



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 20, 2017

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 MARCH 20, 2017

Call to Order/Roll Call Time:

	<u>Executive Director’s Report:</u>	
	<u>Chairperson’s Report:</u>	
	<u>Board Attorney’s Report</u>	
OS-0320-01	<u>MINUTES</u> <u>Board Action:</u> Consideration of the Open Session Minutes of the December 19, 2016 meeting.	
OS-0320-02	<u>NEWBORN HEARING SCREENING PROGRAM</u> <u>Board Action:</u> Decide whether to allow an exemption from licensure for hospital technicians who operate newborn hearing screening machines. <u>Background:</u> Representatives from local hospitals appeared at the December 2016 meeting and expressed concern that their facilities would be unfairly impacted by strict enforcement of D.C. Code §7-852 language requiring that newborn hearing screenings shall be conducted by “an audiologist, otolaryngologist, or other qualified person in accordance with standard medical practices.”	
OS-0320-03	<u>PROPOSED REGULATIONS</u> <u>Board Action:</u> To vote on the final rulemaking regulations for Speech-Language Pathologists, Audiologists, Clinical Fellows, SLP Assistants and AUD Assistants. <u>Background:</u> The Board drafted and approved regulations for the following: Speech-Language Pathologists, Audiologists, Clinical Fellows, SLP Assistants and AUD Assistants, which has been posted in the DC Register for the requisite time period.	



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	<p><u>ADJOURNMENT</u></p> <p>At the conclusion of the public open session meeting and pursuant to the DC Official Code 2-575(b) and for the purposes set forth therein, the Board will now move into the closed executive session portion of the meeting.</p>	
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This completes the OPEN SESSION, and the next Board meeting is scheduled for June 19, 2017.



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**

**DECEMBER 19, 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 DECEMBER 2016

ATTENDANCE:

BOARD MEMBERS:		
	STEPHANIE MARSHALL, BOARD MEMBER	Present
	KRISTIN SPIVEY, BOARD MEMBER	Present
	KARI COMER, BOARD MEMBER	Present (via Phone)
STAFF:	ROBIN Y. JENKINS, EXECUTIVE DIRECTOR	Present
	ERIC YEAGER, HEALTH LICENSING SPECIALIST	Present
	LEONARD HOWARD, INVESTIGATOR	Absent
	PANRAVEE VONGJAROENRAT, ASSISTANT GENERAL COUNSEL	Present
VISITORS	LaVERNE TUCKSON, PT	Present
	GAIL LIM, ARNP, AuD	Present
	GLADYS DESSEL	Present
	CATHERINE DEMIREL, PhD, AuD	Present
	LAUREN DICKSTEIN, AuD	Present

The Agenda begins on the next page.



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BOARD of AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

OPEN SESSION MINUTES DECEMBER 2016

OPEN SESSION: Call to Order

	<u>Executive Director’s Report:</u> There was no report.	
	<u>Chairperson’s Report:</u> <u>Board Action:</u> Board Member Stephanie Marshall opened the meeting by informing the group that she was sitting as Acting Board Chair and that Member Kari Comer was participating via telephone. She then welcomed the many visitors present at the meeting and asked the Board Attorney to dive right into the discussion of the pending regulations.	
	<u>Board Attorney’s Report:</u> There was no report.	
OS-1219-01	<u>MINUTES</u> <u>Board Action:</u> The Open Session Minutes of the September 19, 2016 meeting were approved.	
OS-1219-02	<u>CLINICAL FELLOWS, AUDIOLOGY ASSISTANTS, AND SLP ASSISTANTS UPDATE</u> <u>Board Actions:</u> The Board Attorney led the discussion of the pending regulations, which had been reviewed at the Office of the	



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Attorney General (OAG). She said the Clinical Fellow regulations went through review without any difficulty. However, the Board Attorney said was one key problem area with respect to Audiology Assistants: the OAG's office is not comfortable with Audiology Assistants being supervised by SLPs. To the AOG's office, the Health Occupation Revision Act (HORA) is clear that only Audiologists may supervise Audiology Assistants. Although in the summer the subcommittee had worked on language allowing for SLPs to supervise AAs and its intentions may have been well placed, this type of supervision cannot be permitted, the Board Attorney said. So, once the HORA amendments have been made, we can revisit this set of regulations, the Board Attorney said.

Board Member Stephanie Marshall, acting as Board Chair, then recognized the visitors who had come to discuss the regulatory changes that will limit who may conduct newborn hearing screenings. As proposed, this testing will be done by audiology assistants, and hospital technicians and hospital volunteers will no longer be able to conduct these tests unless first becoming registered as audiology assistants.

Gail Lim, AuD, Vice President of MEDNAX, insisted the newborn screening test is primarily automatic and machine driven, and the machine operator does little more than push a button and perform basic steps. No treatment, therapy, or critical analysis is performed by the machine operator, so it is



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hard to understand why the person administering this screening test would have to have audiology assistant training, Lim said. Gladys Dessel of Providence Hospital and Catherine Demirel of Georgetown echoed this concern, saying that their facilities would be unfairly impacted by this change.

The Board Attorney clarified that this proposed change came from a regulation under the authority of DOH's Community Health Association (CHA), not the Health Regulation and Licensing Administration (HRLA). She suggested that the Board should reach out to CHA so that an accommodating exception can be written into the HORA.

The Board agreed to invite CHA representatives to the next meeting on March 20, 2017 to discuss the language for this exception. The stakeholders from local hospitals thanked the Board for allowing them to voice their concerns, and they promised to return in March to ensure that their facilities are not negatively impacted by this proposal.

The OPEN SESSION concluded at 10:50 a.m.

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- [↪ § 7-852. Newborn hearing screening programs.](#)

Previous

[§ 7-851. Definitions.](#)

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[§ 7-853. Health benefit plan reimbursement.](#)

Publication Information

Current through March 09, 2016

Last codified D.C. Law:

Law 21-84 effective March 09, 2016

Last codified Emergency Law:

Act 21-354 effective March 23, 2016

Last codified Federal Law:

Public Law 114-118 approved January 28, 2016

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We cannot respond to questions regarding the law.

§ 7-852. Newborn hearing screening programs.

(a) Each hospital and maternity center in the District of Columbia shall establish a newborn hearing screening program to ensure that all newborns in the hospital or maternity center are screened for hearing impairment before discharge, subject to the limitations stated in subsection (d) of this section.

(b) Each test shall be conducted by an audiologist, otolaryngologist, or other qualified person, in accordance with accepted medical practices.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“the Act”), 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 proposed rulemaking action by adopting the following amendments to Chapter 79 (Speech-Language Pathology) of Title 17 (Business, Occupations and Professions) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to revise the speech-language pathology regulation to conform to the addition of speech-language pathology clinical fellows and speech-language pathology assistants as new professions under chapters 84 and 102 of this title and to update the continuing education requirements broadly as well as to include the new continuing education requirement pertaining to 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”) pursuant to section 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Supp.)).

CHAPTER 79 (SPEECH-LANGUAGE PATHOLOGY) OF TITLE 17 (BUSINESS, OCCUPATIONS, AND PROFESSIONS) OF THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS is amended as follows:

Section 7900, GENERAL PROVISIONS, is amended as follows:

Section 7900.2 is amended to read as follows:

7900.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), 84 (Speech-Language Pathology Clinical Fellows), and 102 (Speech-Language Pathology Assistants) of this title shall supplement this chapter.

Section 7902, EDUCATIONAL REQUIREMENTS, is amended as follows:

Section 7902.1 is amended to read as follows:

7902.1 To qualify for a license under this chapter, an applicant shall have graduated with a Master’s or Doctoral Degree in speech-language pathology from a recognized educational institution whose speech-language pathology program is accredited

by the Council on Academic Accreditation in Audiology and Speech-Language Pathology or an equivalent accrediting body as determined by the Board.

Section 7903, CLINICAL FELLOWSHIP REQUIREMENTS, is amended to read as follows:

7903 CLINICAL FELLOWSHIP REQUIREMENTS

- 7903.1 To qualify for a license under this chapter, an applicant shall have completed a clinical fellowship meeting the requirements of chapter 84 of this title.
- 7903.2 The Board may accept completion of the clinical fellowship required for the American Speech-Language-Hearing Association (ASHA) Certificate of Clinical Competence as meeting the requirements for clinical fellowship in this chapter under § 7903.1.

Section 7906, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

7906 CONTINUING EDUCATION REQUIREMENTS

- 7906.1 This section shall apply to applicants for a renewal, reinstatement, or reactivation 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 the license.
- 7906.2 To qualify for the renewal of a license, an applicant shall have completed twenty (20) hours of continuing education valid in accordance with § 7907 during the two (2)-year period preceding the date the license expires, which shall include one (1) hour of ethics. It shall also include two (2) hours of LGBTQ continuing education. This LGBTQ continuing education requirement shall become effective and enforceable six (6) months after the effective date of this section.
- 7906.3 Notwithstanding the requirements of §§ 7906.2 and 7808.2 of chapter 78 of this title, an applicant for dual licensure renewal shall have completed thirty (30) hours of approved continuing education during the two year-period preceding the date the license expires, including one (1) hour of ethics, two (2) hours of LGBTQ continuing education, five (5) hours of each of the audiology and speech-language pathology disciplines.
- 7906.4 To qualify for the reinstatement of a license, an applicant shall have completed twenty (20) hours of continuing education described in § 7906.2 during the two (2) years preceding the submission of the reinstatement application.
- 7906.5 To qualify for the reactivation of a license in accordance with D.C. Official Code

§ 3-1205.11(c), the following applicants shall be deemed to meet the requirement of D.C. Official Code § 3-1205.11(c)(2):

- (a) An applicant who has been actively and lawfully practicing speech-language pathology in another jurisdiction or territory of the United States;
- (b) An applicant who has not been actively and lawfully practicing speech-language pathology in another jurisdiction or territory of the United States, seeks the reactivation of the license five (5) years or less after the last expiration of the license, and has completed twenty (20) hours of continuing education described in § 7906.2 during the two (2) years preceding the submission of the reactivation application; or
- (c) An applicant who has not been actively and lawfully practicing speech-language pathology in another jurisdiction or territory of the United States and seeks the reactivation of the license more than five (5) years after the last expiration of the license who can demonstrate his or her current competency to the Board's satisfaction.

7906.6 The Board may 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 provide proof of continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

Section 7907, CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended to read as follows:

7907 CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

7907.1 A continuing education hour shall be valid and granted credit only if it is part of a program or activity approved by the Board as a program or activity that contributes to the growth of professional competence in the practice of audiology or speech-language pathology, is up to date in its subject matter, and is developed and taught or conducted by qualified individual(s).

7907.2 Subject to § 7907.1, 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.

7907.3 Subject to § 7907.1, the Board may grant continuing education credit 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 related to audiology or speech-language pathology in a professional journal or authoring or co-authoring a book, a chapter in a book or a book review related to audiology or speech-language pathology.

7907.4 The Board shall not grant credit for work done in the course of a requestor'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.

7907.5 A person seeking continuing education credits shall have the burden of verifying whether a program is approved by the Board.

7907.6 Satisfactory proof of completion of a seminar, a workshop, or 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.

Section 7908, CONTINUING EDUCATION CREDITS, is amended to read as follows:

7908 CONTINUING EDUCATION CREDITS

- 7908.1 For the purposes of this chapter, one (1) continuing education hour shall mean sixty (60) minutes of learning time.
- 7908.2 The Board may grant ten (10) continuing education hours for completion of each credit hour of an academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during the licensure cycle for which credit is claimed.
- 7908.3 The Board may grant two (2) continuing education hours for the audit of a three (3)-credit-hour academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses audited during the licensure cycle for which credit is claimed.
- 7908.4 A requestor may receive a maximum of six (6) continuing education hours for attendance and completion of in-service training programs.
- 7908.5 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in- service training, subject to the following restrictions:
- (a) Hours granted pursuant to this section shall not exceed six (6) hours per licensure cycle;
 - (b) If a requestor 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 licensure cycle 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 to the participants.
- 7908.6 The Board may grant credit for publication of an article related to audiology or speech-language pathology in a professional journal or publication of a book, a

chapter in a book or a book review related to audiology or speech-language pathology, subject to the following restrictions as relevant:

- (a) The Board may grant up to eight (8) continuing education hours per licensure cycle to the 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;
- (b) The Board may grant four (4) continuing education hours per licensure cycle to the sole author or a co-author of a peer-reviewed, published original paper; or
- (c) The Board may grant one (1) continuing education hour per licensure cycle to the sole author of a published book review.

Section 7914, SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY CLINICAL FELLOWS, is added to read as follows:

7914 SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY CLINICAL FELLOWS

- 7914.1 A speech-language pathologist may qualify to supervise a speech-language pathology clinical fellow if he or she meets the requirement of § 8404.2 of this title.
- 7914.2 A speech-language pathologist supervising a clinical fellow shall comply with the requirements set forth in chapter 84 of this title.

