

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 16. DEPARTMENT OF HEALTH SERVICES OCCUPATIONAL LICENSING

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| Article 2 | New Article |
| R9-16-201 | New Section |
| R9-16-202 | New Section |
| R9-16-203 | New Section |
| R9-16-204 | New Section |
| R9-16-205 | New Section |
| R9-16-206 | New Section |
| R9-16-207 | New Section |
| R9-16-208 | New Section |
| R9-16-209 | New Section |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. §§ 36-136(F), 41-1072 through 41-1079
Implementing statute: A.R.S. §§ 36-1901 through 36-1940.03
- 3. The effective date of the rules:**
October 28, 1999
- 4. A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 4 A.A.R. 874, April 10, 1998.
Notice of Proposed Rulemaking: 4 A.A.R. 3416, October 30, 1998.
Notice of Supplemental Proposed Rulemaking: 5 A.A.R. 1160, April 23, 1999.
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- | | |
|------------|--|
| Name: | Shirley Lockett, Program Manager |
| Address: | Department of Health Services
Assurance & Licensure Services
1647 East Morten, Suite 150
Phoenix, Arizona 85020 |
| Telephone: | (602) 674-4340 |
| Fax: | (602) 861-0463 |
| | or |
| Name: | Kathleen Phillips, Rules Administrator |
| Address: | Department of Health Services
1740 West Adams, Room 410
Phoenix, Arizona 85007 |

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6. An explanation of the rule, including the agency's reasons for initiating the rule:

The rules are being proposed to implement A.R.S. §§ 36-1901 through 36-1940.03, which require the licensure and regulation of audiologists and speech-language pathologists by the Department of Health Services (Department).

The rules set forth definitions and prescribe standards for qualifications for licensure, license applications, time-frames for approving or denying a license, clinical fellowship supervisors, license renewal, continuing education, disciplinary actions, equipment used in the practice of audiology or speech-language pathology, recordkeeping, and inspections.

7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

The Department did not rely on any study to evaluate or justify this rule.

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

9. The summary of the economic, small business, and consumer impact:

There will be some costs associated with the implementation of A.R.S. §§ 36-1901 through 36-1940.03, which require the Department to license and regulate individuals who practice audiology or speech-language pathology. The Department will incur costs associated with the production and review of applications, the approval of continuing education (CE) courses, inspections, and complaint investigations. An individual practicing audiology or speech-language pathology is required to pay a \$50 original license application fee, \$50 licensure fee, \$50 license renewal fee; obtain a minimum of 8 hours of CE per licensure year; and maintain records of CE courses attended, equipment maintained, services provided, and products dispensed.

These costs are offset by the benefits that consumers will realize as a result of the rules. Currently there are no protections for consumers who receive audiology or speech-language pathology services. The rules establish minimum licensure and operational standards that reduce the possibility of physical, mental, emotional, or psychological harm to a consumer due to misdiagnosis, or the improper or inadequate delivery of audiology or speech-language pathology services. In addition, the requirements for CE will provide increased opportunities for an individual who presents and receives payment for audiology or speech-language pathology CE courses by increasing the number of individuals attending audiology and speech-language pathology CE courses.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The Notice of Proposed Rulemaking was published on October 30, 1998. The Department held oral proceedings on November 30, 1998, December 2, 1998, and December 4, 1998. The Department received public comment from individuals who stated the rules were not consistent with the standards of this state's universities and determined that substantive changes were necessary to conform the rules with this state's universities as required in A.R.S. §§ 36-1940 and 36-1940.03. A Notice of Supplemental Proposed Rulemaking was published on April 23, 1999. Based on public comments and the Department's review of the rules, the following changes were made:

R9-16-201

In the definition of "audiology", changed "means the same as the definition" to "has the meaning".

In the definition of "CCC", deleted the phrase "graduate level". Including the phrase in the definition of CCC would require the Department to exclude those individuals holding CCCs issued under criteria that did not include a graduate level degree.

Changed the definition of "clinical fellowship" to "means an individual's postgraduate professional experience assessing, diagnosing, screening, treating, writing reports, and counseling individuals exhibiting speech, language, hearing, or communication disorders, obtained:

- a. After completion of graduate level academic course work and a clinical practicum;
- b. Under the supervision of a clinical fellowship supervisor; and
- c. While being employed on a full-time or part-time equivalent basis".

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In the definition of “clinical fellowship agreement”, changed “to ASHA” to “by a clinical fellow”. The Department cannot limit requirements to 1 organization without providing alternatives. Added “to the Department” to clarify who receives the clinical fellowship agreement.

In the definition of “clinical fellowship report” changed “clinical fellow’s procedures” to “clinical fellow’s ability” to clarify the requirement.

Changed the definition of “clinical fellowship supervisor” to “means an audiologist or speech-language pathologist who:

- a. Is a sponsor of a temporary license;
- b. Had a CCC while supervising a clinical fellow before the effective date of this Article; or
- c. Has a CCC while supervising a clinical fellow in another state”.

In the definition of “clinical practicum”, deleted the term “graduate level” to provide consistency with the state’s universities that allow a clinical practicum to include undergraduate and graduate experience and added “by a licensed audiologist, a licensed speech-language pathologist” because the Department cannot limit requirements to 1 organization without providing alternatives.

