

**CHAPTER 45. STATE BOARD OF EXAMINERS IN
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

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Authority

The provisions of this Chapter 45 issued under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and sections 8 and 13 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P. S. §§ 1708 and 1713), unless otherwise noted.

Source

The provisions of this Chapter 45 adopted July 29, 1988, effective July 30, 1988, 18 Pa.B. 3340, unless otherwise noted.

Cross References

This chapter cited in 49 Pa. Code § 41.26 (relating to professional corporations); and 49 Pa. Code § 47.21 (relating to professional corporations).

Subchapter A. GENERAL PROVISIONS

- Sec.
- 45.1. Fees.
- 45.2. Definitions.
- 45.3. Disclosure of financial or ownership interest—statement of policy.

§ 45.1. Fees.

The following are the fees charged by the Board:

- (1) Initial license \$50
- (2) Certification of licensure \$15
- (3) Biennial renewal of license \$65
- (4) Provisional license \$50
- (5) Provisional license renewal \$30
- (6) Certification to utilize neurophysiologic
intraoperative monitoring \$15
- (7) Application for continuing education approval
(other than preapproved provider) \$40

Authority

The provisions of this § 45.1 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.1 adopted July 29, 1988, effective July 30, 1988, 18 Pa.B. 3340; amended July 31, 1992, effective August 1, 1992, 22 Pa.B. 3991; amended December 8, 1995, effective December 9, 1995, and apply to examination fees charged on and after September 1, 1995, 25 Pa.B. 5588; amended April 7, 2006, effective April 8, 2006, 36 Pa.B. 1648; amended December 5, 2014, effective December 6, 2014, 44 Pa.B. 7555; amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375003) to (375004).

Cross References

This section cited in 49 Pa. Code § 45.12 (relating to licensure application procedures); 49 Pa. Code § 45.13 (relating to renewal of license; inactive status of license; required continuing education); 49 Pa. Code § 45.23 (relating to provisional licenses); 49 Pa. Code § 45.501 (relating to credit hour requirements); and 49 Pa. Code § 45.505 (relating to approval of continuing education programs).

§ 45.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

ASHA—The American Speech-Language-Hearing Association.

Act—The Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1701—1719).

Biennial renewal period—The period from August 1 of an even-numbered year to July 31 of the next even-numbered year.

Board—The State Board of Examiners in Speech-Language Pathology and Audiology.

Business entity—A lawful form of organization, including a corporation, partnership, trust, association, company or other similar form of organization.

Clock hour—Consists of 50 to 60 minutes of instruction or participation in an approved continuing education course or program.

Continuing education record—Report provided to a participant in a continuing education course or program by the provider which conforms to § 45.506(b) (relating to provider responsibilities).

Direct supervision—The personal, on-premises observation of activities performed by personnel working under the licensee or qualified training supervisor.

Inactive license—A license status in which the licensee notifies the Board that the licensee no longer requires an active license to practice.

Lapsed license—A license status in which the license has not been currently renewed.

Licensees—Speech-language pathologists and audiologists.

Neurophysiologic intraoperative monitoring—The process of continual testing and interpreting of results by the use of electrodiagnostic modalities to identify and monitor the functional integrity of neurological structures to reduce the risk of injury and complications related to the nervous system during a surgical procedure.

Practice of audiology—The application of principles, methods and procedures related to disorders of the auditory and vestibular systems including all of the following:

- (i) Prevention of hearing loss by designing, implementing and coordinating industrial, school and community-based hearing conservation programs.

(ii) Identification of dysfunction of hearing, balance and other auditory-related systems by developing and overseeing hearing and balance-related screening programs for persons of all age, including newborn and school screening programs.

(iii) Administration of speech or language screening or other measures for the purpose of initial identification and referral of persons with other communicative disorders.

(iv) Assessment and nonmedical diagnosis and treatment of hearing and vestibular disorders through the administration of behavioral, psychoacoustic, electrophysiologic tests of the peripheral and central auditory and vestibular systems using standardized test procedures, including all of the following:

(A) Audiometry.

(B) Tympanometry.

(C) Acoustic reflex measures.

(D) Otoacoustic emissions.

(E) Auditory evoked potentials.

(F) Video and electronystagmography.

(G) Tests of central auditory function using calibrated instrumentation leading to the diagnosis of auditory and vestibular dysfunction abnormality.

(v) Assessment of candidacy of persons with hearing loss for cochlear implants.

(vi) Nonmedical treatment for persons with impairment of auditory function utilizing amplification and other assistive devices.

(vii) Selection, fitting, evaluation and dispensing of hearing aids and other amplification systems.

(viii) Fitting and mapping of cochlear implant devices and audiologic rehabilitation to optimize device use.

(ix) Fitting of middle ear implantable hearing aids, fully implantable hearing aids and bone-anchored hearing aids.

(x) Conducting otoscopic examinations.

(xi) Nonmedical treatment of persons with tinnitus using techniques including biofeedback, masking, hearing aids, education and counseling.

(xii) Counseling on the psychosocial aspects of hearing loss and the use of amplification systems.

(xiii) Administration of electrophysiologic measures of neural function, including sensory and motor-evoked potentials, and preoperative and postoperative evaluation of neural function.

(xiv) Use of neurophysiologic intraoperative monitoring of the central nervous system, spinal cord and cranial nerve function by an audiologist holding certification from the Board under § 45.24 (relating to certification to utilize neurophysiologic intraoperative monitoring) and upon delegation from and under the overall direction of a physician.

(xv) Acts within the definition of “practice of audiology” in the following documents, provided there is not a conflict with the act or this chapter:

(A) ASHA’s Scope of Practice in Audiology statement developed by the Coordinating Committee for ASHA Vice President for Professional Practices in Audiology and approved in 2016 by the Legislative Council.

(B) The American Academy of Audiology’s Scope of Practice document developed in 1992, and updated in 1996 and 2004.

(C) The Academy of Doctors of Audiology’s (ADA) Scope of Practice statement jointly crafted by the ADA and the Audiology Foundation of America (July 31, 2003).

Practice of speech-language pathology—The application of principles, methods and procedures of prevention, screening, consultation, identification, assessment and evaluation, determination of disorders and service delivery model, nonmedical treatment and intervention, counseling, collaboration and referral services for persons with known or suspected language, cognitive and linguistic, social, speech (resonance and voice, fluency and sound production), feeding and swallowing, orofacial myofunctional disorders or communication disorders, including all of the following:

(i) Screening individuals for hearing loss or middle ear pathology using conventional pure-tone air conduction methods, otoacoustic emissions screening and screening tympanometry.

(ii) Providing intervention and support services for children and adults diagnosed with speech-language or auditory processing disorders.

(iii) Using instrumentation to observe, collect data and measure parameters of communication and swallowing or other upper aerodigestive functions.

(iv) Developing, selecting and implementing multimodal augmentative and alternative communication systems, including aided and unaided strategies.

(v) Providing amplification services to children and adults with hearing loss.

(vi) Selecting, fitting and establishing effective use of devices for communication and swallowing other than hearing amplification.

(vii) Providing nonmedical treatment and instruction on modification or enhancement of communication performance.

(viii) Evaluating the functionality of amplification devices.

(ix) Providing auditory training involving individuals with hearing loss.

(x) Teaching and implementing techniques to assure safety and efficiency in swallowing.

(xi) Acts within the definition of “practice of speech-language pathology” developed by the ASHA’s Ad Hoc Committee on the Scope of Practice in Speech-Language Pathology and approved by the ASHA Legislative Council in 2016, provided there is not a conflict with the act or this chapter.

Provider—An agency, organization, institution, college, university, professional society, association or center approved by the Board to offer an organized continuing education course or program.