Section 7915, SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS, is added to read as follows:

7915 SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

- 7915.1 A 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.
- 7915.2 A speech-language pathologist supervising a speech-language pathology assistant shall comply with the requirements set forth in chapter 102 of this title.

Section 7999, DEFINITIONS, is amended to read as follows:

7999 DEFINITIONS

7999.1 As used in this chapter, the following terms shall have the meanings ascribed:

Approved continuing education – A continuing education program or activity that meets the requirements of § 7907.

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.)).

Clinical fellow – a person who is completing the clinical fellowship requirements set forth under § 7903 and chapter 84 of this title.

Clinical fellowship- the experience required by section 7903 and regulated under chapter 84 of this title.

Direct supervision – supervision in which the supervisor is immediately available on the premises to the supervisee and within vocal communication of the supervisee either directly or by a communication device.

Director - the Director of the Department of Health, or the Director’s designee.

Dual licensure renewal – renewal of both an audiology and a speech-language pathology license in the District of Columbia, within the same renewal period.

General supervision – supervision in which the supervisor is available to the person supervised, either in person or by a communication device.

Good cause – serious illness of the applicant, the death or serious illness of a member of the applicant’s immediate family, or other cause sufficient to the Board.

Graduate student – a person enrolled in a Master’s or Doctoral degree program in speech-language pathology.

LGBTQ continuing education – 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 section 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5)(2016 Supp.)).

Licensure cycle – a two-year period between the January 1 of each odd-numbered year and December 31 of each even-numbered year during which a license issued pursuant to this chapter is valid in accordance with § 7901.1.

Practice of speech-language pathology – means the application of principles, methods, or procedures related to the development and disorders of human communication, including any

condition, whether of organic or non-organic origin, that impedes the normal process of human communication including disorders and related disorders of speech, articulation, fluency, voice, oral, or written language; auditory comprehension and processing; oral, pharyngeal or laryngeal sensorimotor competencies; swallowing; auditory or visual processing; auditory or visual memory or cognition; communication; and assisted augmentative communication treatment and devices. The term “practice of speech language pathology” also includes the planning, directing, supervising, and conducting of a habilitative and rehabilitative counseling program for individuals or groups of individuals who have, or are suspected of having, disorders of communication, and any service in speech-language pathology including prevention, identification, evaluation, consultation, habilitation or rehabilitation, instruction or research. The practice of speech-language pathology may include pure-tone air conduction hearing screening, screening of tympanometry, and acoustic reflex screening, limited to a pass-or-fail determination for the identification of individuals with other disorders of communication and may also include aural habilitation or rehabilitation, which means the provision of services and procedures for facilitating adequate auditory, speech, and language skills in individuals with hearing impairment. The practice of speech-language pathology does not include the practice of medicine or osteopathic medicine, or the performance of a task in the normal practice of medicine or osteopathic medicine by a person to whom the task is delegated by a licensed physician.

Reinstatement – The reinstatement of a license in accordance with D.C. Official Code § 3-1205.12.

Requestor – a person seeking continuing education credits.

7999.2 The definitions in § 4099 of chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002, or by email to Angli.Black@dc.gov. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays.

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, (“the Act”), 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 new chapter 102 (Speech-Language Pathology Assistants) 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 assistants in accordance with section 910 of the Act, D.C. Official Code § 3-1209.10 (2016 Supp.).

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 applies 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 supplements this chapter.
- 10200.3 No person shall practice speech-language pathology assisting or as a speech-language pathology assistant without a registration issued pursuant to this chapter.
- 10200.4 Notwithstanding § 10200.3, during a period of twelve (12) months from the effective date of this chapter, a person who is practicing speech-language pathology assisting or as a speech-pathology assistant on the effective date of this chapter and continue to practice without a registration shall not be deemed to be in violation of § 10200.3.

10201 TERM OF LICENSE

- 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 The Director may change the renewal system and the expiration dates of registrations issued pursuant to this chapter pursuant to § 4006.3 of this title.

10202 EDUCATIONAL REQUIREMENT

10202.1 Except as otherwise provided in this chapter, to qualify for a registration to practice as a speech-language pathology assistant, an applicant shall have graduated from an accredited college or university with at least an associate's degree from a technical training program in speech-language pathology assisting or a bachelor's degree in speech-language pathology.

10203 WAIVER OF EDUCATIONAL REQUIREMENT

10203.1 The Board may waive the educational requirement of § 10202.1 for an applicant who:

- (a) Provides proof that he or she was employed as a speech-language pathology assistant practicing under the supervision of a speech-language pathologist for a minimum of fifteen (15) hours per week during three (3) of the five (5) years preceding before February 5, 2014; and
- (c) Applies for registration within 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 registered in accordance with the requirements of this chapter.

10205.2 A speech-language pathology assistant may only practice under the supervision of a licensed speech-language pathologist who meets the requirements of § 10207.2 of this title.

10205.4 A speech-language pathology assistant may assist a speech-language pathologist in providing speech-language pathology services and treatments, which may include the following duties:

- (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.

10205.5 A speech-language pathology assistant shall not engage in any of the following conducts:

- (a) Representing himself or herself as a speech-language pathologist;
- (b) Performing standardized or non-standardized diagnostic tests, formal or informal evaluations, or swallowing screenings/checklists;
- (c) Performing procedures that require a high level of clinical acumen and technical skills, including but not limited to vocal tract prosthesis shaping or fitting, vocal tract imaging, and oral pharyngeal swallow therapy with bolus material;
- (d) Interpreting clinical results or observations;
- (e) Participating in formal parent conferences, case conferences, or any interdisciplinary team without the presence of the supervising speech-language pathologist or other designated supervising speech-language pathologist;
- (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 speech-language pathologist or without access to supervision;
- (i) Signing any formal documents (e.g., treatment plans, reimbursement forms, or reports; the speech-language assistant may sign or initial

informal treatment notes for review and co-sign with the supervising speech-language pathologist 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 speech-language pathologist 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.

10205.7 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.

10205.9 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) Possess a current and valid license to practice speech-language pathology in the District of Columbia;
- (b) Has practiced speech-language pathology in the District or any other jurisdiction of the United States for at least two (2) years; and
- (c) Has not been the subject of 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 The supervising speech-language pathologist shall provide direct supervision, which shall include:

- (a) Assuming responsibility for the supervisee's conduct in the speech-language pathology office or treatment facility;
- (b) Personally diagnosing the condition to be treated;
- (c) Remaining in the speech-language pathology office or treatment facility while the procedures are being performed by the supervisee; and
- (e) Personally evaluates the performance of the supervisee before dismissal of the patient.

10207.4 The direct supervision described in § 10207.3 may include the supervisor viewing and communicating with the supervisee via telecommunication technology as the supervisee performs clinical services provided that the supervisor can directly observe and give ongoing, immediate feedback.

10207.5 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.

- 10207.6 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.
- 10207.7 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.
- 10207.8 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.
- 10207.9 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 a 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 renewal, reinstatement, or reactivation 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 the 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 license expires, including one (1) hour of ethics and two (2) hours of LGBTQ continuing education.

10208.3 To qualify for the reinstatement of a registration, an applicant shall have completed ten (10) hours of continuing education described in § 10208.2 during the two (2) years preceding the submission of the reinstatement application.

10208.4 To qualify for the reactivation of a registration in accordance with D.C. Official Code § 3-1205.11(c), the following applicant shall be deemed to meet the requirement of D.C. Official Code § 3-1205.11(c)(2):

- (a) An applicant who has been actively and lawfully practicing speech-language pathology assisting in another jurisdiction or territory of the United States;
- (b) An applicant who has not been actively and lawfully practicing speech-language pathology assisting in another jurisdiction or territory of the United States, seeks the reactivation of the registration five (5) years or less after the last expiration of the registration, and has completed ten (10) hours of continuing education described in § 10208.2 during the two (2) years preceding the submission of the reactivation application; or
- (c) An applicant who has not been actively and lawfully practicing speech-language pathology assisting in another jurisdiction or territory of the United States and seeks the reactivation of the registration more than five (5) years after the last expiration of the registration who can demonstrate his or her current competency to the Board's satisfaction.

10208.5 The Board may 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 provide proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

10209 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

10209.1 A continuing education hour shall be valid and granted credit only if it is part of a program or activity approved by the Board as a program or activity that contributes to the growth of professional competence in the practice of speech-

language pathology or speech-language pathology assisting, is current in its subject matter, and is developed and taught or conducted by qualified individuals.

10209.2 Subject to § 10209.1, 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.

10209.3 Subject to § 10209.1, the Board may grant continuing education credit 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 related to audiology or speech-language pathology in a professional journal or authoring or co-authoring a book, a chapter in a book or a book review related to audiology or speech-language pathology.

- 10209.4 The Board shall not grant credit for work done in the course of a requestor'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.
- 10209.5 A person seeking continuing education credits shall have the burden of verifying whether a program or activity is approved by the Board.
- 10209.6 Satisfactory proof of completion of a seminar, a workshop, or 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 of the course, 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.
- 10209.2 The Board may grant ten (10) continuing education hours for completion of each credit hour of an academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during a particular licensure cycle.
- 10209.3 The Board may grant two (2) continuing education hours for the audit of a three (3)-credit-hour academic course offered at an accredited college or university.
- 10209.4 A requestor may receive a maximum of six (6) continuing education hours for attendance and completion of in-service training programs.
- 10209.5 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in- service training, subject to the following restrictions:
- (a) Hours granted pursuant to this section shall not exceed six (6) hours per licensure cycle;

- (b) If a requestor 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 licensure cycle 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 to the participants.

10209.6 The Board may grant credit for publication of an article related to audiology or speech-language pathology in a professional journal or publication of a book, a chapter in a book or a book review related to audiology or speech-language pathology, subject to the following restrictions as relevant:

- (a) The Board may grant up to eight (8) continuing education hours per licensure cycle to the 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;
- (b) The Board may grant four (4) continuing education hours per licensure cycle to the sole author or a co-author of a peer-reviewed, published original paper; or
- (c) The Board may grant one (1) continuing education hour per licensure cycle to the sole author of a published book review.

10299 DEFINITIONS

10299.1 As used in this chapter, the following terms shall have the meanings ascribed:

Approved continuing education – A continuing education program or activity that meets the requirements of § 10209.

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 (2012 Repl.)).

LGBTQ continuing education – 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 section 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5) (2016 Supp.)).

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

Supervisor – A speech-language pathologist who is supervising a speech-language pathology assistant.

Registration Cycle – A period of two (2) years between January 1 of each odd-numbered year, when a registration issued pursuant to this chapter begins to be effective, to December 31 of each even-numbered year, when a registration issued pursuant to this chapter expires.

Reinstatement – The reinstatement of a registration in accordance with D.C. Official Code § 3-1205.12.

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

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 (“the Act”), 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 new chapter 84 (Speech-Language Pathology Clinical Fellows) 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 clinical fellows in speech-language pathology in accordance with section 911 of the Act (D.C. Official Code § 3-1209.11 (2016 Supp.)).

Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, of the District of Columbia Municipal Regulations is amended by adding a new chapter 84 to read as follows:

CHAPTER 84 SPEECH-LANGUAGE PATHOLOGY CLINICAL FELLOWS

8400 GENERAL PROVISIONS

8400.1 This chapter shall apply to applicants for and holders of a registration to practice as speech-language pathology clinical fellow.

8400.2 Chapter 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 79 (Speech-Language Pathology) of this title shall supplement this chapter.

8400.3 Except as provided in § 8400.4, , no person may practice as a clinical fellow in speech-language pathology in the District unless duly registered under this chapter.

8400.4 The registration requirement under this chapter shall not be applicable to a clinical fellowship initiated and ongoing as of the effective date of this chapter provided that the clinical fellowship was initiated and conducted in accordance with the Certification of Clinical Competence standards of the American Speech-Language-Hearing Association (ASHA).

8401 TERM OF REGISTRATION

- 8401.1 Except as provided otherwise, a registration issued pursuant to this chapter shall expire one (1) year from the date of issuance or on the expiration date shown on the registration.
- 8401.2 A registration issued pursuant to this chapter shall not be valid for more than eighteen (18) months, unless the Board extends the period for good cause shown. In any event, the clinical fellowship shall be completed within a period of no more than twenty-four (24) months.
- 8401.3 A registration shall not be issued unless the applicant is seeking to begin the clinical fellowship in speech-language pathology within two (2) years of the conferral of the applicant's qualifying degree. In any event, the clinical fellowship shall be completed within three and a half (3.5) years from the date of conferral of the degree.

8402 EDUCATIONAL REQUIREMENTS

- 8402.1 To qualify for registration under this chapter, an applicant shall have graduated with a Master's or Doctoral Degree in speech-language pathology from a recognized educational institution whose speech language pathology program is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology, an accrediting body recognized by the United States Department of Education, or an equivalent accrediting body as determined by the Board.