In the definition of “graduate level” changed “the status of a” to “leading to, or creditable towards, a master’s or doctoral degree” to clarify requirements.

In the definition of “pupil”, added “a charter school”.

In the definition of “semester credit hour” changed “50 or 60” to “50 to 60” to allow a class to be from 50 to 60 minutes in length.

In the definition of “speech-language pathology”, changed “means the same as the definition” to “has the meaning”.

Added the definition of “current CCC” to clarify requirements.

R9-16-202

Deleted “set forth” because it was unnecessary.

R9-16-202(1)

Deleted “To demonstrate that an applicant has obtained an equivalent to a master’s degree in audiology as required in A.R.S. § 36-1940(A)(2)(a), (B)(2)(a) or speech-language pathology as required in A.R.S. § 36-1940.01(A)(2)(a)” at the beginning of the sentence and added “as evidence of completion of an equivalent to a master’s degree in audiology as required in A.R.S. § 36-1940(A)(2)(a), (B)(2)(a) or speech-language pathology as required in A.R.S. § 36-1940.01(A)(2)(a)”.

Added “either a current CCC or completion of”. Adding “current CCC” clarifies the requirement allowing an individual to submit documentation of a current CCC or completion of 60 semester credit hours.

R9-16-202(1)(a) and (b)

Changed lead-in phrase from “To qualify for an audiologist’s (or speech-language pathologist’s) license, the applicant shall” to “To qualify for an audiologist’s (or speech-language pathologist’s) license, the 60 semester credit hours shall include”. An applicant may submit documentation that demonstrates compliance with the educational requirements without submitting documentation of the completion of 60 semester credit hours. The change to the rule still establishes the educational requirements but does not require an applicant to submit documentation of completion of the 60 semester credit hours. The applicant is required to submit documentation of compliance with the educational requirements in a separate rule.

Changed “24 graduate level semester credit hours” to “21 graduate level semester hours”. Changed “6 graduate level semester credit hours” to “6 semester credit hours”. The changes provide consistency with the standards of this state’s universities.

R9-16-202(1)(d)

Changed “The Department shall not permit semester credit hours for a thesis or dissertation to” to “Thesis or dissertation credit hours may not”.

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R9-16-202(2)

Deleted “To demonstrate that an applicant has completed a clinical practicum in audiology as required in A.R.S. § 36-1940(A)(2)(b), (B)(2)(b) or speech-language pathology as required in A.R.S. § 36-1940.01(A)(2)(b)” at the beginning of the sentence and added “as evidence of completion of a clinical practicum in audiology as required in A.R.S. § 36-1940(A)(2)(b), (B)(2)(b) or speech-language pathology as required in A.R.S. § 36-1940.01(A)(2)(b)”.

Added “either a current CCC or completion of”. Adding “current CCC” clarifies the requirement allowing an individual to submit documentation of a current CCC or completion of 300 clinical practicum hours.

R9-16-202(2)(a) and (b)

Changed lead-in phrase from “An individual applying for an audiologist’s (or speech-language pathologist’s) license shall complete” to “For an individual applying for an audiologist’s (or speech-language pathologist’s) license, the 300 clock hours shall include”. Changing the lead-in phrase allows an individual who submits documentation of a current CCC not to send documentation of the completion of 300 clock hours as listed in the rules.

R9-16-202(2)(a) and (b)

Changed clinical practicum subject requirements to provide consistency with the standards of this state’s universities as required by statute.

R9-16-202(3)

Added “either a current CCC or completion of”. Adding “current CCC” clarifies the requirement allowing an individual to submit documentation of a current CCC or completion of a clinical fellowship.

R9-16-203(A)(1)(a)

Added “social security number” to conform to A.R.S. § 25-320(K).

R9-16-203(A)(2)

Changed “30 graduate level semester credit hours” to “60 semester credit hours” and added “a copy of current CCC” to comply with the changed requirements in R9-16-202(1).

R9-16-203(B)(1)

Added “and the fee in (A)(6)”.

R9-16-203(B)(3)

Deleted subsection. Added requirement to R9-16-203(B)(1).

R9-16-203(D)(3)

Deleted “a contract of certificated employment” and added “an employment contract or an employment contract conditioned upon the applicant’s licensure”.

R9-16-203(D)(3)(d)

Added “or proposed work dates”.

R9-16-204(D)

Added “If the applicant does not submit the license fee within 30 days of the date the Department sends the written notice of approval to the applicant, the Department shall consider the application withdrawn.”

R9-16-205(3)

Changed “No later than 72 hours after terminating a clinical fellowship, provide the Department and the clinical fellow with written notice of the termination” to “Provide the Department and the clinical fellow with written notice within 72 hours of the decision to stop supervising the clinical fellow if the clinical fellowship supervisor voluntarily stops supervising a clinical fellow before the completion of the clinical fellowship”.

R9-16-206(A)(3)(d)

Deleted “ever” and added “since the licensee’s previous license application”.

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R9-16-206(B)

Added "A licensee who does not submit the information and the fee in subsection (A), within 30 days after the license expiration date, shall apply for a license by submitting the application required in R9-16-203(A)."