Authority

The provisions of this § 45.2 amended under sections 5, 7(d)(1), 8(a), 8.1, 10, 16 and 17 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705, 1707(d)(1), 1708(a), 1708.1, 1710, 1716 and 1717); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.2 adopted July 20, 1990, effective July 21, 1990, 20 Pa.B. 3973; amended May 22, 1992, effective May 23, 1992, 22 Pa.B. 2730; amended May 29, 1992, effective May 30, 1992, 22 Pa.B. 2833; amended April 7, 2006, effective April 8, 2006, 36 Pa.B. 1648; amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375004) to (375006).

§ 45.3. Disclosure of financial or ownership interest—statement of policy.

(a) *Purpose.* This statement of policy implements the act of May 26, 1988 (P. L. 403, No. 66) (35 P. S. §§ 449.21—449.23).

(b) *Requirement.* A licensee of the Board referring a client for health-related services, devices or products to a business, service provider, facility or entity in which the licensee or a member of his family has a financial or ownership interest to any extent or degree, shall disclose that interest prior to making the referral, and shall notify the client of his freedom to choose an alternate provider.

(c) *Guidelines for disclosure.*

(1) *Posting notice of disclosure requirement.* It is recommended that compliance with the disclosure requirement include the prominent posting of a printed notice at least 8 1/2" x 11", legible from 3 feet, posted in the patient waiting area, as follows:

TREATMENT IN THIS OFFICE MAY INCLUDE A REFERRAL FOR FURTHER HEALTH-RELATED SERVICES, DEVICES OR PRODUCTS. PENNSYLVANIA LAW REQUIRES ANY HEALTH-CARE PRACTITIONER TO DISCLOSE TO YOU ANY FINANCIAL INTEREST HE HAS IN ANY HEALTH-CARE FACILITY IN WHICH HE RECOMMENDS FURTHER HEALTH-RELATED SERVICES, DEVICES OR PRODUCTS. (ACT 66-1988)"

(2) *Written notice.* When a licensee of the Board makes this type of referral, the licensee or a delegate shall advise the client and shall retain the following document in the patient's file:

I have been referred to _____ for _____ . I understand that my [licensee's profession] has a financial interest in this business, and that I am free to choose an alternate provider.

(signature of patient)

Source

The provisions of this § 45.3 adopted January 24, 1992, effective January 25, 1992, 22 Pa.B. 368.

Subchapter B. LICENSURE AND CERTIFICATION

- Sec.
- 45.11. Licenses and certifications.
 - 45.12. Licensure application procedures.
 - 45.13. Renewal of license; inactive status of license; required continuing education.
 - 45.14. Reactivation of licensure status.
 - 45.15. Duplicate licenses.
 - 45.16. Display of license.
 - 45.17. Education requirements.
 - 45.18. [Reserved].
 - 45.19. [Reserved].
 - 45.20. Supervised professional experience required for licensure as a speech-language pathologist.
 - 45.21. Waivers.
 - 45.22. Foreign-trained applicants.
 - 45.23. Provisional licenses.
 - 45.24. Certification to utilize neurophysiologic intraoperative monitoring.

Authority

The provisions of this Subchapter B issued under section 5(1), (2) and (6) of the Speech-Language Pathologists and Audiologists Licensure Act (63 P. S. § 1705(1), (2) and (6)), unless otherwise noted.

Source

The provisions of this Subchapter B adopted May 29, 1992, effective May 30, 1992, 22 Pa.B. 2833, unless otherwise noted.

§ 45.11. Licenses and certifications.

The Board issues the following licenses and certifications:

- (1) Speech-language pathologist license.
- (2) Audiologist license.
- (3) Provisional license as a speech-language pathologist.
- (4) Provisional license as an audiologist.
- (5) Certification for an audiologist to utilize neurophysiologic intraoperative monitoring.

Authority

The provisions of this § 45.11 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.12 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial page (375007).

Cross References

This section cited in 49 Pa. Code § 45.12 (relating to licensure application procedures).

§ 45.12. Licensure application procedures.

(a) The applicant for licensure shall submit to the Board, along with required fees as provided by § 45.1 (relating to fees), a completed, signed and dated application and applicable documentation.

(b) Excluding applicants who fall within the exclusions in section 6(b) of the act (63 P.S. § 1706(b)), the applicant for licensure shall file with the Board evidence that the applicant has:

(1) *Speech-language pathologists.*

(i) Met the educational requirements of § 45.17(a) (relating to education requirements).

(ii) Completed 9 months of supervised professional experience requirements of § 45.20 (relating to supervised professional experience required for licensure as a speech-language pathologist).

(iii) Passed an examination approved by the Board.

(iv) Demonstrated that the applicant is of good moral character.

(2) *Audiologists.*

(i) Met the educational requirements of § 45.17(b).

(ii) Passed an examination approved by the Board.

(iii) Demonstrated that the applicant is of good moral character.

(c) An applicant who wishes to apply for more than one Board-issued license or provisional license specified in § 45.11 (relating to licenses and certifications) shall submit a separate application for each license or provisional license.

Authority

The provisions of this § 45.12 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.12 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375007) to (375008).

Cross References

This section cited in 49 Pa. Code § 45.23 (relating to provisional licenses).

§ 45.13. Renewal of license; inactive status of license; required continuing education.

(a) Unless renewed for the upcoming biennium, licenses issued under this subchapter expire at the end of the current biennium.

(b) Licenses, provisional licenses, certifications and documentation from the Board will be sent to the address provided to the Board by the licensee. Whenever the licensee changes an address of record, the licensee shall notify the Board in writing within 10 days after making the address change.

(c) The licensee shall renew his license in the manner prescribed by the Board and pay the required fee, as provided by § 45.1 (relating to fees). Unless

a licensee requests that a license be placed on inactive status, at the end of a biennial period it will be marked expired until it is renewed or reactivated.

(d) When a license is renewed after the expiration date, a late fee, as provided for by section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225), will be charged for each month or part of a month that the licensee has engaged in practice beyond the expiration date. A licensee who practices under an expired license may be subject to criminal prosecution under section 18 of the act (63 P.S. § 1718).

(e) A license that is not renewed at the end of a biennium will be marked expired unless a licensee who does not intend to practice in this Commonwealth requested that the license be placed on inactive status.

(f) A licensee who fails to renew a license or who requests to be placed on inactive status will not be sent Board notifications until the license is renewed or reactivated.

(g) An application for renewal of a license will not be granted unless the licensee has certified that the licensee has completed the required continuing education hours under § 45.501 (relating to credit hour requirements). If requested by the Board, an application for renewal shall also include the documentation required under § 45.504 (relating to reporting completion of continuing education).

(h) An application for reactivation of an inactive or lapsed license shall also include the documentation required under § 45.504 for the preceding biennial period.

Authority

The provisions of this § 45.13 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.13 amended April 7, 2006, effective April 8, 2006, 36 Pa.B. 1648; amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375008) to (375009).

§ 45.14. Reactivation of licensure status.

(a) A licensee who wishes to reactivate an expired or inactive license shall apply for reactivation, pay the current registration fee and verify that the licensee has not practiced in this Commonwealth while the license was expired or inactive.

(b) A licensee shall pay a late renewal fee for the preceding biennial registration periods in which the licensee engaged in practice in this Commonwealth while the license was expired or inactive.

(c) With the exception of individuals exempt from licensure under section 6(b)(2) of the act (63 P.S. § 1706(b)(2)), licensees who practice in this Commonwealth during a period in which the licensees' registration is not renewed shall pay a late fee of \$5 for each month or part of a month beyond the date specified

for renewal, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225), in addition to the prescribed biennial renewal fee. The payment of a late fee does not preclude the Board from taking disciplinary action against a licensee for practicing in this Commonwealth without a current license.

(d) A licensee whose license has lapsed, been suspended or placed on inactive status for more than 5 years shall demonstrate continued competency to reactivate the license by doing one of the following:

(1) Successfully complete the initial licensing examination approved by the Board.

(2) Successfully complete the required continuing education in § 45.501(a) (relating to credit hour requirements) for the biennial periods during which the license was lapsed, suspended or inactive.