8403 APPLICATION FOR REGISTRATION

- 8403.1 An applicant for registration shall submit a complete application in accordance with § 4001 of this title, which shall also include:
- (a) Satisfactory evidence of the applicant's graduation with the requisite degree in accordance with § 8402.1;
 - (b) A notification of clinical fellowship supervision submitted by a speech-language pathologist licensed in the District, meeting the requirement of § 8404.2.
- 8403.2 A clinical fellow shall notify the Board within ten (10) business days of any change in the supervision, supervisor, or clinical fellowship.

8404 SUPERVISION OF CLINICAL FELLOWS

- 8404.1 A clinical fellow registered under this chapter may practice only under general supervision of a speech-language pathologist licensed in the District in accordance with chapter 78 of this title.
- 8404.2 To qualify as supervisor of a clinical fellow, a speech-language pathologist shall meet the following requirements:
- (a) Holds a valid District of Columbia license in speech-language pathology;
 - (b) Be engaged in a lawful practice of speech-language pathology for a minimum of two (2) years;
 - (c) Not be the subject of a public disciplinary action by a board or regulating body within the previous two (2) years; and
 - (d) not supervise more than three (3) clinical fellows at any given time.
- 8404.3 A clinical fellow supervisor shall provide:
- (a) A minimum of thirty-six (36) hours of supervisory activities during the clinical fellowship, including a minimum of two (2) hours of monitoring activities each month;
 - (b) Ongoing mentoring, which shall include on-site observations and other mentoring activities; and
 - (c) Formal evaluations of the clinical fellow's performance of clinical and other related activities.

8405 SCOPE OF PRACTICE

- 8405.1 The clinical fellowship shall consist of an employment, with or without direct compensation, as a professional in the field of speech-language pathology under general supervision with a minimum of thirty-five (35) hours of work per week. This requirement may also be met with part-time employment as follows:
- (a) Fifteen (15) to nineteen (19) hours a week, for a period of eighteen (18) months;
 - (b) Twenty (20) to twenty-four (24) hours a week, for a period of fifteen (15) months; or
 - (c) Twenty-five (25) to twenty-nine (29) hours a week, for a period of twelve (12) months.

8405.2 At least eighty percent (80%) of the clinical fellowship shall involve direct client contact, which includes the following:

- (a) Assessment, diagnosis, evaluation, and treatment;
- (b) Screening;
- (c) Habilitation and rehabilitation; and
- (d) Activities related to case management.

8405.3 The remaining twenty percent (20%) may be composed of supervised activities such as writing, research or planning.

8405.4 The activities included in a clinical fellowship shall consist of the following:

- (a) Conducting evaluations and treatment procedures;
- (b) Interpreting test results;
- (c) Determining case selections;
- (d) Designing treatment programs;
- (e) Collecting data and documenting performance;
- (f) Maintaining clinical records;
- (g) Providing written or oral reports (progress notes, diagnostic reports) regarding patients' or clients' status;
- (h) Making referrals; and
- (i) Participating in case conferences.

8406 STANDARDS OF CONDUCT

8406.1 A registered clinical fellow shall abide by the Code of Ethics adopted by the American-Speech-Hearing Association (ASHA).

8406.2 A registered clinical fellow shall identify himself or herself as a clinical fellow at all times when providing speech-language pathology services.

8499 DEFINITIONS

8499.1 The following terms and phrases shall have the meanings ascribed:

Applicant – a person applying for a registration to practice as a speech-language pathology clinical fellow under this chapter.

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.)).

Clinical fellow – a person who is registered pursuant to this chapter and completing the clinical fellowship requirements set forth under 17 DCMR § 7903.

Clinical fellow supervisor – a speech-language pathologist who is the supervisor of a clinical fellow.

Clinical fellowship – a period of supervised and mentored professional experience in the practice of speech-language pathology engaged by a person with a graduate degree in speech-language pathology in order to qualify for independent practice or licensure.

General supervision – supervision in which the clinical fellow supervisor is available to the clinical fellow under supervision, either in person or by a communications device.

Good cause – serious illness of the applicant, the death or serious illness of a member of the applicant's immediate family, or other cause sufficient to the Board.

Supervision – on-site or other personal and direct oversight and involvement of a clinical fellow supervisor in any and all ways that will permit the supervisor to monitor, improve, and evaluate the clinical fellow's performance in professional employment according to the degree of oversight and involvement necessary to support the particular clinical fellow's development in self-recognition of clinical and professional strengths and areas requiring additional development of skills.

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.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“the Act”), 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 proposed rulemaking action by adopting the following amendments to Chapter 78 (Audiology) of Title 17 (Business, Occupations and Professions) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to (1) revise the audiology regulation to conform to the addition of audiology assistant as a new profession under chapter 101 of this title; (2) update the continuing education requirements broadly; and (3) include the new continuing education requirement pertaining to 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”) pursuant to section 510 of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Supp.)).

CHAPTER 78 (AUDIOLOGY) OF TITLE 17 (BUSINESS, OCCUPATIONS, AND PROFESSIONS) OF THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS is amended as follows:

Section 7800, GENERAL PROVISIONS, is amended as follows:

Section 7800.2 is amended to read as follows:

7800.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 101 (Audiology Assistants) of this title shall supplement this chapter.

Section 7808, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

7808 CONTINUING EDUCATION REQUIREMENTS

7808.1 This section shall apply to applicants for a renewal, reinstatement, or reactivation 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 the license.

7808.2 To qualify for the renewal of a license, an applicant shall have completed twenty (20) hours of approved continuing education during the two (2)-year period preceding the date the license expires, which shall include one (1) hour of ethics.

It shall also include two (2) hours of LGBTQ continuing education. This LGBTQ continuing education requirement shall become effective and enforceable six (6) months after the effective date of this section.

7808.3 Notwithstanding the requirement of §§ 7808.2 and 7906.2 of this title, an applicant for dual licensure renewal shall have completed thirty (30) hours of approved continuing education during the two year-period preceding the date the licenses expire, including one (1) hour of ethics, two (2) hours of LGBTQ continuing education, and five (5) hours of each of the audiology and speech-language pathology disciplines.

7808.4 To qualify for the reinstatement of a license, an applicant shall have completed twenty (20) hours of continuing education described in § 7808.2 during the two (2) years preceding the submission of the reinstatement application.

7808.5 To be eligible for the reactivation of a license in accordance with section 511(c) of the Act (D.C. Official Code § 3-1205.11(c) (2016 Supp.)), the following applicants shall be deemed to meet the requirement of section 511(c)(2) (D.C. Official Code § 3-1205.11(c)(2) (2016 Supp.)):

- (a) An applicant who has been actively and lawfully practicing audiology in another jurisdiction or territory of the United States;
- (b) An applicant who has not been actively and lawfully practicing audiology in another jurisdiction or territory of the United States, seeks the reactivation of the license five (5) years or less after the last expiration of the license, and has completed twenty (20) hours of continuing education described in § 7808.2 during the two (2) years preceding the submission of the reactivation application; or
- (c) An applicant who has not been actively and lawfully practicing audiology in another jurisdiction or territory of the United States and seeks the reactivation of the license more than five (5) years after the last expiration of the license who can demonstrate his or her current competency to the Board's satisfaction.

7808.6 The Board may 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 provide proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

Section 7809, CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended to read as follows:

7809 CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

7809.1 A continuing education hour shall be valid and granted credit only if it is part of a program or activity approved by the Board as a program or activity that contributes to the growth of professional competence in the practice of audiology or speech-language pathology, is current in its subject matter, and is developed and taught or conducted by qualified individual(s).

7809.2 Subject to § 7809.1, 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.

7809.3 Subject to § 7809.1, the Board may grant continuing education credit 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 related to audiology or speech-language pathology in a professional journal or authoring or co-authoring a book, a chapter in a book

or a book review related to audiology or speech-language pathology.

- 7809.4 The Board shall not grant credit for work done in the course of a requestor'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.
- 7809.5 A requestor shall have the burden of verifying whether a program or activity is approved by the Board.
- 7809.6 Satisfactory proof of completion of a seminar, a workshop, or 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, which for a course provider shall be by signature or stamp, and for an accreditor shall be by an official transcript.

Section 7810, CONTINUING EDUCATION CREDITS, is amended to read as follows:

7810 CONTINUING EDUCATION CREDITS

- 7810.1 For the purposes of this chapter, one (1) continuing education hour shall mean sixty (60) minutes of learning time.
- 7810.2 The Board may grant ten (10) continuing education hours for completion of each credit hour of an academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during the licensure cycle for which credit is claimed.
- 7810.3 The Board may grant two (2) continuing education hours for the audit of a three (3)-credit-hour academic course offered at an accredited college or university.
- 7810.4 A requestor may receive a maximum of six (6) continuing education hours for attendance and completion of in-service training programs.
- 7810.5 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in-service training, subject to the following restrictions:
- (a) Hours granted pursuant to this section shall not exceed six (6) hours per licensure cycle;

- (b) If a requestor 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 licensure cycle 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 to the participants.

7810.6 The Board may grant credit for publication of an article related to audiology or speech-language pathology in a professional journal or publication of a book, a chapter in a book, or a book review related to audiology or speech-language pathology, subject to the following restrictions as relevant:

- (a) The Board may grant up to eight (8) continuing education hours per licensure cycle to the 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;
- (b) The Board may grant four (4) continuing education hours per licensure cycle to the sole author or a co-author of a peer-reviewed, published original paper; or
- (c) The Board may grant one (1) continuing education hour per licensure cycle to the sole author of a published book review.

Section 7811, SUPERVISION OF AUDIOLOGY ASSISTANTS, is added to read as follows:

7811 SUPERVISION OF AUDIOLOGY ASSISTANTS

7811.1 An audiologist licensed under this chapter may qualify to supervise an audiology assistant only if he or she meets the requirements of § 10105.2.

7811.2 A supervising audiologist shall supervise audiology assistants in accordance with §§ 10105 and 10106.

7811.3 A supervising audiologist shall retain full professional and ethical responsibility for the professional conduct and performance of the audiology assistant and shall delegate duties only as commensurate with the training, experience, and ability of the audiology assistant and within the scope of lawful practice pursuant to chapter 101 of this title.

7811.4 A supervising audiologist shall ensure that an audiology assistant under his or her supervision is duly registered and authorized to practice.

Section 7899, DEFINITIONS, is amended to read as follows:

7899 DEFINITIONS

7899.1 As used in this chapter, the following terms shall have the meanings ascribed:

Approved continuing education – A continuing education program or activity that meets the requirements of § 7809.

Au.D. – Doctor of Audiology.

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 (2012 Repl.)).

Direct supervision – supervision in which the supervisor is immediately available on the premises to the supervisee and within vocal communication of the supervisee either directly or by a communication device.

Director - the Director of the Department of Health, or the Director’s designee.

Dual licensure renewal – renewal of both an audiology and a speech-language pathology license in the District of Columbia, within the same renewal period.

General supervision – supervision in which the supervisor is available to the person supervised, either in person or by a communication device.

Good cause – serious illness of the applicant, the death or serious illness of a member of the applicant’s immediate family, or other cause sufficient to the Board.

LGBTQ continuing education – 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 section 510 of the Act (D.C. Official Code § 3-1205.10 (b)(5) (2016 Supp.)).

Licensure cycle – a two-year period between the January 1 of each odd-numbered year and December 31 of each even-numbered year during which a license issued pursuant to this chapter is valid in accordance with § 7801.1.

Ph.D. – Doctor of Philosophy in Audiology.

Practice of audiology – means the planning, directing, supervising, and conducting of habilitative or rehabilitative counseling programs for individuals or groups of individuals who have, or are suspected of having, disorders of hearing; any service in audiology, including prevention, identification, evaluation, consultation, habilitation or rehabilitation, instruction, or research; participating in hearing conservation or hearing aid and assistive listening device evaluation, selection, preparation, dispensing, and orientation; fabricating ear molds; providing auditory training and speech reading; or administering tests of vestibular function and tests for tinnitus. The practice of audiology includes speech and language screening limited to a pass-or-fail determination for the purpose of identification of individuals with disorders of communication. The practice of audiology does not include the practice of medicine or osteopathic medicine, or the performance of a task in the normal practice of medicine or osteopathic medicine by a person to whom the task is delegated by a licensed physician.

Reinstatement – The reinstatement of a license in accordance with section 512 of the Act (D.C. Official Code § 3-1205.12 (2012 Repl.)).

Requestor – a person seeking continuing education credits.

Supervised experience – the clinical fellowship year required for applicants for licensure with a Master’s degree or Ph.D. degree, or the period of supervised practice during an Au.D. program.

Supervisor – an audiologist who is qualified under § 7803.7 and who is providing general supervision to an individual completing the supervised experience requirements in § 7803, or an audiologist qualified under § 7812.9 who is providing direct supervision to a graduate student under § 7812.