11. A summary of the principal comments and the agency response to them:

COMMENT: A grandfather clause is needed for current practitioners in good standing.

COMMENT: If there are no opportunities for the Department to waive requirements for individuals who are currently employed as either speech-language pathologists or audiologists but who do not meet the educational, practicum, or certification requirements then a large segment of the professional population may lose its means of earning a living.

RESPONSE: An individual who currently has a certificate of clinical competence from the American Speech-Language-Hearing Association (ASHA) will meet the educational and practicum requirements in the rules. An individual whose practice is limited to providing services to pupils under the authority of a local education agency or state supported institution will be able to be licensed by providing the Department with a copy of an employee or contractual relationship with a local education agency or state supported institution and a copy of a certificate in speech and language therapy awarded by the State Board of Education.

The Department disseminated the proposed rules to the state's school districts, universities, and industry associations. In addition, phone calls were placed to individuals listed, in the yellow pages of the phone book, as audiologists or speech-language pathologists without a corresponding credential that would qualify the individual for licensure. Every individual contacted had the credentials necessary for licensure. To date, the Department has not located any individuals who would not be able to practice audiology or speech-language pathology as a result of the rules.

R9-16-202

COMMENT: Qualification for licensure requirements are inaccurate and outdated and do not reflect current ASHA requirements.

RESPONSE: The Department has amended the rules and the requirements are now consistent with current ASHA requirements.

R9-16-202(1)(a) & (b)

COMMENT: The requirements in the proposed rules for a minimum of 24 graduate level semester hours in the major area without allowing credit for practicum or thesis research and 6 graduate level semester hours in the minor area would exclude most of the audiology graduates and more than 90% of the speech-language pathology graduates from the University of Arizona for the past 24 years. ASHA requires 21 graduate semester hours in the major area and there is no graduate requirement in the minor area. If it is the intention of the proposed rules to exceed ASHA requirements by forcing students to participate in graduate level course, then students will be required to spend time and money duplicating course work that they may already have completed at the undergraduate level. This will add unnecessary expense to the student and to the academic programs which will have to offer additional course work at the graduate level.

RESPONSE: The Department amended the rule so that requirements in the rule are consistent with the standards of this state's universities.

COMMENT: If the CCC is accepted as evidence of completion of clinical practicum, why is it not accepted as evidence of completion of the academic requirements?

RESPONSE: The Department amended the rule to allow a copy of an individual's CCC to be accepted as completion of the academic requirements.

COMMENT: The proposed rules require 6 graduate level semester credit hours in speech-language for audiologists and 6 graduate level semester credit hours in audiology for speech-language pathologists. ASHA does require 6 semester credit hours in speech-language for audiologists and 6 semester credit hours in audiology for speech-language pathologists but only recommends that 3 of semester credit hours in the minor area are at the graduate level.

RESPONSE: The Department amended the rule to require a minimum of 6 semester credit hours in speech-language for audiologists and 6 semester credit hours in audiology for speech-language pathology.

R9-16-202(2)

COMMENT: Although only 300 clock hours of clinical practicum are required and that is less than ASHA requirements, all the hours specified in individual content areas would have to be obtained at the graduate level. This means

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that an individual who would meet ASHA requirements by completing the required clock hours at the undergraduate level would have to repeat the practicum as a graduate student.

RESPONSE: The Department amended the rule to allow the required 300 clock hours to be completed at the undergraduate or graduate level.

COMMENT: Requirements for 300 clock hours differ from ASHA standards of 330 clock hours in major and 20 clock hours in minor for a total of 350 clock hours.

COMMENT: Current University of Arizona and ASHA clinical practicum minor requirements are 20 clock hours not 35 clock hours.

RESPONSE: The Department amended the rule to be consistent with the clinical practicum minor requirements of this state's universities as required by A.R.S. §§ 36-1940(A) and 36-1940.01(A).

COMMENT: ASHA no longer requires speciality hours such as 25 hours in fluency for speech-language pathology. Current practicum requirements are not driven by prescriptions regarding disorder types, only by the age of the clients.

RESPONSE: The Department deleted the speciality hours and amended the rule to be consistent with the clinical practicum requirements of this state's universities as required by A.R.S. §§ 36-1940(A) and 36-1940.01(A).

COMMENT: The proposed rules do not include specific requirements for working with adults and children during a clinical practicum. This is a concern because a licensed audiologist or speech-language pathologist could conceivably work with a population with little or no prior practical experience.

RESPONSE: The Department amended the rule to include specific requirements for working with adults and children during a clinical practicum consistent with the clinical practicum requirements of this state's universities as required by A.R.S. §§ 36-1940(A) and 36-1940.01(A).

COMMENT: It is unclear why the proposed rules will accept a current CCC in lieu of clinical practicum documentation when the clinical practicum requirements are not equivalent to those for the CCC.

RESPONSE: The Department amended the rule and the clinical practicum requirements are equivalent to those for the CCC and consistent with the clinical practicum requirements of this state's universities as required by A.R.S. §§ 36-1940(A) and 36-1940.01(A).

R9-16-203(D)

COMMENT: One commentor is opposed to differential licensure for speech-language pathologists in schools vs. rules and requirements for speech-language pathologists in other settings.