(3) Provide evidence to the Board that the applicant has a license in good standing to practice speech-language pathology or audiology in another jurisdiction that has substantially similar requirements for licensure and has engaged in practice in the other jurisdiction at some period within the last 5 years.

Authority

The provisions of this § 45.14 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.14 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial page (375009).

§ 45.15. Duplicate licenses.

A duplicate license will be issued only upon payment of the fee as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-101—1401-501).

Authority

The provisions of this § 45.15 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.15 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial page (375009).

§ 45.16. Display of license.

The licensee shall post the license and, if applicable, certification in a conspicuous place in the office or place of business of the licensee.

Authority

The provisions of this § 45.16 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.16 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial page (375010).

§ 45.17. Education requirements.

(a) *Speech-language pathologist.* An applicant for licensure as a speech-language pathologist shall provide evidence of holding a master's degree in speech-language pathology from an academic program accredited by an accrediting agency approved by the Board. The Board will make available a list of approved accrediting agencies on its web site.

(b) *Audiologist.* An applicant for licensure as an audiologist shall provide evidence of holding a doctoral degree in audiology from an academic program approved by an accrediting agency approved by the Board and the United States Department of Education or the Council for Higher Education Accreditation. The Board will make available a list of approved accrediting agencies on its web site.

Authority

The provisions of this § 45.17 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.17 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial page (375010).

Cross References

This section cited in 49 Pa. Code § 45.12 (relating to licensure application procedures); and 49 Pa. Code § 45.22 (relating to foreign-trained applicants).

§ 45.18. [Reserved].**Authority**

The provisions of this § 45.18 reserved under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.18 reserved July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375010) to (375011).

§ 45.19. [Reserved].**Authority**

The provisions of this § 45.19 reserved under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.19 reserved July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375011) to (375013).

§ 45.20. Supervised professional experience required for licensure as a speech-language pathologist.

(a) The applicant shall begin the supervised professional experience within 4 years of conferral of the degree, and shall complete no less than 1,260 hours in no less than 9 months, but no more than 2 years.

(b) The Board may waive the requirements in subsection (a) in the case of demonstrated undue hardship, military service or other good cause shown by the applicant.

(c) The applicant shall complete the supervised professional experience under the supervision of a currently licensed speech-language pathologist in the state or jurisdiction where the supervised professional experience is being obtained.

(1) The supervisor may not supervise more than three applicants completing their supervised professional experience at any one time.

(2) Applicants may not work under the direction of more than two supervisors at one time.

(d) The applicant shall inform individuals under his care that he is completing the supervised professional experience and is working under the supervision of a licensed speech-language pathologist.

(e) An applicant shall spend at least 80% of each week in direct client contact related to assessment, nonmedical diagnosis, evaluation, screening, habilitation, rehabilitation, consulting, recordkeeping or other duties appropriate to a bona fide program of clinical work. No more than 50% of the applicant's time may be spent conducting screenings. Clinical residents who teach, conduct research, perform administrative tasks or engage in other activities not related to direct client contact may not apply the time devoted to these activities toward meeting the supervised professional experience requirement.

(f) During the supervised professional experience, the applicant shall routinely consult with the supervisor for evaluation of the applicant's performance in professional employment. These consultations shall occur at least once a month and shall include review of the applicant's performance in regard to one or more of the following:

(1) Clinical treatment or evaluation.

(2) Changes in the communication behaviors of persons served by the applicant.

- (3) Clinical records, diagnostic reports, treatment records, correspondence, plans of treatment and summaries of clinical conferences.
- (4) Staff conferences and interaction with allied professionals, colleagues and clients and their representatives.
- (5) Contributions to professional meetings and publications, and participation in other professional growth opportunities.
- (6) Other matters related to the applicant's knowledge, skills and abilities to practice.
- (g) During the supervised professional experience, the applicant shall complete at least 36 supervised activities as follows:
 - (1) A minimum of one supervised activity shall be completed per month.
 - (2) Each of a minimum of 18 activities shall meet the following criteria. The activities shall:
 - (i) Be directly supervised and involve the assessment, nonmedical diagnosis, evaluation, screening, habilitation and rehabilitation of clients.
 - (ii) Be at least 1 hour in duration.
 - (3) No more than 6 hours of direct supervision activities may be completed in 1 day.
 - (4) At least six direct supervision activities shall be completed during each third of the supervised professional experience.
 - (5) Applicants fulfilling the supervised professional experience at more than one site shall complete at least one direct supervision activity at each site during each of the three segments of the supervised professional experience.
- (h) The supervisor shall attest that the applicant has fulfilled the criteria of the supervised professional experience.
 - (i) The final decision as to whether the applicant has satisfactorily met the conditions of the supervised professional experience is within the discretion of the Board.

Authority

The provisions of this § 45.20 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.20 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375013) to (375015).

Cross References

This section cited in 49 Pa. Code § 45.12 (relating to licensure application procedures); and 49 Pa. Code § 45.22 (relating to foreign-trained applicants).

§ 45.21. Waivers.

The Board will waive the education, experience and examination requirements of this subchapter for an applicant who:

- (1) Holds a currently valid license to practice speech-language pathology or audiology in a state which has standards determined by the Board to be at

least equal to those for licensure in this Commonwealth. The applicant shall file an application with the Board, and shall cause the appropriate agency in the state of licensure to submit to the Board a letter attesting to the applicant's good standing.

(2) Holds a current certificate of clinical competence from the Council for Clinical Certification of the ASHA. The applicant shall file an application with the Board, and shall cause the ASHA to submit to the Board certification of the applicant's status.

(3) Is a current practitioner who falls within the exemption in section 7(c) of the act (63 P.S. § 1707(c)), earned a bachelor's degree in speech-language pathology or a master's degree in audiology from an accredited college or university as of February 19, 1982, and was employed as a speech-language pathologist or audiologist for at least 9 consecutive months during the period February 19, 1982—February 19, 1985. The applicant shall file an application with the Board, and shall provide documentation evidencing completion of the degree and employment as a speech-language pathologist or audiologist.

Authority

The provisions of this § 45.21 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.21 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375015) to (375016).

§ 45.22. Foreign-trained applicants.

(a) To apply for licensure the foreign-trained applicant shall, before examination, submit evidence satisfactory to the Board that the applicant meets the following requirements:

(1) *For speech-language pathologists:*

- (i) Is of good moral character.
- (ii) Has completed educational requirements substantially equivalent to § 45.17(a) (relating to education requirements). The Board will accept a credential evaluation done by a recognized and accredited credential evaluation agency approved by the Board as proof that the foreign-trained applicant has completed these requirements.
- (iii) Has completed at least 9 months of supervised professional experience as provided by § 45.20 (relating to supervised professional experience required for licensure as a speech-language pathologist).

(2) *For audiologists:*

- (i) Is of good moral character.
- (ii) Has completed educational requirements substantially equivalent to § 45.17(b). The Board will accept a credential evaluation done by a recognized and accredited credential evaluation agency approved by the Board as proof that the foreign-trained applicant has completed these requirements.

(b) The foreign-trained applicant may be licensed by the Board, if the applicant has complied with subsection (a) and has passed the licensure examination.

Authority

The provisions of this § 45.22 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.22 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial page (375016).

§ 45.23. Provisional licenses.

(a) The following applicants may be issued a provisional license:

(1) *Speech-language pathologist.*

(i) Applicants for licensure who have completed the requirements in § 45.12(b)(1) (relating to licensure application procedures). A provisional license granted under this subparagraph will be valid for 6 months from the date the application for licensure is submitted to the Board.

(ii) Applicants who are completing the supervised professional experience necessary to receive an ASHA Certificate of Clinical Competence. A provisional license granted under this subparagraph will be valid for 18 months and may be renewed one time under section 7(d) of the act (63 P.S. § 1707(d)).

(2) *Audiologists.*

(i) Applicants for licensure who have completed the requirements in § 45.12(b)(2). A provisional license granted under this subparagraph will be valid for 6 months from the date the application for licensure is submitted to the Board.

