;
- (b) It has been developed and will be taught by qualified individuals; and
- (c) The program provider submits for the Board's review, no less than thirty (30) days prior to the date of the presentation, the following documentation:
 - (1) A copy of the official program or syllabus;
 - (2) The presentation title;

- (3) The date of the presentation;
- (4) The contact hours or credits awarded for the presentation; and
- (5) The type of audience for which the program is intended.

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- (d) In-service training;
- (e) Serving as a presenter or speaker at a conference, seminar, workshop, or in-service training; or

- (f) Publishing an article in a professional journal or publication of a book or a chapter in a book or publication of a book review in a professional journal related to audiology or speech-language pathology.

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(b) The Board may grant a maximum of six (6) continuing education hours per renewal period to an applicant who attends a pre-approved in-service education program.

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(c) The presentation was completed during the period for which credit is claimed; and

(d) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time or twice the amount of contact hours awarded for participants.

7908.4

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(a) The Board may grant eight (8) hours of continuing education credit per renewal period to an author or sole editor of a published book, if the book was published or accepted for publication during the period for which credit is claimed and the applicant submits proof of this fact in the application;

(b) The Board may grant four (4) hours of continuing education per renewal period to the sole author or co-author of a peer-reviewed published original paper; and

(c) The Board may grant one (1) continuing education hour of credit per renewal period to the sole author of a published book review.