RESPONSE: A.R.S. § 36-1940.01(B) establishes the requirements for speech-language pathologists whose practice is limited providing services to students in a public school.

COMMENT: There are individuals working in public schools practicing speech-language pathology under emergency certificates issued by the Department of Education. Will they be able to continue under the proposed rules?

RESPONSE: A.R.S. § 36-1940.01(B) establishes the requirements for speech-language pathologists whose practice is limited providing services to students in a public school including the requirement that an individual hold a temporary or standard certificate in speech and language therapy awarded by the Department of Education. An individual holding an emergency certificate does not meet the statutory requirements.

COMMENT: Delete the contract for employment from the licensure application procedure and allow the Department to license school-based speech-language pathologists based on having either (1) State Board of Education certification, or (2) a conditional offer of employment rather than a contract indicating current employment.

RESPONSE: A.R.S. § 36-1940.01(B) establishes the requirements for speech-language pathologists whose practice is limited providing services to students in a public school including the requirement that an individual submit proof of an employee or contractor relationship with a local education agency or a state supported institution and hold a temporary or standard certificate in speech and language therapy awarded by the State Board of Education. The Department did amend the rule to allow an individual to submit an employment contract or an employment contract conditioned upon an individual's licensure.

R9-16-207

COMMENT: Continuing education (CE) documentation, meeting or exceeding the documentation requirements in rule, is currently maintained in 2 registries, 1 maintained by the American Speech-Language-Hearing Association

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and 1 registry maintained by the American Academy of Audiology. An audiologist or speech-language pathologist who wishes to use the registry does not have to be a member of 1 of the organizations but does have to pay an annual fee of \$20 to maintain the records. The commentator suggest that the Department accept either the individual course documents as specified in the proposed rules or registry credit or a combination of both.

RESPONSE: A.R.S. § 36-1904(C) requires the Department to provide standards for required continuing education courses. The Department by rule has established standards and will review continuing education courses for compliance with the established standards.

COMMENT: The ASHA Standards Council recently reviewed issues related to requiring CE as a condition of renewal of the CCC. During a review of the data, the Council could find no data to support the assertion that CE was in any way related to continuing competence. The public perception is that CE is necessary, but there is no data to support the perception.

RESPONSE: A.R.S. § 36-1904(C) requires a licensee to provide proof of having completed at least 8 hours of continuing education when renewing a regular license.

R9-16-209(B)

COMMENT: The calibration of audiometers should not be linked to a specified standard because the standard will change as technology changes. If the 1996 standard is specified in the rules then the rules will be out-of-date as soon as the next change to the 1996 standard is implemented.

RESPONSE: The Department is required to have specific requirements in rule. If the Department does not cite a specific volume, a regulated person does not know which volume is incorporated by reference and exactly what the rule requires of the regulated person.

R9-16-209(D)

COMMENT: One commentator stated that the Department is limited by A.R.S. § 36-1902(B)(7) to inspecting only customer records of patients involved in complaints on file with the Department.

RESPONSE: A.R.S. § 36-1902(B)(5) allows the Department to make and publish rules that are not inconsistent with the laws of this state and which are necessary to carry out the provisions of the chapter. R9-16-209 requires a licensee to maintain records of services provided or products dispensed to ensure that an audiologist or speech-language pathologist has not engaged in unprofessional conduct. The Department will review an audiologist or speech-language pathologist's record in order to verify compliance with R9-16-209.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

13. Incorporations by reference and their location in the rules:

American National Standard - Specification for Audiometers, S3.6-1996, Standards Secretariat, c/o Acoustical Society of America, 120 Wall Street, 32nd Floor, New York, New York, 10005-3993, January 12, 1996, at R9-16-209(B)(1).

14. Was this rule previously adopted as an emergency rule?

No.

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 16. DEPARTMENT OF HEALTH SERVICES
OCCUPATIONAL LICENSING**

ARTICLE 2. LICENSING AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

Sections

R9-16-201. Definitions

R9-16-202. Qualifications for Licensure

R9-16-203. License Application

R9-16-204. License Application Time-frames

R9-16-205. Clinical Fellowship Supervisors

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- R9-16-206. License Renewal
- R9-16-207. Continuing Education
- R9-16-208. Disciplinary Actions
- R9-16-209. Equipment; Records; Inspections

ARTICLE 2. LICENSING AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

R9-16-201. Definitions

The following definitions apply in this Article, unless otherwise specified:

1. “Accredited” means approved by the:
 - a. New England Association of Schools and Colleges.
 - b. Middle States Association of Colleges and Secondary Schools.
 - c. North Central Association of Colleges and Schools.
 - d. Northwest Association of Schools and Colleges.
 - e. Southern Association of Colleges and Schools. or
 - f. Western Association of Schools and Colleges.
2. “Applicant” means an individual who submits to the Department an initial or a renewal application packet to practice audiology or speech-language pathology in Arizona.
3. “Application packet” means the information, documents, and fees required by the Department for licensure.
4. “Audiology” has the meaning in A.R.S. § 36-1901(2).
5. “ASHA” means the American Speech-Language-Hearing Association, a national scientific and professional organization for audiologists and speech-language pathologists.
6. “CCC” means Certificate of Clinical Competence, an award issued by ASHA to an individual who:
 - a. Completes a degree in audiology or speech-language pathology from an accredited college or university that includes a clinical practicum;
 - b. Passes the ETSNESPA; and
 - c. Completes a clinical fellowship.
7. “CE” means continuing education, the ongoing process of receiving audiology or speech-language pathology-related courses.
8. “Clinical fellow” means an individual engaged in a clinical fellowship.
9. “Clinical fellowship” means an individual’s postgraduate professional experience assessing, diagnosing, screening, treating, writing reports, and counseling individuals exhibiting speech, language, hearing, or communication disorders, obtained:
 - a. After completion of graduate level academic course work and a clinical practicum;
 - b. Under the supervision of a clinical fellowship supervisor; and
 - c. While being employed on a full-time or part-time equivalent basis.
10. “Clinical fellowship agreement” means the document submitted to the Department by a clinical fellow to register the initiation of a clinical fellowship.
11. “Clinical fellowship report” means a document completed by a clinical fellowship supervisor containing:
 - a. A summary of a clinical fellow’s diagnostic and therapeutic procedures.
 - b. A verification of the clinical fellow’s diagnostic and therapeutic procedures by the clinical fellowship supervisor, and
 - c. An evaluation of the clinical fellow’s ability to perform the diagnostic and therapeutic procedures.
12. “Clinical fellowship supervisor” means an audiologist or speech-language pathologist who:
 - a. Is a sponsor of a temporary licensee;
 - b. Had a CCC while supervising a clinical fellow before the effective date of this Article; or
 - c. Has a CCC while supervising a clinical fellow in another state.
13. “Clinical practicum” means the experience acquired by an individual who is completing course work in audiology or speech-language pathology, while supervised by a licensed audiologist, a licensed speech-language pathologist, or an individual holding a CCC, by assessing, diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, hearing, or communication disorders.
14. “Course” means a workshop, seminar, lecture, conference, class, or instruction.
15. “Current CCC” means documentation issued by ASHA verifying that an individual is presently certified by ASHA.
16. “Days” means calendar days.
17. “Diagnostic and therapeutic procedures” means the principles and methods used by an audiologist in the practice of audiology or a speech-language pathologist in the practice of speech-language pathology.
18. “Disciplinary action” means a proceeding that is brought against a licensee by the Department under A.R.S. § 36-1934 or a state licensing agency or board.
19. “ETSNESPA” means Educational Testing Service National Examination in Speech-Language Pathology and Audiology, the specialty area test of the Praxis Series given by the Education Testing Service, Princeton, N.J.

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20. “Full-time” means 30 clock hours or more per week.
21. “Graduate level” means leading to, or creditable towards, a master’s or doctoral degree.
22. “License” means the written authorization issued by the Department to practice audiology or speech-language pathology.
23. “Local education agency” means a school district governing board established by A.R.S. §§ 15-301 through 15-396.
24. “Monitoring” means being responsible for and providing direction to a clinical fellow without directly observing diagnostic and therapeutic procedures.
25. “On-site observations” means the presence of a clinical fellowship supervisor who is watching a clinical fellow perform diagnostic and therapeutic procedures.
26. “Part-time equivalent” means:
 - a. 25-29 clock hours per week for 48 weeks,
 - b. 20-24 clock hours per week for 60 weeks, or
 - c. 15-19 clock hours per week for 72 weeks.
27. “Pupil” means a child attending a school, a charter school, a private school, or an accommodation school, which are defined in A.R.S. § 15-101.
28. “Semester credit hour” means 1 earned academic unit of study based on completing, at an accredited college or university, a 50 to 60 minute class session per calendar week for 15 to 18 weeks.
29. “Semester credit hour equivalent” means 1 quarter credit which is equal in value to 2/3 of a semester credit hour.
30. “Speech-language pathology” has the meaning in A.R.S. § 36-1901(17).
31. “State supported institution” means a school receiving funding under A.R.S. §§ 15-901 through 15-1086.
32. “Supervise” means being responsible for and providing direction to:
 - a. A clinical fellow during on-site observation or monitoring of the clinical fellow’s diagnostic and therapeutic procedures; or
 - b. An individual completing a clinical practicum.
33. “Supervisory activities” means evaluating and assessing a clinical fellow’s diagnostic and therapeutic procedures in assessing diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, hearing, or communication disorders.
34. “Week” means the period of time beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. the following Saturday.

R9-16-202. Qualifications for Licensure

An applicant shall meet the requirements in A.R.S. § 36-1940 to qualify for an audiologist’s license or A.R.S. § 36-1940.01 to qualify for a speech-language pathologist’s license.