(ii) Post-doctoral graduates completing additional post-graduate professional experience. A provisional license granted under this subparagraph will be valid for 18 months and may be renewed one time under section 7(d) of the act.

(3) *Licensees from other states.* Individuals who hold a valid license in another state to practice speech-language pathology or audiology who apply for licensure in this Commonwealth may also apply for a provisional license. A provisional license granted under this paragraph will be valid for 90 days.

(b) An applicant seeking a provisional license shall submit all of the following:

(1) An application for a provisional license and the fee in § 45.1(4) (relating to fees).

(2) In addition to meeting the requirements of subsection (b)(1), an applicant for a provisional license under subsection (a)(1)(ii) or (2)(ii) shall also submit:

(i) A letter describing the applicant's plans for completing the professional experience.

(ii) A transcript.

(A) Speech-language pathologist applicants' transcripts must evidence completion of the applicants' didactic education.

(B) Audiologist applicants' transcripts must evidence completion of didactic and clinical education.

(3) In addition to meeting the requirements of paragraph (1), an applicant for a provisional license under subsection (a)(1)(i), (2)(i) or (3) shall also submit an application for licensure and the accompanying fee in § 45.1(1).

(c) Except for provisional licenses granted under subsection (a)(1)(i) and (2)(i), provisional licensees shall practice only under supervision of a supervisor who holds the same type of license as the provisional licensee and, if the provisional licensee does not hold a graduate degree, who is physically present in the area or unit where the provisional licensee is practicing.

(d) An applicant who was issued a provisional license under subsection (a)(1)(ii) or (2)(ii) seeking an extension of the provisional license shall provide a detailed written explanation of the reason the extension is requested and the status of the applicant's supervised professional experience.

Authority

The provisions of this § 45.23 issued under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.23 adopted July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814.

§ 45.24. Certification to utilize neurophysiologic intraoperative monitoring.

(a) Prior to utilizing neurophysiologic intraoperative monitoring, an audiologist shall obtain certification from the Board.

(b) Applicants shall be granted certification by the Board upon submission of documentation evidencing one of the following:

(1) Current certification from the American Board of Neurophysiologic Monitoring, the American Audiology Board of Intraoperative Monitoring or another National certifying organization approved by the Board.

(2) Completion of the doctoral level coursework, including neuroanatomy, neurophysiology and other neurophysiologic intraoperative monitoring, from an accredited doctoral audiology program and clinical instruction in neurophysiologic intraoperative monitoring that meets the requirements of section 8.1(2) of the act (63 P.S. § 1708.1(2)). The applicant has the affirmative burden of proving that these requirements are met.

(c) The Board will make available a list of approved certifying organizations on its web site.

Authority

The provisions of this § 45.24 issued under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.24 adopted July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814.

Cross References

This section cited in 49 Pa. Code § 45.2 (relating to definitions).

Subchapter C. STANDARDS OF PRACTICE AND CONDUCT

Sec.

- 45.101. Preparing, maintaining and retaining records.
- 45.102. Code of Ethics.
- 45.103. Unprofessional conduct.
- 45.104. Fraud or deceit.

Authority

The provisions of this Subchapter C issued under sections 5 and 10 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P. S. §§ 1705 and 1710), unless otherwise noted.

Source

The provisions of this Subchapter C adopted July 20, 1990, effective July 21, 1990, 20 Pa.B. 3973, unless otherwise noted.

Cross References

This subchapter cited in 49 Pa. Code § 45.304 (relating to minimum education, experience and training requirements).

§ 45.101. Preparing, maintaining and retaining records.

(a) A licensee shall maintain a record for each person served which accurately, legibly and completely reflects the evaluation or treatment of that person. A record shall be prepared and retained irrespective of whether treatment is actually rendered or whether a fee is charged. The record shall include, at a minimum:

- (1) The name and address of the person served and, if that person is a minor, the name of the parent or guardian.
- (2) The date of each visit by the person served.
- (3) A description of the complaint, symptoms and diagnosis of the person served.
- (4) A description of the treatment or service rendered at each visit and the identity of the licensee or assistant rendering it.
- (5) The date of each entry into the record bearing on evaluation or treatment and the signature of the licensee.

(b) A licensee shall retain records for a person served for a minimum of 7 years from the date of the last entry. A licensee shall retain and store the records in a safe location to maintain confidentiality.

(c) A licensee shall comply with a written, dated and signed transfer of records request from a person served, or from that person's parent or guardian if the person is a minor within a reasonable period of time upon receipt of the request. A legible copy of the record shall be provided either gratuitously or at a charge which reflects the licensee's cost of duplicating and forwarding the record.

(d) A licensee's failure to comply with this section will be considered unprofessional conduct under § 45.103 (relating to unprofessional conduct) and will subject the noncomplying licensee to disciplinary action under section 5(4) of the act (63 P. S. § 1705(4)).

(e) This section does not apply to licensees acting within the scope of their employment under section 6(b)(2) of the act (63 P. S. § 1706(b)(2)).

Cross References

This section cited in 49 Pa. Code § 45.103 (relating to unprofessional conduct).

§ 45.102. Code of Ethics.

(a) *General.* The Board is empowered by section 5(2) of the act (63 P.S. § 1705(2)) to promulgate a Code of Ethics for speech-language pathologists and audiologists, and the Board finds that the following rules are essential for establishing and maintaining stringent standards of professional conduct and for protecting the public interest, the Board has established the following Code of Ethics. A violation of this code constitutes unprofessional conduct under § 45.103 (relating to unprofessional conduct) or, as applicable, fraud or deceit under § 45.104 (relating to fraud or deceit), and subjects the violator to appropriate disciplinary action.

(b) *Preamble.*

(1) The preservation of the highest standards of integrity is vital to the successful discharge of the professional responsibilities of speech-language pathologists and audiologists. To this end, the Board has established this Code of Ethics to safeguard the public health, safety and welfare and to assure that speech-language and hearing services of the highest possible quality are available to the people of this Commonwealth. A violation of a provision of the Code of Ethics constitutes unprofessional conduct subject to disciplinary action. Accordingly, failure to specify a particular responsibility or practice in the code should not be construed as a deliberate omission.

(2) The fundamental rules of ethical conduct are described in the following categories:

(i) *Principles of Ethics.* Seven principles serve as the basis for the ethical evaluation of professional conduct and form the underlying moral basis for the Code of Ethics. Speech-language pathologists and audiologists, as defined in the act, shall observe these principles as affirmative obligations under all conditions of professional activity.

(ii) *Ethical proscriptions.* Ethical proscriptions are formal statements of prohibitions that are derived from the Principles of Ethics.

(c) *Principle of Ethics I.*

(1) Because speech-language pathologists and audiologists provide non-medical and nonsurgical services, medical diagnosis and medical treatment by these persons are specifically to be considered unethical and illegal.

(i) A licensee shall provide treatment pursuant only to an examination and diagnosis of the person served.

(ii) A licensee who performs examinations and treatments shall use evaluation instruments, techniques and procedures commonly recognized by their profession and compatible with their education, expertise and professional competence.

(2) Ethical proscriptions are as follows: A licensee may not provide treatment if the results of the diagnostic examination disclose a need for medical evaluation as commonly recognized by the profession.

(d) *Principles of Ethics II.*

(1) A licensee shall hold paramount the welfare of persons served professionally.

(i) A licensee shall use every resource available, including referral to other specialists as needed, to provide the best service possible.

(ii) A licensee shall fully inform a person served, a parent or guardian, of the nature and possible effects of the services.

(iii) A licensee shall fully inform subjects participating in research or teaching activities of the nature and possible effects of these activities.

(iv) A licensee shall provide appropriate access to the records of a person served professionally.

(v) A licensee shall take all reasonable precautions to avoid injuring a person in the delivery of professional services.

(vi) A licensee shall evaluate services and products rendered to determine their effectiveness.