Supervisee – an individual who is completing the supervised experience requirements.

Valid continuing education – continuing education approved and granted continuing education credit by the Board in accordance with §§ 7909 and 7910.

7899.2 The definitions in § 4099 of chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of

the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002, or by email to Angli.Black@dc.gov. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays.

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 (“the Act”), 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 new Chapter 101 (Audiology Assistants) 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 audiology assistants in accordance with section 909 of the Act (D.C. Official Code § 3-1209.09 (2016 Supp.)).

Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, of the District of Columbia Municipal Regulations is amended by adding a new chapter 101 to read as follows:

10100 GENERAL PROVISIONS

- 10100.1 This chapter shall apply to applicants for and holders of a registration to practice as an audiology assistant.
- 10100.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 78 (Audiology) of this title shall supplement this chapter.
- 10100.3 No person may practice as an audiology assistant (also known as “audiology assisting”) without a registration issued pursuant to this chapter.
- 10100.4 Notwithstanding § 10100.3, during a period of twelve (12) months from the effective date of this chapter, a person who is practicing as an audiology assistant (also known as “audiology assisting”) on the effective date of this chapter and continue to practice without a registration shall not be deemed to be in violation of § 10100.3.

10101 TERM OF REGISTRATION

- 10101.1 Subject to § 10101.2, a registration issued pursuant to this chapter shall expire at 12:00 Midnight of December 31 of each even-numbered year.
- 10101.2 Pursuant to § 4006.3, the Director may change the renewal system and the expiration dates of registrations issued pursuant to this chapter.

10102 EDUCATIONAL REQUIREMENT

10102.1 Except as otherwise provided in this chapter, to qualify for a registration to practice as an audiology assistant, an applicant shall have completed one of the following educational levels in audiology assisting, hearing sciences and disorders, communication sciences and disorders, or equivalent as determined by the Board:

- (a) Two (2) years of accredited college education, with a minimum of forty-eight (48) semester hours or seventy-two (72) quarter hours;
- (b) An associate's degree from an accredited college; or
- (c) A technical school certification program.

10103 WAIVER OF EDUCATIONAL REQUIREMENT

10103.1 The Board may waive the educational requirement of § 10102.1 for an applicant who:

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

10104 REGISTRATION BY ENDORSEMENT

10104.1 An applicant may be eligible for registration by endorsement if:

- (a) The applicant is currently licensed or registered in good standing as an audiology assistant under the laws of a state or territory of the United States pursuant to the requirements determined by the Board to be substantially equivalent to the requirements of § 10102.1; or
- (b) The applicant is currently licensed or registered in good standing as an audiology assistant in another state or territory of the United States and has practiced in the state or territory for a minimum of two (2) years.

10105 SCOPE OF PRACTICE

10105.1 No person may practice as an audiology assistant unless he or she is duly registered pursuant to this chapter and performs the duties of the profession under the supervision of a licensed audiologist meeting the requirements of § 10105.2.

10105.2 An audiologist licensed under this title may qualify to supervise an audiology

assistant only if he or she meets the following requirements:

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

10105.3 An audiology assistant may assist an audiologist with audiological evaluation and in treatment programs.

10105.4 An audiology assistant may not perform any of the following actions or functions:

- (a) Independently performing or administering hearing diagnostic tests;
- (b) Determining case selection or evaluation protocols;
- (c) Interpreting observations or data into diagnostic statements of clinical management strategies or procedures;
- (d) Participating in team or case conferences or on any interdisciplinary team, without the presence of the supervising audiologist or an audiologist designated by the supervising audiologist;
- (e) Writing, developing, or modifying a patient's individualized treatment plan;
- (f) Assisting with patients without following the treatment plan prepared by the audiologist or without proper supervision;
- (g) Composing or signing any formal documents (e.g., treatment plans, reimbursement forms, or reports);
- (h) Transmitting or disclosing clinical information, either orally or in writing, to anyone, including the patient, without the approval of the supervising audiologist;
- (i) Selecting patients for treatment services or discharging patients from treatment services;
- (j) Counseling or consulting with the patient, family, or others regarding the patient status or service or making referrals for additional services; or

- (k) Referring to him/ or herself either orally or in writing with a title other than one determined by the supervising audiologist.

10105.7 An audiology assistant may not practice when a supervisor cannot be reached by personal contact, phone, pager, or other immediate means.

10105.8 An audiology assistant shall cease practice immediately if there is no audiologist providing supervision.

10106 SUPERVISION OF AUDIOLOGY ASSISTANT

10106.1 The supervisor shall retain full professional and ethical responsibility for the professional conduct and performance of the audiology assistant and shall delegate duties only as commensurate with the training, experience, and ability of the audiology assistant and within the scope of lawful practice pursuant to this chapter.

10106.2 The supervisor shall be immediately available on the premises to the supervisee and within vocal communication of the supervisee either directly or by a communication device. The supervisor shall personally diagnose the condition to be treated, personally authorize procedures, and personally evaluate the performance of the audiologist assistant before dismissal of the patient.

10106.3 The supervisor shall verify that an audiology assistant holds a current, valid registration prior to the commencement of the audiology assistant's practice.

10106.4 The supervisor shall ensure that the audiology assistant under his or her supervision understands and adheres to the professional code of ethics applicable to the supervisor him- or herself.

10107 STANDARDS OF CONDUCT FOR AUDIOLOGY ASSISTANTS

10107.1 An audiology assistant shall adhere to the standards set forth in either the current Code of Ethics of the American Speech-Language-Hearing Association or the current Code of Ethics for the American Academy of Audiology as applicable to the supervising audiologist.

10107.2 An audiology assistant shall clearly identify himself or herself to patients or clients as an audiology assistant at all times and shall not act or communicate in any manner that may give the impression that the audiology assistant is authorized to practice independently or as an audiologist or speech-language pathologist in any way.

10107.3 An audiology assistant shall perform only those functions of the profession that are within his or her scope of competence, training, and experience.

10108 CONTINUING EDUCATION REQUIREMENTS

- 10108.1 This section shall apply to applicants for renewal, reactivation, or reinstatement of a registration and shall not apply to applicants for an initial registration or applicants seeking renewal of a registration for the first time after the initial grant of the registration.
- 10108.2 To be eligible for the renewal of a registration, an applicant shall have completed, during the two (2)-year period preceding the date the registration expires, ten (10) hours of approved continuing education related to audiology, 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 section 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5)).
- 10108.3 To be eligible for the reinstatement of a registration issued pursuant to this chapter, an applicant shall have completed ten (10) hours of continuing education described in § 10108.2 during the two (2) years preceding the submission of the reinstatement application.
- 10108.4 To qualify for the reactivation of a registration in accordance with section 511(c) of the Act (D.C. Official Code § 3-1205.11(c)), the following applicants shall be deemed to meet the requirement of section 511(c)(2):
- (a) An applicant who has been actively and lawfully practicing audiology assisting in another jurisdiction or territory of the United States;
 - (b) An applicant who has not been actively and lawfully practicing audiology assisting in another jurisdiction or territory of the United States, seeks the reactivation of the registration five (5) years or less after the last expiration of the registration, and has completed ten (10) hours of continuing education described in § 10108.2 during the two (2) years preceding the submission of the reactivation application; or
 - (c) An applicant who has not been actively and lawfully practicing audiology assisting in another jurisdiction or territory of the United States and seeks the reactivation of the registration more than five (5) years after the last expiration of the registration who can demonstrate his or her current competency to the Board’s satisfaction.
- 10108.5 The Board may conduct a random audit of at least ten percent (10%) of its active registrants to determine continuing education compliance. Any registrant selected for the audit shall submit proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

10109 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

10109.1 A continuing education hour shall be valid and granted credit only if it is part of a program or activity approved by the Board as a program or activity that contributes to the growth of professional competence in the practice of audiology assisting, is current in its subject matter, and is developed and taught or conducted by qualified individuals.

10109.2 Subject to § 10109.1, 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.

10109.3 Subject to § 10109.1, the Board may grant continuing education credit 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 related to audiology or speech-language pathology in a professional journal or authoring or co-authoring a book, a chapter in a book or a book review related to audiology or speech-language pathology.

10109.4 The Board shall not grant credit for work done in the course of a requestor'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.

10109.5 A person seeking continuing education credits shall have the burden of verifying whether a program or activity is approved by the Board.

10109.6 Satisfactory proof of completion of a seminar, a workshop, or 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.

10110 CONTINUING EDUCATION CREDITS

10110.1 For the purposes of this chapter, one (1) credit hour shall mean sixty (60) minutes of learning time.

10110.2 The Board may grant ten (10) continuing education hours for completion of each credit hour of an academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during the registration cycle for which the credit is claimed.

10110.3 The Board may grant two (2) continuing education hours for the audit of a three (3)-credit-hour academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses audited during the registration cycle for which the credit is claimed.

10110.4 A requestor may receive a maximum of five (5) continuing education hours for

attendance and completion of in-service training programs.

10110.5 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in-service training, subject to the following restrictions:

- (a) Hours granted pursuant to this section shall not exceed three (3) per registration cycle;
- (b) If a person 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 shall have been completed during the registration cycle 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 to the participants.

10110.6 The Board may grant credit to an applicant 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 restriction as relevant:

- (a) The Board may grant eight (8) hours of continuing education credit per registration cycle, if the book has been published or accepted for publication during the period for which credit is claimed;
- (b) The Board may grant four (4) hours of continuing education per registration cycle to the sole author or co-author of a peer-reviewed, published original paper; or
- (c) The Board may grant one (1) continuing education hour of credit per registration cycle to the sole author of a published book review.

10199 DEFINITIONS

10199.1 As used in this chapter, the following terms shall have the meanings ascribed:

Approved continuing education – A continuing education program or activity that meets the requirements of § 10109.

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 supervisor is immediately available on the premises to the supervisee and within vocal communication of the supervisee either directly or by a communication device and the supervisor personally diagnoses the condition to be treated, personally authorizes procedures, and personally evaluates the performance of the audiologist assistant before dismissal of the patient.

Registration Cycle – A period of two years between January 1 of each odd-numbered year, when a registration issued pursuant to this chapter begins to be effective, to December 31 of each even numbered year, when a registration issued pursuant to this chapter expires.

Reinstatement – The reinstatement of a registration in accordance with section 512 of the Act (D.C. Official Code § 3-1205.12).

Supervisor – An audiologist who is qualified under § 10105.2 and is supervising an audiology assistant.

10199.1 The definitions in § 4099 of this title are incorporated by reference into and are applicable to 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.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“the Act”), 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 proposed rulemaking action by adopting the following amendments to Chapter 79 (Speech-Language Pathology) of Title 17 (Business, Occupations and Professions) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to revise the speech-language pathology regulation to conform to the addition of speech-language pathology clinical fellows and speech-language pathology assistants as new professions under chapters 84 and 102 of this title and to update the continuing education requirements broadly as well as to include the new continuing education requirement pertaining to 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”) pursuant to [section 510\(b\)\(5\) of the Act](#) (D.C. Official Code § 3-1205.10(b)(5) [\(2016 Supp.\)](#)).

CHAPTER 79 (SPEECH-LANGUAGE PATHOLOGY) OF TITLE 17 (BUSINESS, OCCUPATIONS, AND PROFESSIONS) OF THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS is amended as follows:

Section 7900, GENERAL PROVISIONS, is amended as follows:

Section 7900.2 is amended to read as follows:

7900.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), 84 (Speech-Language Pathology Clinical Fellows), and 102 (Speech-Language Pathology Assistants) of this title shall supplement this chapter.

Section 7902, EDUCATIONAL REQUIREMENTS, is amended as follows:

Section 7902.1 is amended to read as follows:

7902.1 To qualify for a license under this chapter, an applicant shall have graduated with a Master’s or Doctoral Degree in speech-language pathology from a recognized educational institution whose speech-language pathology program is accredited

by the Council on Academic Accreditation in Audiology and Speech-Language Pathology or an equivalent accrediting body as determined by the Board.

Section 7903, CLINICAL FELLOWSHIP REQUIREMENTS, is amended to read as follows:

7903 CLINICAL FELLOWSHIP REQUIREMENTS

- 7903.1 To qualify for a license under this chapter, an applicant shall have completed a clinical fellowship meeting the requirements of chapter 84 of this title.
- 7903.2 The Board may accept completion of the clinical fellowship required for the American Speech-Language-Hearing Association (ASHA) Certificate of Clinical Competence as meeting the requirements for clinical fellowship in this chapter under § 7903.1.