1. An applicant shall provide the Department with written documentation of either a current CCC or completion of a minimum of 60 semester credit hours or semester credit hour equivalents in audiology or speech-language pathology from an accredited college or university as evidence of completion of an equivalent to a master’s degree in audiology as required in A.R.S. § 36-1940(A)(2)(a), (B)(2)(a) or speech-language pathology as required in A.R.S. § 36-1940.01(A)(2)(a).
 - a. To qualify for an audiologist’s license, the 60 semester credit hours shall include a minimum of 21 graduate level semester credit hours in the area of audiology and a minimum of 6 semester credit hours in the area of speech-language pathology.
 - b. To qualify for a speech-language pathologist’s license, the 60 semester credit hours shall include a minimum of 21 graduate level semester credit hours in the area of speech-language pathology and a minimum of 6 semester credit hours in the area of audiology.
 - c. An applicant is allowed no more than 6 graduate level semester credit hours for a clinical practicum.
 - d. Thesis or dissertation credit hours may not be used to meet the requirements of this subsection.
2. An applicant shall provide the Department with written documentation of either a current CCC or completion of a minimum of 300 clock hours in a clinical practicum at an accredited college or university as evidence of completion of a clinical practicum in audiology as required in A.R.S. § 36-1940(A)(2)(b), (B)(2)(b) or speech-language pathology as required in A.R.S. § 36-1940.01(A)(2)(b)
 - a. For an individual applying for an audiologist’s license, the 300 clock hours shall include at least 20 clock hours in speech-language pathology and 250 clock hours or more in audiology including at least:
 - i. 40 clock hours in the evaluation of hearing in children;
 - ii. 40 clock hours in the evaluation of hearing in adults;
 - iii. 80 clock hours in the selection and use of amplification and assistive devices with a minimum of 10 clock hours with adults and a minimum of 10 clock hours with children; and
 - iv. 20 clock hours in the treatment of hearing disorders in children and adults.
 - b. For an individual applying for a speech-language pathologist’s license, the 300 clock hours shall include at least 20 clock hours in audiology and 250 clock hours or more in speech-language pathology including at least 20 clock hours in each of the following categories:

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- i. The evaluation of speech disorders in children;
 - ii. The evaluation of speech disorders in adults;
 - iii. The evaluation of language disorders in children;
 - iv. The evaluation of language disorders in adults;
 - v. The treatment of speech disorders in children;
 - vi. The treatment of speech disorders in adults;
 - vii. The treatment of language disorders in children;
 - viii. The treatment of language disorders in adults.
3. An applicant shall provide the Department with written documentation of either a current CCC or completion of 36 weeks or more of a clinical fellowship as evidence of completion of the postgraduate professional experience required by A.R.S. § 36-1940(A)(2)(c), (B)(2)(c), or A.R.S. § 36-1940.01(A)(2)(c).
- a. The clinical fellowship shall be completed within 7 years from the date the clinical practicum was completed;
 - b. Once initiated, the clinical fellowship shall be completed in no more than 36 consecutive months; and
 - c. A minimum of 80% of the clinical fellowship hours shall be in direct client contact.

R9-16-203. License Application

- A.** An applicant for a regular audiology license or a regular speech-language pathology license shall submit to the Department an application packet containing:
1. An application on a form provided by the Department and signed by the applicant that contains all of the following:
 - a. The applicant's name, social security number, current home address, business address, and home and business telephone numbers;
 - b. If applicable, the name of applicant's employer and the employer's current business address and telephone number;
 - c. A statement of whether the applicant has ever been convicted of a felony or of a misdemeanor involving moral turpitude in this state or any other state;
 - d. A list of all states and countries in which the applicant is or has been licensed as an audiologist or speech-language pathologist;
 - e. A statement of whether any disciplinary action, consent order, or settlement agreement is pending or has been imposed by any state or country upon the applicant's audiology or speech-language pathology license; and
 - f. A statement by the applicant verifying the truthfulness of the information provided by the applicant;
 2. An official transcript issued to the applicant by an accredited college or university after the applicant's completion of a master's degree or 60 semester credit hours or semester credit hour equivalents as provided in R9-16-202(1) or a copy of a current CCC;
 3. Written documentation of the applicant's completion of a clinical practicum as required by R9-16-202(2) or a copy of a current CCC;
 4. A photocopy of the clinical fellowship report signed by the clinical fellowship supervisor as required by R9-16-202(3) or a copy of a current CCC;
 5. Written documentation of a passing grade on the ETSNESPA or a copy of a current CCC; and
 6. An application fee of \$50.
- B.** An applicant for a temporary license shall submit to the Department an application packet containing:
1. An application on a form provided by the Department containing the information in subsections (A)(1), (A)(2), (A)(3), (A)(5), and the fee in (A)(6); and
 2. A copy of the clinical fellowship agreement that includes:
 - a. The clinical fellow's name, home address, and telephone number;
 - b. The clinical fellowship supervisor's name, business address, telephone number, and Arizona audiology or speech-language pathology license number;
 - c. The name and address where the clinical fellowship will take place;
 - d. A statement by the clinical fellowship supervisor agreeing to comply with R9-16-205; and
 - e. The signatures of the clinical fellow and the clinical fellowship supervisor.
- C.** An applicant for an audiology license to fit and dispense hearing aids shall submit to the Department an application packet containing:
1. The information, documents, and fee required in subsection (A); and
 2. Written documentation of passing a hearing aid dispenser examination as required by A.R.S. § 36-1940(B)(4).
- D.** An applicant for a speech-language pathology license limited to providing services to pupils under the authority of a local education agency or state-supported institution shall submit to the Department an application packet containing:
1. An application on a form provided by the Department containing the information in subsection (A)(1);
 2. A copy of a temporary or standard certificate in speech-language therapy issued by the State Board of Education;
 3. A copy of an employment contract or an employment contract conditioned upon the applicant's licensure, with a local education agency or state-supported institution that includes:
 - a. The applicant's name and social security number,

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- b. The name of the local education agency or state-supported institution,
 - c. The classification title of the applicant,
 - d. The work dates or projected work dates of the employment contract, and
 - e. Signatures of the applicant and the individual authorized by the governing board to represent the local education agency or state-supported institution, and
4. An application fee of \$50.