(2) Ethical proscriptions are as follows:

(i) A licensee may not exploit a person in the delivery or payment for professional services, as provided for under the act. Exploitation of services includes accepting persons for treatment or by continuing treatment when benefits cannot reasonably be expected.

(ii) A licensee may not guarantee the results of a therapeutic procedure, directly or by implication. A reasonable statement of prognosis may be made, but caution shall be exercised not to mislead a person served professionally to expect results that cannot be predicted from sound evidence.

(iii) A licensee may not use a person for teaching or research in a manner that constitutes invasion of privacy or fails to afford informed free choice to participate.

(iv) A licensee may not evaluate or treat speech, language or hearing disorders except in a professional relationship. The licensee may not evaluate or treat solely by correspondence. This proscription does not preclude

follow-up correspondence with a person previously seen or providing the person with general information of an educational nature.

(v) A licensee may not discriminate in the delivery of professional services on the basis of race, sex, age, religion or another basis that is unjustifiable or irrelevant to the need for and potential benefit from the services.

(e) *Principle of Ethics III.*

(1) A licensee shall maintain high standards of professional competence.

(i) A licensee engaging in clinical practice or supervision shall hold the appropriate license for the area in which the licensee is providing professional services or supervising the provision of the services.

(ii) A licensee shall continue professional development throughout his career.

(iii) A licensee shall identify competent, dependable referral sources for a person served.

(iv) A licensee shall maintain adequate records of professional services rendered.

(v) A licensee shall exercise his own independent professional judgment in evaluating and effectuating prescriptions for services.

(2) Ethical proscriptions are as follows:

(i) A licensee may not provide services or supervision which the licensee is not qualified to perform under the act, nor may the licensee permit services to be provided by a staff person who is not qualified pursuant to the requirements of the act.

(ii) A licensee may not delegate to an unlicensed person any service requiring the professional competence of a licensed individual.

(iii) A licensee may not offer clinical services by assistants, students or trainees for whom he does not provide appropriate supervision and assume full responsibility.

(iv) A licensee may not require or suggest that anyone under his supervision engage in a practice that is a violation of this Code of Ethics.

(f) *Principle of Ethics IV.*

(1) A licensee's statement to a person served professionally and to the public shall provide accurate information about the nature and management of communicative disorders, about the profession and about services rendered by its practitioners.

(2) Ethical proscriptions are as follows:

(i) A licensee may not misrepresent training or competence.

(ii) A licensee's public statements providing information about professional services and products may not contain representations or claims that are false, deceptive or misleading.

(iii) A licensee may not use professional or commercial affiliations in a way that would mislead persons served or limit the services available to them.

(g) *Principle of Ethics V.*

(1) A licensee shall maintain objectivity in all matters concerning the welfare of a person served. Accordingly, a licensee who dispenses products to a person served shall observe the following standards:

(i) Products associated with professional practice shall be dispensed to a person served as part of a program of comprehensive habilitative care.

(ii) Fees established for professional services shall be independent of whether a product is dispensed.

(iii) A person served shall be allowed freedom of choice as to the source of services and products, in accordance with the act of May 26, 1988 (P. L. 403, No. 66) (35 P. S. §§ 449.21—449.23).

(iv) Price information about professional services rendered and products dispensed shall be disclosed by providing to or posting for a person served a complete schedule of fees and charges in advance of rendering services. This schedule shall differentiate between fees for professional services and charges for products dispensed.

(v) A licensee shall evaluate products dispensed to a person served to determine their effectiveness.

(2) An ethical proscription is as follows: a licensee may not participate in activities that constitute conflicts of professional interest.

(h) *Principle of Ethics VI.*

(1) A licensee shall uphold the dignity of the profession and freely accept its self-imposed standards.

(2) A licensee shall inform the Board when he has reason to believe that a licensee under the act may have violated this Code of Ethics.

(3) Ethical proscriptions are as follows:

(i) A licensee may not engage in violations of this Code of Ethics or attempt in any way to circumvent it.

(ii) A licensee may not engage in dishonesty, fraud, deceit, misrepresentation or another form of illegal conduct.

Authority

The provisions of this § 45.102 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.102 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375017) to (375021).

§ 45.103. Unprofessional conduct.

As used in section 10(5) of the act (63 P.S. § 1710(5)), the term “unprofessional conduct” includes all of the following types of conduct:

(1) Practicing as a speech-language pathologist or an audiologist with a license that has lapsed or that has been suspended or revoked.

(2) Knowingly aiding or abetting a person who is not licensed or exempted from licensure by the act to practice as a speech-language pathologist or an audiologist.

(3) Misrepresenting or concealing a material fact in seeking reinstatement of a license to practice as a speech-language pathologist or an audiologist.

(4) Delegating to a person duties that the speech-language pathologist or an audiologist knows, or has reason to know, the person is not competent or authorized to perform.

(5) Committing an act of gross negligence, gross malpractice or gross incompetence, or repeated acts of negligence, malpractice or incompetence.

(6) Practicing as a speech-language pathologist or an audiologist while unable to do so with reasonable skill and safety because of illness, drunkenness, excessive use of controlled substances, chemicals or other types of materials or as the result of a mental or physical condition.

(7) Withdrawing professional services after a professional relationship has been established without informing the person served of where to obtain necessary and equivalent professional services in a timely manner.

(8) Harassing, abusing or intimidating a person served. Sexual contact, or requests for sexual contact, with a person served is specifically prohibited by this subsection.

(9) Committing an act involving moral turpitude, dishonesty or corruption when the act directly or indirectly affects the health, welfare or safety of citizens of this Commonwealth. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action by the Board.

(10) Failing to provide necessary professional care or products to a person served in a timely manner or to inform the person served of the need for the care.

(11) Revealing personal or professional identifiable facts obtained as a result of a professional relationship without the prior consent of the person served, parent or guardian, except as authorized by a court or required by statute.

(12) Unconditionally guaranteeing the effectiveness of professional services and products rendered.

(13) Advertising professional services and products in a manner which is false, misleading or deceptive.

(14) Accepting compensation from a person being supervised or sponsored, beyond reasonable reimbursement for direct expenses.

(15) Being disciplined by a licensing or disciplinary authority of another state or country or convicted or disciplined by a court of a state or country for an act that would be grounds for disciplinary action under the act or this chapter.

(16) Being convicted of or pleading guilty or nolo contendere to a felony, whether or not an appeal or other proceeding is pending to have the conviction or plea set aside.

(17) Failing to comply with § 45.101 (relating to preparing, maintaining and retaining records).

(18) Providing services or promoting the sale of devices, appliances or products to a person who cannot reasonably be expected to benefit from them.

(19) Failing to comply with the act.

(20) Failing to comply with an order, rule or regulation issued or adopted by the Board, including its Code of Ethics.

(21) Violating a State or Federal statute or a regulation promulgated thereunder in the *Pennsylvania Code* or the *Code of Federal Regulations* by a State or Federal agency that imposes a standard for practicing as a speech-language pathologist or an audiologist in this Commonwealth. The Board, in reaching a decision as to whether there has been a violation of a statute or regulation, will be guided by adjudications of the agency or court that administers or enforces the standard.

(22) Utilizing neurophysiologic intraoperative monitoring without possessing certification from the Board.

(23) Failing to refer patients who presented with suspected medical conditions beyond the licensee's scope of practice under the act for medical evaluation to an appropriate physician within 30 days.

(24) Failing to follow the Centers for Disease Control and Prevention's 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings.

Authority

The provisions of this § 45.103 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.103 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375021) to (375022).

Cross References

This section cited in 49 Pa. Code § 45.101 (relating to preparing, maintaining and retaining records); 49 Pa. Code § 45.102 (relating to Code of Ethics); and 49 Pa. Code § 45.406 (relating to confidentiality—waived).

§ 45.104. Fraud or deceit.

As used in section 10(6) of the act (63 P.S. § 1710(6)), “fraud and deceit” includes, but is not limited to, the following types of conduct:

(1) Misrepresenting or concealing a material fact in obtaining payment for services.