Section 7906, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

7906 CONTINUING EDUCATION REQUIREMENTS

- 7906.1 This section shall apply to applicants for a renewal, reinstatement, or 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 the license.
- 7906.2 To qualify for the renewal of a license, an applicant shall have completed twenty (20) hours of continuing education valid in accordance with § 7907 during the two (2)-year period preceding the date the license expires, which shall include one (1) hour of ethics. It shall also include and two (2) hours of LGBTQ 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). This LGBTQ continuing education requirement shall become effective and enforceable six (6) months after the effective date of this section.~~
- 7906.3 Notwithstanding the requirements of §§ 7906.2 and 7808.2 of chapter 78 of this title, an applicant for dual licensure renewal shall have completed thirty (30) hours of approved continuing education during the two year-period preceding the date the license expires, including one (1) hour inof ethics, ~~and~~ two (2) hours of LGBTQ continuing education. ~~Of the thirty (30) hours, the applicant shall have completed at least~~ five (5) hours inof each of the audiology and speech-language pathology disciplines. The intent of this paragraph is likewise shared by, and may be cross-referenced with, § 7808.3 of chapter 78 of this title, which governs the

~~continuing education requirements of audiologists.~~

- 7906.4 To qualify for the reinstatement of a license, an applicant shall have completed twenty (20) hours of continuing education described in § 7906.2 during the two (2) years preceding the submission of the reinstatement application.
- 7906.5 To qualify for the reactivation of a license in accordance with D.C. Official Code § 3-1205.11(c), the following applicants shall be deemed to meet the requirement of D.C. Official Code § 3-1205.11(c)(2):
- (a) An applicant who has been actively and lawfully practicing speech-language pathology in another jurisdiction or territory of the United States;
 - (b) An applicant who has not been actively and lawfully practicing speech-language pathology in another jurisdiction or territory of the United States, seeks the reactivation of the license five (5) years or less after the last expiration of the license, and has completed twenty (20) hours of continuing education described in § 7906.2 during the two (2) years preceding the submission of the reactivation application; or
 - (c) An applicant who has not been actively and lawfully practicing speech-language pathology in another jurisdiction or territory of the United States and seeks the reactivation of the license more than five (5) years after the last expiration of the license who can demonstrate his or her current competency to the Board's satisfaction.
- 7906.6 The Board may 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 provide proof of continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

Section 7907, CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended to read as follows:

7907 CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

- 7907.1 A continuing education hour shall be valid and granted credit only if it is part of a program or activity approved by the Board as a program or activity that contributes to the growth of professional competence in the practice of audiology or speech-language pathology, is ~~up to date~~~~current~~ in its subject matter, and is developed and taught or conducted by qualified individual(s).
- 7907.2 Subject to § 7907.1, 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.

7907.3 Subject to § 7907.1, the Board may grant continuing education credit 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 related to audiology or speech-language pathology in a professional journal or authoring or co-authoring a book, a chapter in a book or a book review related to audiology or speech-language pathology.

7907.4 The Board shall not grant credit for work done in the course of a requestor'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.

7907.5 A person seeking continuing education credits shall have the burden of verifying whether a program is approved by the Board.

7907.6 Satisfactory proof of completion of a seminar, a workshop, or 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.

Section 7908, CONTINUING EDUCATION CREDITS, is amended to read as follows:

7908 CONTINUING EDUCATION CREDITS

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

7908.2 The Board may grant ten (10) continuing education hours for completion of each credit hour of an academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during ~~a particular~~the licensure cycle for which credit is claimed.

7908.3 The Board may grant two (2) continuing education hours for the audit of a three (3)-credit-hour academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses audited during the licensure cycle for which credit is claimed.

7908.4 A requestor may receive a maximum of six (6) continuing education hours for attendance and completion of in-service training programs.

7908.5 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in- service training, subject to the following restrictions:

- (a) Hours granted pursuant to this section shall not exceed six (6) hours per licensure cycle;
- (b) If a requestor 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 licensure cycle 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 to the participants.

7908.6 The Board may grant credit for publication of an article related to audiology or speech-language pathology in a professional journal or publication of a book, a chapter in a book or a book review related to audiology or speech-language pathology, subject to the following restrictions as relevant:

- (a) The Board may grant up to eight (8) continuing education hours per licensure cycle to the 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;
- (b) The Board may grant four (4) continuing education hours per licensure cycle to the sole author or a co-author of a peer-reviewed, published original paper; or
- (c) The Board may grant one (1) continuing education hour per licensure cycle to the sole author of a published book review.

Section 7914, SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY CLINICAL FELLOWS, is added to read as follows:

7914 SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY CLINICAL FELLOWS

7914.1 A speech-language pathologist may qualify to supervise a speech-language pathology clinical fellow if he or she meets the requirement of § 8404.2 of this title.

7914.2 A speech-language pathologist supervising a clinical fellow shall comply with the requirements set forth in chapter 84 of this title.

Section 7915, SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS, is added to read as follows:

7915 SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

7915.1 A 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.

7915.2 A speech-language pathologist supervising a speech-language pathology assistant shall comply with the requirements set forth in chapter 102 of this title.

Section 7999, DEFINITIONS, is amended to read as follows:

7999 DEFINITIONS

7999.1 As used in this chapter, the following terms shall have the meanings ascribed:

Approved continuing education – A continuing education program or activity that meets the requirements of § 7907.

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.)).

Clinical fellow – a person who is completing the clinical fellowship requirements set forth under § 7903 and chapter 84 of this title.

Clinical fellowship- the experience required by section 7903 and regulated under chapter 84 of this title.

Direct supervision – supervision in which the supervisor is immediately available on the premises to the supervisee and within vocal communication of the supervisee either directly or by a communication device.

Director - the Director of the Department of Health, or the Director’s designee.

Dual licensure renewal – renewal of both an audiology and a speech-language pathology license in the District of Columbia, within the same renewal period.

General supervision – supervision in which the supervisor is available to the person supervised, either in person or by a communication device.

Good cause – serious illness of the applicant, the death or serious illness of a member of the applicant’s immediate family, or other cause sufficient to the Board.

Graduate student – a person enrolled in a Master’s or Doctoral degree program in speech-language pathology.

LGBTQ continuing education – 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 section 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5) (2016 Supp.)).

Licensure cycle – a two-year period between the January 1 of each odd-numbered year and December 31 of each even-numbered year during which a license issued pursuant to this chapter is valid in accordance with § 7901.1.

Practice of speech-language pathology – means the application of principles, methods, or procedures related to the development and disorders of human communication, including any condition, whether of organic or non-organic origin, that impedes the normal process of human communication including disorders and related disorders of speech, articulation, fluency, voice, oral, or written language; auditory comprehension and processing; oral, pharyngeal or laryngeal sensorimotor competencies; swallowing; auditory or visual processing; auditory or visual memory or cognition; communication; and assisted augmentative communication treatment and devices. The term “practice of speech language pathology” also includes the planning, directing, supervising, and conducting of a habilitative and rehabilitative counseling program for individuals or groups of individuals who have, or are suspected of having, disorders of communication, and any service in speech-language pathology including prevention, identification, evaluation, consultation, habilitation or rehabilitation, instruction or research. The practice of speech-language pathology may include pure-tone air conduction hearing screening, screening of tympanometry, and acoustic reflex screening, limited to a pass-or-fail determination for the identification of individuals with other disorders of communication and may also include aural habilitation or rehabilitation, which means the provision of services and procedures for facilitating adequate auditory, speech, and language skills in individuals with hearing impairment. The practice of speech-language pathology does not include the practice of medicine or osteopathic medicine, or the performance of a task in the normal practice of medicine or osteopathic medicine by a person to whom the task is delegated by a licensed physician.

Reinstatement – The reinstatement of a license in accordance with D.C. Official Code § 3-1205.12.

Requestor – a person seeking continuing education credits.

7999.2 The definitions in § 4099 of chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002, or by email to Angli.Black@dc.gov. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays.

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, (~~“the Act”~~), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl. ~~and 20165 Supp.))~~, and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to take action to adopt the following new chapter 102 (Speech-Language Pathology Assistants) 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 assistants in accordance with section 910 of the Act, D.C. Official Code § 3-1209.10 (2016 Supp.).

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 ~~applies 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~~ supplements this chapter.
- 10200.3 No person ~~shall~~ may practice speech-language pathology assisting or as a speech-language pathology assistant without a registration issued pursuant to this chapter.
- 10200.4 Notwithstanding § 10200.3, during a period of twelve (12) months from the effective date of this chapter, a person who is practicing speech-language pathology assisting or as a speech-pathology assistant on the effective date of this chapter and continue to practice without a registration shall not be deemed to be in violation of § 10200.3.

10201 TERM OF LICENSE

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 The Director may change the renewal system and the expiration dates of registrations issued pursuant to this chapter pursuant to § 4006.3 of this title.

10202 EDUCATIONAL REQUIREMENT

10202.1 Except as otherwise provided in this chapter, to qualify for a registration to practice as a speech-language pathology assistant, an applicant shall have graduated from an accredited college or university with at least an associate's degree from a technical training program in speech-language pathology assisting or a bachelor's degree in speech-language pathology.

10203 WAIVER OF EDUCATIONAL REQUIREMENT

10203.1 The Board may waive the educational requirement of § 10202.1 for an applicant who:

- (a) Provides proof that he or she was employed as a speech-language pathology assistant practicing under the supervision of a speech-language pathologist for a minimum of ~~15~~ fifteen (15) hours per week during three (3) of the five (5) years before February 5, 2014; and
- (c) Applies for registration ~~within~~ 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 in accordance with the requirements of ~~under~~ this chapter.

10205.2 A speech-language pathology assistant may only practice only under ~~current and active~~ the supervision of a licensed speech-language pathologist who ~~meets~~ sing

the requirements of § 10207.2 of this title.

10205.4 A speech-language pathology assistant may assist a speech-language pathologist in providing speech-language pathology services and treatments, which may include the following duties:

- (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.

10205.5 A speech-language pathology assistant shall not engage in any of the following conducts:

- (a) Representing himself or herself as a speech-language pathologist;
- (b) Performing standardized or non-standardized diagnostic tests, formal or informal evaluations, or swallowing screenings/checklists;
- (c) Performing procedures that require a high level of clinical acumen and technical skills, including but not limited to vocal tract prosthesis shaping or fitting, vocal tract imaging, and oral pharyngeal swallow therapy with bolus material;
- (d) Interpreting clinical results or observations;
- (e) Participating in formal parent conferences, case conferences, or any interdisciplinary team without the presence of the supervising speech-language pathologist or other designated supervising speech-language pathologist;
- (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 speech-language pathologist or without access to supervision;

- (i) Signing any formal documents (e.g., treatment plans, reimbursement forms, or reports; the speech-language assistant may sign or initial informal treatment notes for review and co-sign with the supervising speech-language pathologist 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 speech-language pathologist 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.

10205.7 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.

10205.9 A speech-language pathology assistant shall cease practice immediately if there is no speech-language pathologist providing current and active supervision.

10205.4 A speech language pathology assistant shall not engage in any of the following conducts:

- (a) Representing himself or herself as a speech language pathologist;
- (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 skills, including but not limited to vocal tract prosthesis shaping or fitting, vocal tract imaging, and oral pharyngeal swallow therapy with bolus material;

- ~~(d) — Interpreting clinical results or observations;~~
- ~~(e) — Participating in formal parent conferences, case conferences, or any interdisciplinary team meetings without the presence of the supervising speech language pathologist or other designated supervising speech language pathologist;~~
- ~~(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 speech language pathologist or without access to supervision;~~
- ~~(i) — Signing any formal documents (e.g., treatment plans, reimbursement forms, or reports; the speech language assistant may sign or initial informal treatment notes for review and co-sign with the supervising speech language pathologist as requested);~~
- ~~(j) — Selecting students, patients, or clients for services;~~
- ~~(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 speech language pathologist unless mandated by law;~~
- ~~(n) — Developing or determining the swallowing strategies or precautions for patients, family, or staff;~~
- ~~(o) — Treating medically fragile students, patients, or 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 only 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 meetings;~~
- ~~(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 to provide supervision.~~

~~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) Possess ~~ai~~ng current and valid license to practice speech-language pathology in the District of Columbia;
 - (b) ~~Has~~ving 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~~ Has not been the subject of 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 The supervising speech-language pathologist shall provide direct supervision, which shall include:

- (a) Assuming responsibility for the supervisee’s conduct in the speech-language pathology office or treatment facility;

- (b) Personally diagnosing the condition to be treated;
- (c) Remaining in the speech-language pathology office or treatment facility while the procedures are being performed by the supervisee; and
- (e) Personally evaluates the performance of the supervisee before dismissal of the patient.

10207.4 The direct supervision described in § 10207.3 may include the supervisor viewing and communicating with the supervisee via telecommunication technology as the supervisee performs clinical services provided that the supervisor can directly observe and give ongoing, immediate feedback.

10207.5 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.

10207.6 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.

10207.7 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.

10207.8 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.