R9-16-204. License Application Time-frames

- A.** For any of the license applications in R9-16-203 or R9-16-206, the overall time-frame described in A.R.S. § 41-1072(2) is 60 days.
- B.** For any of the license applications in R9-16-203 or R9-16-206, the administrative completeness review time-frame is 30 days and begins on the date the Department receives an application packet.
1. If an application packet is incomplete, the Department shall send to the applicant a written notice of incompleteness that states each deficiency and the information or documents needed to complete the application packet. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice until the date the Department receives a complete application packet.
 2. When the Department receives a complete application packet, the Department shall send a written notice of administrative completeness to the applicant.
 3. If the applicant does not submit a complete application packet within 90 days from the date the Department sends a written notice of incompleteness to the applicant, the Department shall consider the application withdrawn.
 4. If the Department sends a written notice of approval to the applicant during the time provided to assess administrative completeness, the Department shall not provide a separate written notice of administrative completeness.
- C.** For any of the license applications in R9-16-203 or R9-16-206, the substantive review time-frame described in A.R.S. § 41-1072(3) is 30 days and begins on the date the Department sends written notice of administrative completeness to an applicant.
1. If an applicant does not meet the requirements of A.R.S. §§ 36-1901 through 36-1940.03 and this Article, the Department shall send to the applicant a written comprehensive request for additional information that states each statute and rule upon which the request is based. The substantive review time-frame and the overall time-frame are suspended from the date the written comprehensive request is sent until the date the Department receives the requested information.
 - a. If an applicant does not submit the requested information within 90 days of the date the Department sends the comprehensive written request to the applicant, the Department shall consider the application withdrawn.
 - b. If the information submitted by the applicant does not meet the requirements of A.R.S. §§ 36-1901 through 36-1940.03 and this Article, the Department shall send a written notice of denial to the applicant including a basis for the denial and an explanation of the applicant's right to appeal.
 2. If an applicant meets the requirements of A.R.S. §§ 36-1901 through 36-1940.03 and this Article, the Department shall send written notice of approval to the applicant.
- D.** After receiving the written notice of approval in subsection (C)(2), an applicant shall send a \$50 license fee to the Department. If the applicant does not submit the license fee within 30 days of the date the Department sends the written notice of approval to the applicant, the Department shall consider the application withdrawn.

R9-16-205. Clinical Fellowship Supervisors

In addition to complying with the requirements in A.R.S. § 36-1905, a clinical fellowship supervisor shall:

1. Complete a minimum of 36 supervisory activities throughout an individual's clinical fellowship. Of the 36 supervisory activities, the clinical fellowship supervisor shall complete:
 - a. A minimum of 18 on-site observations;
 - b. No more than 6 on-site observations in 24 hours; and
 - c. A minimum of 18 monitoring activities;
2. Submit a copy of the clinical fellowship report to the Department within 30 days of the completion of the clinical fellowship; and
3. Provide the Department and the clinical fellow with written notice within 72 hours of the decision to stop supervising the clinical fellow if the clinical fellowship supervisor voluntarily stops supervising a clinical fellow before the completion of the clinical fellowship.

R9-16-206. License Renewal

- A.** Before the expiration date of a regular license, a licensee shall submit to the Department an application packet containing:
1. A license renewal fee of \$50;
 2. A completed record of compliance with the CE requirements in R9-16-207; and
 3. A license renewal form provided by the Department that contains:
 - a. The licensee's name, current home address, business address, and home and business telephone numbers;

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- b. If applicable, the name of the licensee's employer and the employer's current business address and telephone number;
 - c. License number and date of expiration; and
 - d. A statement of whether the licensee has been convicted of a felony or a misdemeanor involving moral turpitude since the licensee's previous license application.
- B.** A licensee who submits the information and fee in subsection (A)(1) no later than 30 days after the license expiration date shall submit a \$10 late fee in addition to the information and fee required by subsection (A). A licensee who does not submit the information and the fee in subsection (A)(1), within 30 days after the license expiration date, shall apply for a license by submitting the application packet required in R9-16-203(A).
- C.** When renewing a temporary license, a licensee shall submit a license renewal fee of \$50 and a form provided by the Department containing:
- 1. The applicant's name, address, and phone number;
 - 2. The name of applicant's employer, the employer's current business address, telephone number, and Arizona audiologist or speech-language pathologist license number;
 - 3. The clinical fellowship supervisor's name, business address, telephone number, and Arizona audiologist or speech-language pathologist license number;
 - 4. A statement by the clinical fellowship supervisor agreeing to comply with R9-16-205; and
 - 5. The signature of the clinical fellowship supervisor.