(2) Falsifying the record of a person served regarding treatment rendered to that person.

(3) Falsely representing the use or availability of the services or advice of a physician.

(4) Misrepresenting credentials by using the word “doctor” or a similar word, abbreviation or symbol if the use is not accurate or if the degree was not conferred by an accredited institution.

(5) Misrepresenting the scope or nature of services which the licensee is competent to provide or which the person served can reasonably be expected to benefit from.

Cross References

This section cited in 49 Pa. Code § 45.102 (relating to Code of Ethics).

Subchapter D. PRACTICE IN PROFESSIONAL AND BUSINESS ENTITIES

- Sec.
45.201. General.
45.202. Professional corporations.
45.203. Business entities.
45.204. Fictitious names.

Authority

The provisions of this Subchapter D issued under sections 5(2), 16 and 17 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P. S. §§ 1705(2), 1716 and 1717), unless otherwise noted.

Source

The provisions of this Subchapter D adopted May 22, 1992, effective May 23, 1992, 22 Pa.B. 2730, unless otherwise noted.

§ 45.201. General.

Generally, a licensee may practice in any lawful form of organization, including a corporation, partnership, trust, association, company or other similar form of organization.

§ 45.202. Professional corporations.

(a) A licensee may professionally incorporate with any health care practitioner licensed through the Bureau of Professional and Occupational Affairs, Department of State, if the regulations of the licensing board of the other health care practitioner also permit multipurpose professional corporations.

(b) The Board will approve any name of the professional corporation which is not false, misleading or fraudulent. If a name is chosen which does not contain the names of the licensed professionals with an ownership interest in the practice, the Board shall be supplied with a list of these persons. The Board will notify the licensee of its approval or disapproval, and this notice shall be submitted to the Corporation Bureau, Department of State, together with the documents and fees required by that agency for filing articles of incorporation.

(c) A licensee incorporating under the terms of this section shall inform the Board of a change in the name or ownership of the corporation.

§ 45.203. Business entities.

(a) A business entity may provide services which require licensure, if the following conditions are met:

(1) The individuals engaging in the practice of a licensed activity possess a current valid license from the Board.

(2) The business entity files with the Board a certification that the business entity submits itself to the requirements of the act and the jurisdiction of the Board and this chapter.

(3) The business entity provides the Board with a list of the licensees employed by the entity. The list shall be updated upon changes in licensed personnel.

(4) The business entity executes a written contract with licensed employees providing for the licensed employees' right to independent exercise of professional judgment.

(b) A licensee may practice as an employee of a business entity which has met the conditions in subsection (a). The Board will not issue nor renew the license of an individual engaging in the practice of a licensed activity through a business entity which does not have a certification on file.

§ 45.204. Fictitious names.

A licensed practice may be conducted under a fictitious name, if the name is submitted to the Board for approval prior to filing with the Corporation Bureau of the Department of State. The Board will notify the person filing the request to do business under a fictitious name of its approval or disapproval, and this notice shall be submitted to the Corporation Bureau, together with the documents and fees required by that agency for filing a fictitious name registration. The Board will approve a fictitious name which is not false, misleading or fraudulent.

Subchapter E. ASSISTANTS

- Sec.
- 45.301. Definitions.
 - 45.302. Required filing.
 - 45.303. Maximum number of assistants.
 - 45.304. Minimum education, experience and training requirements.
 - 45.305. Functions and duties of assistants.
 - 45.306. Supervision and responsibility.
 - 45.307. Limitations.
 - 45.308. Exceptions.

Authority

The provisions of this Subchapter E issued under section 5(8) of the Speech-Language Pathologists and Audiologists Licensure Act (63 P. S. § 1705(8)), unless otherwise noted.

Source

The provisions of this Subchapter C adopted June 7, 1991, effective June 8, 1991, 21 Pa.B. 2621, unless otherwise noted.

§ 45.301. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Assistant—An individual who works under the direction and supervision of a licensed audiologist or speech-language pathologist and who meets the requirements in this subchapter.

Direct onsite supervision—The physical presence of a licensed audiologist or speech-language pathologist in the facility or location where the assistant is working who is immediately available to exercise supervision, direction and control.

Interpreter—An individual whose sole function is to translate or to facilitate communication between persons via oral, cued speech, manual, total communication or written modes. For purposes of this subchapter, an interpreter is not considered an assistant.

Task—Work assigned or carried out as a part or subcomponent of the assistant's duties.

Authority

The provisions of this § 45.301 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.301 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial page (375025).

Cross References

This section cited in 49 Pa. Code § 45.305 (relating to functions and duties of assistants).

§ 45.302. Required filing.

(a) A licensee shall file with the Board, on a form provided by the Board, the following:

- (1) The name of the assistant.
- (2) The location where the assistant will work.
- (3) Certification that the assistant has met the education and training requirements in § 45.304 (relating to minimum education, experience and training requirements).
- (4) Attestation by the assistant and the licensee that the assistant has read this chapter.

(b) Completed forms shall be filed with the Board within 30 days of the assistant's employment or a change in the assistant's employment or supervision.

§ 45.303. Maximum number of assistants.

A licensee may not supervise more than three assistants. This section does not apply to a licensee acting within the scope of the licensee's employment under section 6(b)(2) of the act (63 P. S. § 1706(b)(2)).

§ 45.304. Minimum education, experience and training requirements.

(a) Prior to the use of an assistant, the licensee shall obtain from the assistant evidence of one of the following:

(1) The assistant has completed 30 semester hours or the equivalent from an accredited institution of higher education in the area of speech-language pathology and audiology as outlined in the requirements as specified (nonaudited) for a certificate of clinical competence from the Council for Clinical Certification of the ASHA.

(2) The assistant has practiced as an assistant in the area of speech-language pathology and audiology since at least June 8, 1989, under the supervision of an audiologist or speech-language pathologist licensed in this Commonwealth.

(3) The assistant has practiced as an assistant in the area of speech-language pathology and audiology since at least June 8, 1989, under the supervision of an audiologist or speech-language pathologist licensed in another state or the District of Columbia which has requirements for assistants substantially equivalent to the provisions of this subchapter.

(b) Prior to assigning a duty to an assistant, a licensee shall perform a task analysis of the expected duties of each assistant the licensee supervises, and shall then train the assistant, with an emphasis on competency-based skill acquisition, in accordance with this analysis. Training may be provided through formal coursework, workshops or directly supervised observation or practicum; training shall encompass all areas of activities which the assistant will perform. An assistant trained in one area (audiology or speech-language pathology) may not perform duties in another area unless training in that area has been given. An assistant is not permitted to perform a duty for which, in the opinion of the licensed supervisor, the assistant is neither trained nor qualified. A minimum of 20 hours of practical training for each duty is required.

(c) A licensee shall familiarize an assistant with the standards of practice and conduct and the application of these ethics to each assistant's activities, codified in Subchapter C (relating to standards of practice and conduct).

Authority

The provisions of this § 45.304 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.304 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375025) to (375026).

Cross References

This section cited in 49 Pa. Code § 45.302 (relating to required filing); and 49 Pa. Code § 45.306 (relating to supervision and responsibility).

§ 45.305. Functions and duties of assistants.

(a) An assistant may engage in only duties that are planned, designed and supervised by a licensee. Examples of appropriate duties include the following:

- (1) The screening of speech, language or hearing.
- (2) The recording, charting, graphing or otherwise displaying of data which reflects the performance of a person served.
- (3) The maintaining of clinical records.
- (4) The reporting of changes in the performance of a person served to the licensee who is responsible for that person.
- (5) The preparing of clinical materials, including ear molds.
- (6) The testing of hearing aids to determine whether they meet published specifications.
- (7) The participating with the licensee in research projects, in-service training, public relations programs and similar activities.