10207.9 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 a 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.~~
- ~~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 direct 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 sixty (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 a 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 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 the 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 license 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) LGBTQ continuing education.
- 10208.3 To qualify for the reinstatement of a registration, an applicant shall have completed ten (10) hours of continuing education described in § 10208.2 during the two (2) years preceding the submission of the reinstatement application.
- 10208.4 To qualify for the reactivation of a registration in accordance with D.C. Official Code § 3-1205.11(c), the following applicant shall be deemed to meet the requirement of D.C. Official Code § 3-1205.11(c)(2):
- (a) An applicant who has been actively and lawfully practicing speech-language pathology assisting in another jurisdiction or territory of the United States;
 - (b) An applicant who has not been actively and lawfully practicing speech-language pathology assisting in another jurisdiction or territory of the United States, seeks the reactivation of the registration five (5) years or less after the last expiration of the registration, and has completed ten (10) hours of continuing education described in § 10208.2 during the two (2) years preceding the submission of the reactivation application; or
 - (c) An applicant who has not been actively and lawfully practicing speech-language pathology assisting in another jurisdiction or territory of the United States and seeks the reactivation of the registration more than five (5) years after the last expiration of the registration who can demonstrate his or her current competency to the Board’s satisfaction.
- 10208.5 The Board may 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 provide proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

10209 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

10209.1 A continuing education hour shall be valid and granted credit only if it is part of a program or activity approved by the Board as a program or activity that contributes to the growth of professional competence in the practice of speech-language pathology or speech-language pathology assisting, is current in its subject matter, and is developed and taught or conducted by qualified individuals.

10209.2 Subject to § 10209.1, 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.

10209.3 Subject to § 10209.1, the Board may grant continuing education credit 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 related to audiology or speech-language pathology in a professional journal or authoring or co-authoring a book, a chapter in a book or a book review related to audiology or speech-language pathology.

10209.4 The Board shall not grant credit for work done in the course of a requestor’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.

10209.5 A person seeking continuing education credits shall have the burden of verifying whether a program or activity is approved by the Board.

10209.6 Satisfactory proof of completion of a seminar, a workshop, or 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 of the course, 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.

10209.2 The Board may grant ten (10) continuing education hours for completion of each credit hour of an academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during ~~thea particular~~ licensure cycle for which credit is claimed.

10209.3 The Board may grant two (2) continuing education hours for the audit of a three (3)-credit-hour academic course offered at an accredited college or university

provided that the continuing education credit may only be granted for courses audited during the licensure cycle for which credit is claimed.

- 10209.4 A requestor may receive a maximum of six (6) continuing education hours for attendance and completion of in-service training programs.
- 10209.5 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in- service training, subject to the following restrictions:
- (a) Hours granted pursuant to this section shall not exceed six (6) hours per licensure cycle;
 - (b) If a requestor 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 licensure cycle 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 to the participants.
- 10209.6 The Board may grant credit for publication of an article related to audiology or speech-language pathology in a professional journal or publication of a book, a chapter in a book or a book review related to audiology or speech-language pathology, subject to the following restrictions as relevant:
- (a) The Board may grant up to eight (8) continuing education hours per licensure cycle to the 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;
 - (b) The Board may grant four (4) continuing education hours per licensure cycle to the sole author or a co-author of a peer-reviewed, published original paper; or
 - (c) The Board may grant one (1) continuing education hour per licensure cycle to the sole author of a published book review.

10299 DEFINITIONS

- 10299.1 As used in this chapter, the following terms shall have the meanings ascribed:

Approved continuing education – A continuing education program or activity that meets the

requirements of § 10209.

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 (2012~~07~~ 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.~~

LGBTQ continuing education – 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 section 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5) (2016 Supp.)).

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

Supervisor – A speech-language pathologist who is supervising a speech-language pathology assistant.

Registration Cycle – A period of two (2) years between January 1 of each odd-numbered year, when a registration issued pursuant to this chapter begins to be effective, to December 31 of each even numbered year, when a registration issued pursuant to this chapter expires.

Reinstatement – The reinstatement of a registration in accordance with D.C. Official Code § 3-1205.12.

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

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 ([“the Act”](#)), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl. ~~and 2015~~ [Sup](#)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to take action to adopt the following new chapter 84 (Speech-Language Pathology Clinical Fellows) 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 clinical fellows in speech-language pathology in accordance with [section 911 of the Act](#) (D.C. Official Code § 3-1209.11 ([2016 Supp.](#))).

Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, of the District of Columbia Municipal Regulations is amended by adding a new chapter 84 to read as follows:

CHAPTER 84 SPEECH-LANGUAGE PATHOLOGY CLINICAL FELLOWS

8400 GENERAL PROVISIONS

8400.1 This chapter shall apply to applicants for and holders of a registration to practice as speech-language pathology clinical fellow.

8400.2 Chapter 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 79 (Speech-Language Pathology) of this title shall supplement this chapter.

8400.3 Except as provided in § 8400.4, ~~as of the effective date of this chapter~~, no person may practice as a clinical fellow in speech-language pathology in the District unless duly registered under this chapter.

8400.4 The registration requirement under this chapter shall not be applicable to a clinical fellowship initiated and ongoing as of the effective date of this chapter provided that the clinical fellowship was initiated and conducted in accordance with the Certification of Clinical Competence standards of the American Speech-Language-Hearing Association (ASHA).

8401 TERM OF REGISTRATION

- 8401.1 Except as provided otherwise, a registration issued pursuant to this chapter shall expire one (1) year from the date of issuance or on the expiration date shown on the registration.
- 8401.2 A registration issued pursuant to this chapter shall not be valid for more than eighteen (18) months, unless the Board extends the period for good cause shown. In any event, the clinical fellowship shall be completed within a period of no more than twenty-four (24) months.
- 8401.3 A registration shall not be issued unless the applicant is seeking to begin the clinical fellowship in speech-language pathology within two (2) years of the conferral of the applicant's qualifying degree. In any event, the clinical fellowship shall be completed within three and a half (3.5) years from the date of conferral of the degree.

8402 EDUCATIONAL REQUIREMENTS

- 8402.1 To qualify for registration under this chapter, an applicant shall have graduated with a Master's or Doctoral Degree in speech-language pathology from a recognized educational institution whose speech language pathology program is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology, an accrediting body recognized by the United States Department of Education, or an equivalent accrediting body as determined by the Board.

8403 APPLICATION FOR REGISTRATION

- 8403.1 An applicant for a registration shall submit a complete application in accordance with § 4001 of this title, which shall also include:
- (a) Satisfactory evidence of the applicant's graduation with the requisite degree in accordance with § 8402.1;
 - (b) A notification of clinical fellowship supervision submitted by a speech-language pathologist licensed in the District, meeting the requirement of § 8404.2.
- 8403.2 A clinical fellow shall notify the Board within ten (10) business days of any change in the supervision, supervisor, or clinical fellowship.

8404 SUPERVISION OF CLINICAL FELLOWS

- 8404.1 A clinical fellow registered under this chapter may practice only under general supervision of a speech-language pathologist licensed in the District in accordance with chapter 78 of this title.
- 8404.2 To qualify as supervisor of a clinical fellow, a speech-language pathologist shall meet the following requirements:
- (a) Holds a valid District of Columbia license in speech-language pathology;
 - (b) ~~BeHas~~ engaged in a lawful practice of speech-language pathology for a minimum of two (2) years;
 - (c) ~~Not beHas not beenthe~~ subject of a public disciplinary action by a board or regulating body within the previous two (2) years; and
 - (d) ~~Does~~ not supervise more than three (3) clinical fellows at any given time.
- 8404.3 A clinical fellow supervisor shall provide:
- (a) A minimum of thirty-six (36) hours of supervisory activities during the clinical fellowship, including a minimum of two (2) hours of monitoring activities each month;
 - (b) Ongoing mentoring, which shall include on-site observations and other mentoring activities; and
 - (c) Formal evaluations of the clinical fellow's performance of clinical and other related activities.

8405 SCOPE OF PRACTICE

- 8405.1 The clinical fellowship shall consist of an employment, with or without direct compensation, as a professional in the field of speech-language pathology under general supervision with a minimum of thirty-five (35) hours of work per week. This requirement may also be met with part-time employment as follows:
- (a) Fifteen (15) to nineteen (19) hours a week, for a period of eighteen (18) months;
 - (b) Twenty (20) to twenty-four (24) hours a week, for a period of fifteen (15) months; or
 - (c) Twenty-five (25) to twenty-nine (29) hours a week, for a period of twelve (12) months.

8405.2 At least eighty percent (80%) of the clinical fellowship shall involve direct client contact, which includes the following:

- (a) Assessment, diagnosis, evaluation, and treatment;
- (b) Screening;
- (c) Habilitation and rehabilitation; and
- (d) Activities related to case management.

8405.3 The remaining twenty percent (20%) may be composed of supervised activities such as writing, research or planning.

8405.4 The activities included in a clinical fellowship shall consist of the following:

- (a) Conducting evaluations and treatment procedures;
- (b) Interpreting test results;
- (c) Determining case selections;
- (d) Designing treatment programs;
- (e) Collecting data and documenting performance;
- (f) Maintaining clinical records;
- (g) Providing written or oral reports (progress notes, diagnostic reports) regarding patients' or clients' status;
- (h) Making referrals; and
- (i) Participating in case conferences.

8406 STANDARDS OF CONDUCT

8406.1 A registered clinical fellow shall abide by the Code of Ethics adopted by the American-Speech-Hearing Association (ASHA).

8406.2 A registered clinical fellow shall identify himself or herself as a clinical fellow at all times when providing speech-language pathology services.

8499 DEFINITIONS

8499.1 The following terms and phrases shall have the meanings ascribed:

Applicant – a person applying for a registration to practice as a speech-language pathology clinical fellow under this chapter.

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.)).

Clinical fellow – a person who is registered pursuant to this chapter and completing the clinical fellowship requirements set forth under 17 DCMR § 7903.

Clinical fellow supervisor – a speech-language pathologist who is the supervisor of a clinical fellow.

Clinical fellowship – a period of supervised and mentored professional experience in the practice of speech-language pathology engaged by a person with a graduate degree in speech-language pathology in order to qualify for independent practice or licensure.

General supervision – supervision in which the clinical fellow supervisor is available to the clinical fellow under supervision, either in person or by a communications device.

Good cause – serious illness of the applicant, the death or serious illness of a member of the applicant's immediate family, or other cause sufficient to the Board.

Supervision – on-site or other personal and direct oversight and involvement of a clinical fellow supervisor in any and all ways that will permit the supervisor to monitor, improve, and evaluate the clinical fellow's performance in professional employment according to the degree of oversight and involvement necessary to support the particular clinical fellow's development in self-recognition of clinical and professional strengths and areas requiring additional development of skills.

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.

DEPARTMENT OF HEALTH
NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“the Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl.~~and 2015~~ ~~Supp.~~)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the intent to take proposed rulemaking action by adopting the following amendments to Chapter 78 (Audiology) of Title 17 (Business, Occupations and Professions) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to (1) revise the audiology regulation to conform to the addition of audiology assistant as a new profession under chapter 101 of this title; ~~(2) and to~~ update the continuing education requirements broadly; ~~and (3) -as well as to~~ include the new continuing education requirement pertaining to 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”) pursuant to section 510 of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Supp.)).

CHAPTER 78 (AUDIOLOGY) OF TITLE 17 (BUSINESS, OCCUPATIONS, AND PROFESSIONS) OF THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS is amended as follows:

Section 7800, GENERAL PROVISIONS, is amended as follows:

Section 7800.2 is amended to read as follows:

7800.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 101 (Audiology Assistants) of this title shall supplement this chapter.

Section 7808, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

7808 CONTINUING EDUCATION REQUIREMENTS

7808.1 This section shall apply to applicants for a renewal, ~~reinstatement~~reactivation, or reactivation ~~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 the license.

7808.2 To qualify for the renewal of a license, an applicant shall have completed twenty (20) hours of approved continuing education during the two (2)-year period preceding the date the license expires, which shall include one (1) hour of ethics. ~~It shall also include and~~ two (2) hours of LGBTQ 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). This LGBTQ continuing education requirement;~~ providing further that the LGBTQ continuing education requirement shall become effective and enforceable ~~no less than~~ six (6) months after the effective date of this section.

7808.3 Notwithstanding the requirement of §§ 7808.2 and 7906.2 ~~of chapter 79~~ of this title, an applicant for dual licensure renewal shall have completed thirty (30) hours of approved continuing education during the two year-period preceding the date the licenses expire, including one (1) hour ~~in of~~ ethics, ~~and~~ two (2) hours of LGBTQ continuing education, and five (5) hours of each of the audiology and speech-language pathology disciplines. ~~Of the thirty (30) hours, the applicant shall have completed at least five (5) hours in each of the audiology and speech-language pathology disciplines. The intent of this paragraph is likewise shared by, and may be cross-referenced with, § 7906.3 of chapter 79 of this title, which governs the continuing education requirements of speech language pathologists.~~

7808.4 To qualify for the reinstatement of a license, an applicant shall have completed twenty (20) hours of continuing education described in § 7808.2 during the two (2) years preceding the submission of the reinstatement application.