R9-16-207. Continuing Education

- A.** Every 12 months from the effective date of a regular license, a licensee shall complete 8 credit hours or more of CE approved by the Department. A credit hour consists of a minimum of 50 continuous minutes of instruction.
- B.** An individual presenting a CE course or a licensee requesting approval for a CE course shall submit the following to the Department:
- 1. A brief summary of the course;
 - 2. The name, educational background, and teaching experience of the individual presenting the course;
 - 3. The educational objectives of the course;
 - 4. The name of the organization providing the CE course; and
 - 5. The date, time, and place of presentation of the CE course.
- C.** If a licensee submits the information in subsection (B) with a renewal application packet, the Department shall comply with the time-frames in R9-16-204.
- D.** For Department approval of a CE course, the overall time-frame described in A.R.S. § 41-1072(2) is 45 days.
- E.** For Department approval of a CE course, the administrative completeness review time-frame is 30 days and begins on the date the Department receives a request for CE approval.
- 1. If a request for CE approval is incomplete, the Department shall send to an individual presenting a CE course or a licensee, a written notice of incompleteness that states each deficiency and the information or documents needed to complete the request. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice until the date the Department receives a complete request for CE approval.
 - 2. When the Department receives a complete request for CE approval, the Department shall send a written notice of administrative completeness to the individual presenting a CE course or the licensee.
 - 3. If the individual presenting a CE course or the licensee does not supply a complete request for CE approval within 60 days from the date the Department receives a request for CE approval, the Department shall consider the request for CE approval withdrawn.
 - 4. If the Department grants approval for a CE course during the time provided to assess administrative completeness, the Department shall not issue a separate written notice of administrative completeness.
- F.** For Department approval of a CE course, the substantive review time-frame described in A.R.S. § 41-1072(3) is 15 days and begins on the date the Department sends written notice of administrative completeness to an individual presenting the CE course or a licensee.
- 1. If a CE course does not meet the requirements in subsection (G), the Department shall send a written notice of denial to the individual presenting the CE course or the licensee including a basis for the denial.
 - 2. If a CE course meets the requirements of subsection (G), the Department shall send written notice of approval to the individual presenting the CE course or the licensee.
- G.** The Department shall approve a CE course if the Department determines that the CE course:
- 1. Is designed to provide current developments, skills, procedures, or treatment in diagnostic and therapeutic procedures in audiology or speech-language pathology;
 - 2. Is developed and presented by individuals knowledgeable and experienced in the subject area; and
 - 3. Contributes directly to the professional competence of a licensee.
- H.** A licensee shall maintain a record of each CE course completed by the licensee for 36 months from the date of submitting the record to the Department as required by R9-16-206(A)(2). The record shall contain:
- 1. The name, address, and license number of the licensee;

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2. For each CE course completed by the licensee:
 - a. The name of the organization providing the CE course, and the date and place of presentation;
 - b. The name of the CE course;
 - c. A description of the CE course's content and educational objectives;
 - d. The name and description of the educational background and teaching experience of the individual presenting each course;
 - e. The number of CE credit hours earned for the CE course; and
 - f. A statement, signed by the individual presenting the CE course, verifying the licensee's attendance; and
3. A statement, signed by the licensee, verifying the information contained in the record.

I. A licensee is not permitted to carry forward CE credit hours from a previous year.

R9-16-208. Disciplinary Actions

In determining the length of license suspension or revocation, or the level of disciplinary action for any violation of A.R.S. §§ 36-1901 through 36-1940.03 or this Article, the Department shall consider:

1. The type of violation.
2. The severity of the violation.
3. The danger to the public health and safety.
4. The number of violations.
5. The degree of harm to the consumer.
6. A pattern of noncompliance, and
7. Any mitigating or aggravating circumstances.

R9-16-209. Equipment; Records; Inspections

A. A licensee shall maintain equipment used by the licensee in the practice of audiology or the practice of speech-language pathology according to the manufacturer's specifications.

B. If a licensee uses equipment that requires calibration, the licensee shall ensure that:

1. The equipment is calibrated a minimum of every 12 months and according to the American National Standard - Specifications for Audiometers, S3.6-1996, Standards Secretariat, c/o Acoustical Society of America, 120 Wall Street, 32nd Floor, New York, New York 10005-3993, January 12, 1996, incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future additions or amendments; and
2. A written record of the calibration is maintained in the same location as the calibrated equipment for 36 months from the date of the calibration.

C. A licensee shall maintain the following records for 36 months from the date the licensee provided a service or dispensed a product while engaged in the practice of audiology, practice of speech-language pathology, or practice of fitting and dispensing hearing aids:

1. The name, address, and telephone number of the individual to whom services are provided;
2. The name or description and the results of each test and procedure used in evaluating speech, language, and hearing disorders or determining the need for dispensing a product or service; and
3. If a product such as a hearing aid, augmentative communication device, or alaryngeal device is dispensed, a record of the following:
 - a. The name of the product dispensed;
 - b. The product's serial number, if any;
 - c. The product's warranty or guarantee, if any;
 - d. The refund policy for the product, if any;
 - e. A statement of whether the product is new or used;
 - f. The total amount charged for the product;
 - g. The name of the licensee; and
 - h. The name of the intended user of the product.

D. A licensee shall permit the Department to inspect the equipment in subsection (A) and the records listed in subsections (B) and (C).