(b) The assistant may not engage in one or more of the following activities:

- (1) The formulating of diagnostic statements or clinical management strategies or procedures.
- (2) The determining of who will be served.
- (3) The transmitting of clinical information, including data or impressions bearing on the performance, behavior or progress of a person served, either verbally or in writing, to anyone other than the licensee.
- (4) The independent composing of clinical reports, except for progress notes to be held in the file of a person served.
- (5) The referring of a person served to other professionals or other agencies.
- (6) The using of a title, either verbally or in writing, other than one which complies with § 45.301 (relating to definitions).
- (7) Activities which require the formal education or training, and the skill and knowledge of a licensed audiologist or speech-language pathologist.

Authority

The provisions of this § 45.305 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.305 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375026) to (375027).

Cross References

This section cited in 49 Pa. Code § 45.307 (relating to limitations).

§ 45.306. Supervision and responsibility.

A licensee who supervises an assistant shall be responsible for:

- (1) Hiring only assistants who meet the minimum requirements enumerated under § 45.304 (relating to minimum education, experience and training requirements).
- (2) The assistant's performance of assigned duties.
- (3) Making professional decisions bearing on services provided.
- (4) Ensuring that the assistant is assigned only duties and responsibilities for which the assistant has been specifically trained and which the assistant is qualified to perform.
- (5) Directly observing the assistant's performance in 25% of each clinical session. Direct observations shall be documented and the quality of the assistant's performance shall be reviewed with the assistant.
- (6) Ensuring that persons who will be receiving services from an assistant, or the person's legal representative, is informed that services are being rendered by an assistant.
- (7) Providing direct onsite supervision of the assistant.

§ 45.307. Limitations.

- (a) An assistant may not engage in activities reserved by the act to licensees of the Board, nor may the assistant hold himself out to the public, either by title or by description of services, as an audiologist or speech-language pathologist. Titles may be used only in conjunction with the appendage "assistant," for example, "audiology assistant."
- (b) A licensee may not assign, delegate or permit assistants to perform activities which require the formal education or training, and the skill and knowledge of a licensed audiologist or speech-language pathologist, including activities enumerated under § 45.305 (relating to functions and duties of assistants).

Authority

The provisions of this § 45.307 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.307 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial page (375028).

§ 45.308. Exceptions.

- (a) A licensee is not required to file with the Board a list of support personnel who do not engage in activities requiring formal education or training in the field of speech-language and hearing, the skill and knowledge of a licensed audiologist or speech-language pathologist, or the skill and knowledge of an assistant, as required under this subchapter.

(b) This subchapter does not limit the activities of a student who is pursuing a program of study supervised by a person licensed under the act which leads to a degree in audiology or speech-language pathology in this Commonwealth.

Authority

The provisions of this § 45.308 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.308 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial page (375028).

Subchapter F. CHILD ABUSE REPORTING REQUIREMENTS

Sec.

- 45.401. Definitions.
- 45.402. Suspected child abuse—mandated reporting requirements.
- 45.403. Photographs, medical tests and X-rays of child subject to report.
- 45.404. Suspected death as a result of child abuse—mandated reporting requirement.
- 45.405. Immunity from liability.
- 45.406. Confidentiality—waived.
- 45.407. Noncompliance.

Authority

The provisions of this Subchapter F issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 5 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P. S. § 1705), unless otherwise noted.

Source

The provisions of this Subchapter F adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5430, unless otherwise noted.

§ 45.401. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Child abuse—A term meaning any of the following:

- (i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.
- (ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- (iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- (iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

ChildLine—An organizational unit of the Department of Human Services which operates a 24-hour a day Statewide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.

Licensee—An audiologist or speech-language pathologist licensed by the Board.

Perpetrator—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

Person responsible for the child's welfare—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

Recent acts or omissions—Acts or omissions committed within 2 years of the date of the report to the Department of Human Services or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

- (i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical injury—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

Sexual abuse or exploitation—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

Authority

The provisions of this § 45.401 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.401 amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375028) to (375030).

§ 45.402. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensees who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Licensees who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the licensee, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made by telephone and by written report.

(1) *Oral reports.* Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine (800) 932-0313.

(2) *Written reports.* Written reports shall be made within 48 hours after the oral report is made by telephone. Written reports shall be made on forms available from a county children and youth social service agency.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare. The following information shall be included in the written reports, if available:

- (1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.
- (2) Where the suspected abuse occurred.
- (3) The age and sex of the subjects of the report.
- (4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.
- (5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.
- (6) Family composition.
- (7) The source of the report.
- (8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

Cross References

This section cited in 49 Pa. Code § 45.406 (relating to confidentiality—waived); and 49 Pa. Code § 45.407 (relating to noncompliance).

§ 45.403. Photographs, medical tests and X-rays of child subject to report.

A licensee may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

Cross References

This section cited in 49 Pa. Code § 45.406 (relating to confidentiality—waived); and 49 Pa. Code § 45.407 (relating to noncompliance).

§ 45.404. Suspected death as a result of child abuse—mandated reporting requirement.

A licensee who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner of the county where the injuries were sustained.

Cross References

This section cited in 49 Pa. Code § 45.406 (relating to confidentiality—waived); and 49 Pa. Code § 45.407 (relating to noncompliance).

§ 45.405. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a licensee who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the licensee's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensee shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensee's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

§ 45.406. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 45.402—45.404 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions in § 45.103(11) (relating to unprofessional conduct) and any client confidentiality, ethical principles or professional standard that might otherwise apply.

§ 45.407. Noncompliance.

(a) *Disciplinary action.* A licensee who willfully fails to comply with the reporting requirements in §§ 45.402—45.404 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 10 of the act (63 P. S. § 1710).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a licensee who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

Subchapter G. CONTINUING EDUCATION

Sec.

- 45.501. Credit hour requirements.
- 45.502. Exemption and waiver.
- 45.503. Continuing education requirement for reactivation of inactive and lapsed licenses.
- 45.504. Reporting completion of continuing education.
- 45.505. Approval of continuing education programs.
- 45.506. Provider responsibilities.
- 45.507. Disciplinary action authorized.

Authority

The provisions of this Subchapter G issued and amended under section 5(2) and (7) of the Speech-Language Pathologists and Audiologists Licensure Act (63 P. S. § 1705(2) and (7)), unless otherwise noted.

Source

The provisions of this Subchapter G adopted April 7, 2006, effective April 8, 2006, 36 Pa.B. 1648, unless otherwise noted.

§ 45.501. Credit hour requirements.

(a) Each speech-language pathologist or audiologist shall have completed 20 clock hours of continuing education per license during each preceding biennial renewal period. Excess clock hours may not be carried over to the next biennium.

(b) Up to 10 clock hours of approved continuing education credit per biennial renewal period may be granted on a case-by-case basis for services as a lecturer or speaker, and for publication of articles, books and research relating to the practice of speech-language pathology or audiology. A licensee seeking continuing education credit under this subsection shall submit a written request with a copy of the lecture, presentation, article, book or research and a fee for continuing education approval as required under § 45.1 (relating to fees). The request shall be submitted 180 days prior to the expiration of the biennial renewal period for which the licensee is seeking credit. An instructor of a program approved under § 45.505 (relating to approval of continuing education programs) will receive credit to the same extent that an attendee will receive credit and is not required to apply for approval under this subsection.

(c) Unless granted a waiver under § 45.502 (relating to exemption and waiver), the Board will not renew or reactivate any speech-language pathologist or audiologist license until the continuing education requirement for the current biennial renewal period has been completed.

(d) A licensee may not receive credit for participation in substantially the same program more than once during a single renewal cycle.

Authority

The provisions of this § 45.501 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.501 amended December 5, 2014, effective December 6, 2014, 44 Pa.B. 7555; amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial page (375033).

Cross References

This section cited in 49 Pa. Code § 43b.16a (relating to schedule of civil penalties—audiologists and speech-language pathologists); 49 Pa. Code § 45.13 (relating to renewal of license; inactive status of license; required continuing education); 49 Pa. Code § 45.14 (relating to reactivation of licensure status); and 49 Pa. Code § 45.503 (relating to continuing education requirement for reactivation of inactive and lapsed licenses).