7808.5 To be eligible for the reactivation of a license in accordance with D.C. Official Code § 3-1205.11(c), the following applicants shall be deemed to meet the requirement of D.C. Official Code § 3-1205.11(c)(2):

- (a) An applicant who has been actively and lawfully practicing audiology in another jurisdiction or territory of the United States;
- (b) An applicant who has not been actively and lawfully practicing audiology in another jurisdiction or territory of the United States, seeks the reactivation of the license five (5) years or less after the last expiration of the license, and has completed twenty (20) hours of continuing education described in § 7808.2 during the two (2) years preceding the submission of the reactivation application; or
- (c) An applicant who has not been actively and lawfully practicing audiology in another jurisdiction or territory of the United States and seeks the reactivation of the license more than five (5) years after the last expiration of the license who can demonstrate his or her current competency to the Board’s satisfaction.

7808.6 The Board may 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 provide proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

Section 7809, CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended to read as follows:

7809 CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

7809.1 A continuing education hour shall be valid and granted credit only if it is part of a program or activity approved by the Board as a program or activity that contributes to the growth of professional competence in the practice of audiology or speech-language pathology, is current in its subject matter, and is developed and taught or conducted by qualified individual(s).

7809.2 Subject to § 7809.1, 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.

7809.3 Subject to § 7809.1, the Board may grant continuing education credit 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 related to audiology or speech-language pathology in a professional journal or authoring or co-authoring a book, a chapter in a book or a book review related to audiology or speech-language pathology.

7809.4 The Board shall not grant credit for work done in the course of a requestor'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.

7809.5 A ~~person seeking continuing education credits~~requestor shall have the burden of verifying whether a program or activity is approved by the Board.

7809.6 Satisfactory proof of completion of a seminar, a workshop, or 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, which for a course provider shall be by signature or stamp, and for an accreditor shall be by an official transcript.~~Verification by the course provider or accreditor of completion, by signature, stamp, or official transcript in the case of accreditors.~~

Section 7810, CONTINUING EDUCATION CREDITS, is amended to read as follows:

7810 CONTINUING EDUCATION CREDITS

7810.1 For the purposes of this chapter, one (1) continuing education hour shall mean sixty (60) minutes of learning time.

- 7810.2 The Board may grant ten (10) continuing education hours for completion of each credit hour of an academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during ~~a particular~~the licensure cycle for which credit is claimed.
- 7810.3 The Board may grant two (2) continuing education hours for the audit of a three (3)-credit-hour academic course offered at an accredited college or university.
- 7810.4 A requestor may receive a maximum of six (6) continuing education hours for attendance and completion of in-service training programs.
- 7810.5 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in- service training, subject to the following restrictions:
- (a) Hours granted pursuant to this section shall not exceed six (6) hours per licensure cycle;
 - (b) If a requestor 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 licensure cycle 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 to the participants.
- 7810.6 The Board may grant credit for publication of an article related to audiology or speech-language pathology in a professional journal or publication of a book, a chapter in a book, or a book review related to audiology or speech-language pathology, subject to the following restrictions as relevant:
- (a) The Board may grant up to eight (8) continuing education hours per licensure cycle to the 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;
 - (b) The Board may grant four (4)- continuing education hours per licensure cycle to the sole author or a co-author of a peer-reviewed, published original paper; or
 - (c) The Board may grant one (1) continuing education hour per licensure cycle to the sole author of a published book review.

Section 7811, SUPERVISION OF AUDIOLOGY ASSISTANTS, is added to read as follows:

7811 SUPERVISION OF AUDIOLOGY ASSISTANTS

- 7811.1 An audiologist licensed under this chapter may qualify to supervise an audiology assistant only if he or she meets the requirements of § 10105.2.
- 7811.2 A supervising audiologist shall supervise audiology assistants in accordance with §§ 10105 and 10106.
- 7811.3 A supervising audiologist shall retain full professional and ethical responsibility for the professional conduct and performance of the audiology assistant and shall delegate duties only as commensurate with the training, experience, and ability of the audiology assistant and within the scope of lawful practice pursuant to chapter 101 of this title.
- 7811.4 A supervising audiologist shall ensure that an audiology assistant under his or her supervision is duly registered and authorized to practice.

Section 7899, DEFINITIONS, is amended to read as follows:

7899 DEFINITIONS

- 7899.1 As used in this chapter, the following terms shall have the meanings ascribed:

Approved continuing education – A continuing education program or activity that meets the requirements of § 7809.

Au.D. – Doctor of Audiology.

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 supervisor is immediately available on the premises to the supervisee and within vocal communication of the supervisee either directly or by a communication device.

Director - the Director of the Department of Health, or the Director’s designee.

Dual licensure renewal – renewal of both an audiology and a speech-language pathology license in the District of Columbia, within the same renewal period.

General supervision – supervision in which the supervisor is available to the person supervised, either in person or by a communication device.

Good cause – serious illness of the applicant, the death or serious illness of a member of the applicant’s immediate family, or other cause sufficient to the Board.

LGBTQ continuing education – 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).

Licensure cycle – a two-year period between the January 1 of each odd-numbered year and December 31 of each even-numbered year during which a license issued pursuant to this chapter is valid in accordance with § 7801.1.

Ph.D. – Doctor of Philosophy in Audiology.

Practice of audiology – means the planning, directing, supervising, and conducting of habilitative or rehabilitative counseling programs for individuals or groups of individuals who have, or are suspected of having, disorders of hearing; any service in audiology, including prevention, identification, evaluation, consultation, habilitation or rehabilitation, instruction, or research; participating in hearing conservation or hearing aid and assistive listening device evaluation, selection, preparation, dispensing, and orientation; fabricating ear molds; providing auditory training and speech reading; or administering tests of vestibular function and tests for tinnitus. The practice of audiology includes speech and language screening limited to a pass-or-fail determination for the purpose of identification of individuals with disorders of communication. The practice of audiology does not include the practice of medicine or osteopathic medicine, or the performance of a task in the normal practice of medicine or osteopathic medicine by a person to whom the task is delegated by a licensed physician.

Reinstatement – The reinstatement of a license in accordance with D.C. Official Code § 3-1205.12.

Requestor – a person seeking continuing education credits.

Supervised experience – the clinical fellowship year required for applicants for licensure with a Master’s degree or Ph.D. degree, or the period of supervised practice during an Au.D. program.

Supervisor – an audiologist who is qualified under § 7803.7 and who is providing general supervision to an individual completing the supervised experience requirements in § 7803, or an audiologist qualified under § 7812.9 who is providing direct supervision to a graduate student under § 7812.

Supervisee – an individual who is completing the supervised experience requirements.

Valid continuing education – continuing education approved and granted continuing education credit by the Board in accordance with §§ 7909 and 7910.

7899.2 The definitions in § 4099 of chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002, or by email to Angli.Black@dc.gov. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays.

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 (“the Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl. ~~and 2015 Supp.~~), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to take action to adopt the following new chapter 101 (Audiology Assistants) 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*.

Comment [PV1]: Do we need this? No one has ever told me this is needed.

This rulemaking will establish regulations for the registration of audiology assistants in accordance with section 909 of the Act (D.C. Official Code § 3-1209.09 (2016 Supp.)).

Comment [PV2]: What’s wrong with simply citing the official code? No one has made this change. See the 3 sets from Carol.

Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, of the District of Columbia Municipal Regulations is amended by adding a new chapter 101 to read as follows:

Comment [S3]:
IT Response: When rules cite a provision that is not found in an enacted title of the Code, they ordinarily cite (and should cite) the organic act, not just the Code section. This is because unenacted titles of the Code aren’t themselves law; they’re evidence of law. The organic act is the law.

10100 GENERAL PROVISIONS

Comment [PV4]: Ok.

10100.1 This chapter shall apply to applicants for and holders of a registration to practice as an audiology assistant.

10100.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 78 (Audiology) of this title shall supplement this chapter.

10100.3 No person may practice ~~audiology assisting or~~ as an audiology assistant (also known as “audiology assisting”) without a registration issued pursuant to this chapter.

Comment [S5]: Consistent with our previous conversation, it may be worth defining what the “practice of audiology assisting” is, in a manner consistent with the statute, since that phrase is never defined in these rules or in the statute.

10100.4 Notwithstanding § 10100.3, during a period of twelve (12) months from the effective date of this chapter, a person who is practicing audiology assisting or as an audiology assistant on the effective date of this chapter and continue to practice without a registration shall not be deemed to be in violation of § 10100.3.

Comment [PV6]: I’d be happy to include a definition in the rule. But it’s essentially someone who assists an audiologist in the practice of audiology as authorized in this rule.

10101 TERM OF REGISTRATION

Comment [S7]:
IT Response: I am still confused by the phrase “practice audiology assisting or as an audiology assistant” (emphasis added), which implies that these are two distinct things. Are they? If not, I would recommend rewording. And if they are, I would recommend specifying the difference between them.

10101.1 Subject to § 10101.2, a registration issued pursuant to this chapter shall expire at 12:00 Midnight of December 31 of each even-numbered year.

10101.2 Pursuant to § 4006.3, ~~The the~~ Director may change the renewal system and the expiration dates of registrations issued pursuant to this chapter ~~pursuant to §~~

Comment [PV8]: ok

Comment [S9]: Recommended (minor) revision for clarity.

~~4006.3 of this title.~~

10102 EDUCATIONAL REQUIREMENT

10102.1 Except as otherwise provided in this chapter, to qualify for a registration to practice as an audiology assistant, an applicant shall have completed one of the following educational levels in audiology assisting, hearing sciences and disorders, communication sciences and disorders, or equivalent as determined by the Board:

- (a) Two (2) years of accredited college education, with a minimum of forty-eight (48) semester hours or seventy-two (72) quarter hours;
- (b) An associate's degree from an accredited college; or
- (c) A technical school certification program.

10103 WAIVER OF EDUCATIONAL REQUIREMENT

10103.1 The Board may waive the educational requirement of § 10102.1 for an applicant who:

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

10104 REGISTRATION BY ENDORSEMENT

10104.1 An applicant may be eligible for registration by endorsement if:

- (a) The applicant is currently licensed or registered in good standing as an audiology assistant under the laws of a state or territory of the United States pursuant to the requirements determined by the Board to be substantially equivalent to the requirements of § 10102.1; or
- (b) The applicant is currently licensed or registered in good standing as an audiology assistant in another state or territory of the United States and has practiced in the state or territory for a minimum of two (2) years.

10105 SCOPE OF PRACTICE

- 10105.1 No person may practice as an audiology assistant unless he or she is duly registered pursuant to this chapter and performs the duties of the profession under current and active supervision of a licensed audiologist meeting the requirements of § 10105.2.
- 10105.2 An audiologist licensed under this title may qualify to supervise an audiology assistant only if he or she meets the following requirements:
- (a) Possessing current and valid license to practice audiology in the District of Columbia;
 - (b) Having practiced audiology in the District or any other jurisdiction of the United States for at least two (2) years; and
 - (c) Not having been subject of a formal or public disciplinary action by the Board or any other jurisdiction within the United States within the previous two (2) years.
- 10105.3 An audiology assistant may assist an audiologist with audiological evaluation and in treatment programs.
- 10105.4 An audiology assistant may not perform any of the following actions or functions:
- (a) Independently performing or administering hearing diagnostic tests;
 - (b) Determining case selection or evaluation protocols;
 - (c) Interpreting observations or data into diagnostic statements of clinical management strategies or procedures;
 - (d) Participating in team or case conferences or on any interdisciplinary team, without the presence of the supervising audiologist or an audiologist designated by the supervising audiologist;
 - (e) Writing, developing, or modifying a patient's individualized treatment plan;
 - (f) Assisting with patients without following the treatment plan prepared by the audiologist or without proper supervision;
 - (g) Composing or signing any formal documents (e.g., treatment plans, reimbursement forms, or reports);
 - (h) Transmitting or disclosing clinical information, either orally or in writing, to anyone, including the patient, without the approval of the supervising

audiologist;

- (i) Selecting patients for treatment services or discharging patients from treatment services;
- (j) Counseling or consulting with the patient, family, or others regarding the patient status or service or making referrals for additional services; or
- (k) Referring to him/ or herself either orally or in writing with a title other than one determined by the supervising audiologist.

Comment [S10]:

IT Note: I am still not certain how much activity this encompasses.