§ 45.502. Exemption and waiver.

(a) A licensee is not required to complete continuing education during the biennial renewal period in which the licensee was first licensed to renew for the next biennium.

(b) The Board may waive all or part of the continuing education requirement for a biennial renewal period upon request of a licensee. The request must be made in writing, with supporting documentation, and include a statement of how much continuing education the licensee has completed and a description of cir-

cumstances sufficient to show why compliance is impossible. Except for good cause shown, a licensee seeking a waiver shall submit the request to the Board at least 60 days before the current expiration date of the license for the Board to evaluate the request prior to expiration of the license. Waiver requests will be evaluated by the Board on a case-by-case basis. Waivers may be granted for serious illness, military service or other demonstrated hardship. A waiver request seeking an extension of time to complete required continuing education shall include the licensee's plan to complete the required continuing education. The Board will send written notification of its approval or denial of a waiver request.

Source

The provisions of this § 45.502 amended December 5, 2014, effective December 6, 2014, 44 Pa.B. 7555. Immediately preceding text appears at serial page (318323).

Cross References

This section cited in 49 Pa. Code § 45.501 (relating to credit hour requirements); and 49 Pa. Code § 45.507 (relating to disciplinary action authorized).

§ 45.503. Continuing education requirement for reactivation of inactive and lapsed licenses.

A licensee seeking to reactivate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennial period. Only continuing education obtained during the 24-month period immediately preceding application for reactivation may be used to justify reactivation. This continuing education is in addition to continuing education required to subsequently renew the license under § 45.501(c) (relating to credit hour requirements).

Source

The provisions of this § 45.503 amended December 5, 2014, effective December 6, 2014, 44 Pa.B. 7555. Immediately preceding text appears at serial page (318323).

§ 45.504. Reporting completion of continuing education.

(a) Licensees applying for biennial license renewal shall provide, on forms provided by the Board, a signed statement certifying that the continuing education requirement has been met and information to support the certification which includes the following:

- (1) Dates attended.
- (2) Continuing education hours claimed.
- (3) Title of course and description of content.
- (4) Location of course.

(b) The Board will utilize a random audit of renewals to determine compliance with the continuing education requirement. Applicants selected for audit shall provide the Board the certified continuing education record, as described in § 45.506(b) (relating to provider responsibilities), for each continuing education program completed to prove compliance with the continuing education requirement.

(c) Individuals shall retain the certified continuing education records for courses completed for a minimum of 4 years.

(d) Instead of the continuing education record required under subsection (b), a licensee who successfully completed a program preapproved under § 45.505(d)(3) (relating to approval of continuing education programs) may document completion by means of an official transcript of the institution.

Source

The provisions of this § 45.504 amended December 5, 2014, effective December 6, 2014, 44 Pa.B. 7555. Immediately preceding text appears at serial pages (318323) to (318324).

Cross References

This section cited in 49 Pa. Code § 45.13 (relating to renewal of license; inactive status of license; required continuing education).

§ 45.505. Approval of continuing education programs.

(a) Credit for continuing education may be obtained for any program approved in advance by the Board. Preapproval is contingent upon compliance with § 45.506 (relating to provider responsibilities).

(b) Any person or entity, including an agency, organization, institution, college, university, professional society, association or center, seeking approval of continuing education programs shall:

- (1) Apply for approval of the program on forms provided by the Board.
- (2) File the application at least 90 days prior to the first scheduled date of the program.

(c) An application must contain:

- (1) The full name and address of the provider.
- (2) The title of the program.
- (3) Faculty names and credentials, and, if requested by the Board, curriculum vitae.
- (4) A schedule of the program, including the title and description of each subject, the course content, the name and brief synopsis of qualifications of the lecturers and the time allotted.
- (5) The total number of clock hours of credit to be awarded.
- (6) A method of certifying participation.
- (7) The program coordinator who is responsible for certifying participation and compiling an official list of Pennsylvania licensees in attendance at the continuing education program.
- (8) A fee as required by § 45.1 (relating to fees).

(d) The following programs are deemed approved for continuing education credit:

- (1) Continuing education programs approved or sponsored by the ASHA.
- (2) Continuing education programs approved or sponsored by the American Academy of Audiology.

- (3) Courses and programs offered for credit by academic programs in speech-language pathology or audiology associated with institutions accredited by any state's department of education or a regional commission on institutions of higher education.
- (e) The Board may deny approval of a program of continuing education based on the following grounds:
 - (1) The provider failed to comply with § 45.506 for other programs.
 - (2) The provider made one or more false or misleading material statements on the application.
 - (3) The identified faculty is deemed not qualified to present the program.
 - (4) The course content is in office management or practice building.
 - (5) The method of certifying participation is not verifiable.
- (f) The Board may revoke the approval of a provider on the following grounds:
 - (1) Failure of the provider to comply with § 45.506.
 - (2) Falsification of a continuing education record by a program provider.

Authority

The provisions of this § 45.505 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.505 amended December 5, 2014, effective December 6, 2014, 44 Pa.B. 7555; amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial pages (375035) to (375036).

Cross References

This section cited in 49 Pa. Code § 45.501 (relating to credit hour requirements); and 49 Pa. Code § 45.504 (relating to reporting completion of continuing education).

§ 45.506. Provider responsibilities.

- (a) For each program, the provider shall:
 - (1) Disclose to prospective participants in advance the objectives, content, teaching method and number of hours of continuing education credit.
 - (2) Open each course to licensees.
 - (3) Provide adequate facilities for the number of anticipated participants and the teaching methods to be used.
 - (4) Provide appropriate instructional materials.
 - (5) Utilize a verifiable method of certifying participation.
 - (6) Employ qualified instructors who are knowledgeable in the subject matter.
 - (7) Evaluate the program through the use of questionnaires of the participants.
 - (8) Issue a certified continuing education record to each participant.
 - (9) Retain participation records, written outlines and a summary of evaluations for 5 years.

(10) Provide the Board, upon request, verification of licensee's participation in a continuing education program, including the date of approval of the program.

(b) Each continuing education record must include at a minimum:

- (1) The name of the participant.
- (2) The dates of participation in the program.
- (3) The name of the program.
- (4) The provider's name.
- (5) The number of clock hours of continuing education credit.
- (6) The course approval number or an indication of the provider's status as a preapproved provider.

Cross References

This section cited in 49 Pa. Code § 45.2 (relating to definitions); 49 Pa. Code § 45.504 (relating to reporting of completion of continuing education); and 49 Pa. Code § 45.505 (relating to approval of continuing education programs).

§ 45.507. Disciplinary action authorized.

(a) A licensed speech-language pathologist or audiologist who submits fraudulent continuing education records may be subject to discipline under section 10 of the act (63 P.S. § 1710).

(b) A licensed speech-language pathologist or audiologist who fails to complete the required continuing education requirement within any biennial renewal period may be subject to discipline unless the licensee is exempt or has been granted a waiver under § 45.502 (relating to exemption and waiver).

(c) Notwithstanding discipline imposed by the Board under subsection (b), whether by formal disciplinary proceedings or by issuance of a citation as set forth in § 43b.16a (relating to schedule of civil penalties—audiologists and speech-language pathologists), a licensed speech-language pathologist or audiologist who has been found to be deficient in continuing education hours shall make up deficiencies within 6 months of receiving notice of the deficiency.

(d) Failure to make up deficient continuing education hours as required under subsection (c) may subject the licensed speech-language pathologist or audiologist to further discipline under section 10 of the act.

Authority

The provisions of this § 45.507 amended under sections 5(2) and (7), 7(d)(1), 8(a) and 8.1 of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1705(2) and (7), 1707(d)(1), 1708(a) and 1708.1); and section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)).

Source

The provisions of this § 45.507 amended December 5, 2014, effective December 6, 2014, 44 Pa.B. 7555; amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial page (375037).

[Next page is 47-1.]