~~10105.7 An audiology assistant may not practice when a supervisor cannot be reached by personal contact, phone, pager, or other immediate means.~~

~~10105.8 An audiology assistant shall cease practice immediately if there is no audiologist providing current and active supervision.~~

~~10105.1 No person may practice as an audiology assistant unless he or she is duly registered pursuant to this chapter and performs the duties of the profession under current and active supervision of a licensed audiologist meeting the requirements of § 10105.2, except as otherwise provided in § 10106.1.~~

~~10105.2 An audiologist licensed under this title may qualify to supervise an audiology assistant only if he or she meets the following requirements:~~

- ~~(a) Possessing current and valid license to practice audiology in the District of Columbia;~~
- ~~(b) Having practiced audiology in the District or any other jurisdiction of the United States for at least two (2) years; and~~
- ~~(c) Not having been subject of a formal or public disciplinary action by the Board or any other jurisdiction within the United States within the previous two (2) years.~~

~~10105.3 An audiology assistant may perform the following duties under general supervision of a supervisor:~~

- ~~(a) Packaging and mailing earmold orders, device repairs, and factory returns;~~
- ~~(b) Performing inventories of equipment and supplies, including entering supply orders;~~
- ~~(c) Cleaning and maintaining hearing aids and other amplification devices;~~
- ~~(d) Troubleshooting and performing minor repairs to hearing aids, earmolds, or other hearing technologies;~~

Comment [S11]: What happens if someone has practiced for 1 year in the District and 1 year elsewhere? Is that sufficient?

Separately, I am not certain this requirement is consistent with the statute. The statute appears to allow any licensed audiologist to supervise an audiologist assistant. Likewise, if an audiologist assistant practices under the supervision of a licensed audiologist who has been practicing for less than the two years, the statute appears to say that the audiologist assistant is acting lawfully, but this rule provision would seem to imply otherwise.

Comment [PV12]: We must insist in this qualification for a supervisor. You don't want people just coming out of the degree program starting to supervise right away.

Comment [S13]:

IT Response: As my email indicated, I agree that the statute can reasonably be read to leave room for this two-year requirement. I'm still confused, though, what happens if someone has practiced for 1 year in the District and 1 year elsewhere; does that meet the 2-year requirement?

- ~~(e) — Performing electroacoustic analysis of hearing aids and other amplification devices;~~
- ~~(f) — Instructing patients in proper use and care of hearing aids and other amplification devices;~~
- ~~(g) — Demonstrating alerting and assistive listening devices;~~
- ~~(h) — Instructing patients in proper ear hygiene;~~
- ~~(i) — Setting up and checking audiologic equipment;~~
- ~~(j) — Preparing materials for ear impressions;~~
- ~~(k) — Maintaining and restocking test and treatment rooms;~~
- ~~(l) — Performing hearing and tympanometric screenings on adults and children;~~
- ~~(m) — Performing otoacoustic emission screening;~~
- ~~(n) — Performing nondiagnostic otoscopy;~~
- ~~(o) — Preparing patients for videonystagmography (VNG) or electronystagmography (ENG) or evoked testing;~~
- ~~(p) — Performing universal newborn hearing screening tests;~~
- ~~(q) — Performing infection control duties within the clinic or during service;~~
- ~~(r) — Co-signing documents such as treatment plans or reports; or~~
- ~~(s) — Assisting patients in completing case history or other relevant forms.~~

~~10105.4 — An audiology assistant may perform the following duties only under the direct supervision of a supervisor:~~

- ~~(a) — Assisting the audiologist, or the speech language pathologist providing supervision in accordance with § 10106.1, in treatment programs; or~~
- ~~(b) — Assisting the audiologist with audiological evaluation.~~

~~10105.5 — An audiology assistant may not perform any of the following actions or functions:~~

- ~~(a) — Independently performing or administering hearing diagnostic tests;~~
- ~~(b) — Determining case selection or evaluation protocols;~~

- ~~(c) — Interpreting observations or data into diagnostic statements of clinical management strategies or procedures;~~
- ~~(d) — Participating in team or case conferences or on any interdisciplinary team, without the presence of the supervising audiologist or an audiologist designated by the supervising audiologist;~~
- ~~(e) — Writing, developing, or modifying a patient's individualized treatment plan;~~
- ~~(f) — Assisting with patients without following the treatment plan prepared by the audiologist or without proper supervision;~~
- ~~(g) — Composing or signing any formal documents (e.g., treatment plans, reimbursement forms, or reports);~~
- ~~(h) — Transmitting or disclosing clinical information, either orally or in writing, to anyone, including the patient, without the approval of the supervising audiologist;~~
- ~~(i) — Selecting patients for treatment services or discharging patients from treatment services;~~
- ~~(j) — Counseling or consulting with the patient, family, or others regarding the patient status or service or making referrals for additional services; or~~
- ~~(k) — Referring to him/ or herself either orally or in writing with a title other than one determined by the supervising audiologist.~~

~~10105.6 — Notwithstanding other provisions in this chapter, an audiology assistant who has a current certification from the Council for Accreditation in Occupational Hearing Conservation (CAOHC) may perform the following functions under general supervision of a supervising audiologist:~~

- ~~(a) — Checking audiometric instrumentation;~~
- ~~(b) — Performing otoscopic screening and pure tone threshold testing for the purpose of hearing conservation;~~
- ~~(c) — Providing basic counseling to employees concerning test results and criteria for employee referral;~~
- ~~(d) — Fitting and training of employees on personal hearing protection devices;~~
- ~~(e) — Fitting testing of hearing protection devices;~~

~~(f) —Assisting CAOHC course directors in conducting training courses;~~

~~(g) —Providing employee hearing conservation education, training, and motivation;~~

~~(h) —Recordkeeping;~~

~~(i) —Generating periodic hearing conservation statistical reports; or~~

~~(j) —Ensuring that audiologic equipment is calibrated annually.~~

~~10105.7 —An audiology assistant may not practice when a supervisor cannot be reached by personal contact, phone, pager, or other immediate means.~~

~~10105.8 —An audiology assistant shall cease practice immediately if there is no audiologist providing current and active supervision.~~

10106 SUPERVISION OF AUDIOLOGY ASSISTANT

~~10106.1 —The supervisor shall retain full professional and ethical responsibility for the professional conduct and performance of the audiology assistant and shall delegate duties only as commensurate with the training, experience, and ability of the audiology assistant and within the scope of lawful practice pursuant to this chapter.~~

~~10106.2 —The supervisor shall be immediately available on the premises to the supervisee and within vocal communication of the supervisee either directly or by a communication device and the supervisor personally diagnoses the condition to be treated, personally authorizes procedures, and personally evaluates the performance of the audiologist assistant before dismissal of the patient.~~

~~10106.3 —The supervisor shall verify that an audiology assistant holds a current, valid registration prior to the commencement of the audiology assistant's practice.~~

~~10106.4 —The supervisor shall ensure that the audiology assistant under his or her supervision understand and adhere to the professional code of ethics applicable to him/ or herself.~~

~~10106.1 —In a practice setting where both audiology and speech language pathology services are provided, an audiology assistant may perform duties that are within the scopes of both speech language pathology practice and audiology practice under the supervision of either a speech language pathologist meeting the requirements of § 10207.2 or an audiologist meeting the requirements of § 10105.2.~~

~~10106.2 —The supervisor shall retain full professional and ethical responsibility for the professional conduct and performance of the audiology assistant and shall delegate duties only as commensurate with the training, experience, and ability of~~

~~the audiology assistant and within the scope of lawful practice pursuant to this chapter.~~

~~10106.3 The supervisor shall verify that an audiology assistant holds a current, valid registration prior to the commencement of the audiology assistant's practice.~~

~~10106.4 The supervisor shall ensure that the audiology assistant under his or her supervision understand and adhere to the professional code of ethics applicable to him/ or herself.~~

10107 STANDARDS OF CONDUCT FOR AUDIOLOGY ASSISTANTS

10107.1 An audiology assistant shall adhere to the standards set forth in either the current Code of Ethics of the American Speech-Language-Hearing Association or the current Code of Ethics for the American Academy of Audiology as applicable to the supervising audiologist.

10107.2 An audiology assistant shall clearly identify himself or herself to patients or clients as an audiology assistant at all times and shall not act or communicate in any manner that may give the impression that the audiology assistant is authorized to practice independently or as an audiologist or speech-language pathologist in any way.

10107.3 An audiology assistant shall perform only those functions of the profession that are within his or her scope of competence, training, and experience.

10108 CONTINUING EDUCATION REQUIREMENTS

10108.1 This section shall apply to applicants for renewal, reactivation, or reinstatement of a registration and shall not apply to applicants for an initial registration or applicants seeking renewal of a registration for the first time after the initial grant of the registration.

10108.2 To be eligible for the renewal of a registration, an applicant shall have completed, during the two (2)-year period preceding the date the registration expires, ten (10) hours of approved continuing education related to audiology, 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 [section 510\(b\)\(5\) of the Act](#) (D.C. Official Code § 3-1205.10 (b)(5)).

10108.3 To be eligible for the reinstatement of a registration issued pursuant to this chapter, an applicant shall have completed ten (10) hours of continuing education

described in § 10108.2 during the two (2) years preceding the submission of the reinstatement application.

- 10108.4 To qualify for the reactivation of a registration in accordance with D.C. Official Code § 3-1205.11(c), the following applicants shall be deemed to meet the requirement of D.C. Official Code § 3-1205.11(c)(2):
- (a) An applicant who has been actively and lawfully practicing audiology assisting in another jurisdiction or territory of the United States;
 - (b) An applicant who has not been actively and lawfully practicing audiology assisting in another jurisdiction or territory of the United States, seeks the reactivation of the registration five (5) years or less after the last expiration of the registration, and has completed ten (10) hours of continuing education described in § 10108.2 during the two (2) years preceding the submission of the reactivation application; or
 - (c) An applicant who has not been actively and lawfully practicing audiology assisting in another jurisdiction or territory of the United States and seeks the reactivation of the registration more than five (5) years after the last expiration of the registration who can demonstrate his or her current competency to the Board's satisfaction.

10108.5 The Board may conduct a random audit of at least ten percent (10%) of its active registrants to determine continuing education compliance. Any registrant selected for the audit shall submit proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

10109 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

10109.1 A continuing education hour shall be valid and granted credit only if it is part of a program or activity approved by the Board as a program or activity that contributes to the growth of professional competence in the practice of audiology assisting, is current in its subject matter, and is developed and taught or conducted by qualified individuals.

10109.2 Subject to § 10109.1, 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.

10109.3 Subject to § 10109.1, the Board may grant continuing education credit 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 related to audiology or speech-language pathology in a professional journal or authoring or co-authoring a book, a chapter in a book or a book review related to audiology or speech-language pathology.

10109.4 The Board shall not grant credit for work done in the course of a requestor'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.

10109.5 A person seeking continuing education credits shall have the burden of verifying whether a program or activity is approved by the Board.

10109.6 Satisfactory proof of completion of a seminar, a workshop, or 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.

10110 CONTINUING EDUCATION CREDITS

10110.1 For the purposes of this chapter, one (1) credit hour shall mean sixty (60) minutes of learning time.

10110.2 The Board may grant ten (10) continuing education hours for completion of each credit hour of an academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during a particular the registration cycle for which the credit is claimed.

10110.3 The Board may grant two (2) continuing education hours for the audit of a three (3)-credit-hour academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during the registration cycle for which the credit is claimed.

10110.4 A requestor may receive a maximum of five (5) continuing education hours for attendance and completion of in-service training programs.

10110.5 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in-service training, subject to the following restrictions:

- (a) Hours granted pursuant to this section shall not exceed three (3) per registration cycle;
- (b) If a person 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 shall have been completed during the registration cycle 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 to the participants.

10110.6 The Board may grant credit to an applicant 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 restriction as relevant:

- (a) The Board may grant eight (8) hours of continuing education credit per registration cycle, if the book has been published or accepted for publication during the period for which credit is claimed;
- (b) The Board may grant four (4) hours of continuing education per registration cycle to the sole author or co-author of a peer-reviewed, published original paper; or
- (c) The Board may grant one (1) continuing education hour of credit per registration cycle to the sole author of a published book review.

10199 DEFINITIONS

10199.1 As used in this chapter, the following terms shall have the meanings ascribed:

Approved continuing education – A continuing education program or activity that meets the requirements of § 10109.

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 supervisor is immediately available on the premises to the supervisee and within vocal communication of the supervisee either directly or by a communication device and the supervisor personally diagnoses the condition to be treated, personally authorizes procedures, and personally evaluates the performance of the audiologist assistant before dismissal of the patient.

General supervision – Supervision in which the supervisor is available to the supervisee, either in person or by a communication device.

LGBTQ continuing education – 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).

Registration Cycle – A period of two years between January 1 of each odd-numbered year, when a registration issued pursuant to this chapter begins to be effective, to December 31 of each even numbered year, when a registration issued pursuant to this chapter expires.

Reinstatement – The reinstatement of a registration in accordance with D.C. Official Code § 3-1205.12.

Supervisor – An audiologist who is qualified under § 10105.2 and is supervising an audiology assistant or a speech-language pathologist who is qualified under § 10207.2 and is supervising an audiology assistant in accordance with § 10106.1.

10199.1 The definitions in § 4099 of this title are incorporated by reference into and are applicable to 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.