

Dear Senators MARTIN, Souza, Jordan, and
Representatives WOOD, Wagoner, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - Speech, Hearing and Communication Services Licensure Board: IDAPA 24.23.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 24-2301-1900F).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 07/24/2019. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 08/21/2019.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Legislative Drafting Attorney - Matt Drake

DATE: July 05, 2019

SUBJECT: Bureau of Occupational Licenses - Speech, Hearing and Communication Services Licensure Board

IDAPA 24.23.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 24-2301-1900F)

The Idaho Bureau of Occupational Licenses - Speech, Hearing and Communication Services Licensure Board - submits notice of temporary and proposed rules at IDAPA 24.23.01, Rules of the Speech, Hearing and Communication Services Licensure Board. The rulemaking adopts and re-publishes existing and previously approved chapters with minor edits in the nature of clean-up and simplification. **No substantive changes are noted.** This is a fee rule. **No new fees or charges are imposed by this rule reauthorization and republication.** These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation.

cc: Bureau of Occupational Licenses - Speech, Hearing and Communication Services Licensure Board
Kelley Packer

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.23.01 – RULES OF THE SPEECH, HEARING AND COMMUNICATION SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2910, Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 24.23.01, rules of the Speech, Hearing and Communication Services Licensure Board:

IDAPA 24

- 24.23.01, *Rules of the Speech, Hearing and Communication Services Licensure Board* - All rules *except Subsections 010.01, 010.02, and 200.01.*

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These rules govern the qualifications for speech pathologists, audiologists, hearing aid dealers and fitters, and sign language interpreters, as well as the code of ethics for sign language interpreters. Allowing these rules to expire would harm the health, safety, and welfare of Idaho citizens with speech and hearing disorders.

The fee or charge imposed by the rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and the immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. Absent the ability to impose the licensure fees outlined in this chapter, the of the Speech, Hearing and Communication Services Licensure Board would not be able to remain self-sufficient, contrary to its statutory mandate.

FEE SUMMARY: The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. Fees are established in accordance with Sections 54-2912, 54-2913, 54-2914, 54-2915, 54-2916A, 54-2918, and 54-2921, Idaho Code, as follows: application

fee: \$30; original license fee: \$70; examination and reexamination administrative fee when administered by the Board: \$50; provisional permit: \$100; registration fee for out-of-state licenses: \$10; annual renewal fee: \$100; and annual renewal fee for inactive license: \$65.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state General Fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Rob McQuade at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of June, 2019.

Kelley Packer
Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-3233
Fax: (208) 334-3945

**IDAPA 24
TITLE 23
CHAPTER 01**

**24.23.01 – RULES OF THE SPEECH, HEARING AND COMMUNICATION
SERVICES LICENSURE BOARD**

000. LEGAL AUTHORITY (RULE 0).

These rules are hereby prescribed and established pursuant to the authority vested in the Speech, Hearing and Communication Services Licensure Board by the provisions of Section 54-2910, Idaho Code. (3-30-06)

001. TITLE AND SCOPE (RULE 1).

These rules are titled IDAPA 24.23.01, “Rules of the Speech, Hearing and Communication Services Licensure Board.” (3-30-06)

002. WRITTEN INTERPRETATIONS (RULE 2).

The Board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (3-30-06)

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative Appeals are governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-30-06)

004. INCORPORATION BY REFERENCE (RULE 4).

The document titled “National Association of the Deaf (NAD)-Registry of Interpreters for the Deaf, Inc. (RID) Code of Professional Conduct,” copyright 2005 by the Registry of Interpreters for the Deaf, is incorporated by reference into this rule and is available at the Board’s office and on the Board’s web site. (3-22-18)

005. ADDRESS OF IDAHO SPEECH, HEARING AND COMMUNICATION SERVICES LICENSURE BOARD (RULE 5).

The office of the Idaho Speech, Hearing and Communication Services Licensure Board is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. The Bureau is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The telephone number of the Board is (208) 334-3233. The Board’s fax number is (208) 334-3945. The Board’s e-mail address is shs@ibol.idaho.gov. The Board’s official website is <http://www.ibol.idaho.gov>. (3-29-10)

006. PUBLIC RECORDS (RULE 6).

The records associated with the Speech, Hearing and Communication Services Licensure Board are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-30-06)

007. -- 009. (RESERVED)

010. DEFINITIONS (RULE 10).

01. Audiology Support Personnel. Unlicensed natural persons who work under the direction and supervision of an audiologist who is licensed in accordance with Title 54, Chapter 29, Idaho Code, and is engaged in the practice of audiology. (3-24-17)

02. Deaf Interpreter. A person who is deaf or hard-of-hearing and not a licensed sign language interpreter, who is nonetheless permitted by Section 54-2905, Idaho Code, and Board rule to perform in the role of a sign language interpreter. (3-22-18)

03. Dual Licensure. The status of a person who holds more than one (1) license under Title 54, Chapter 29, Idaho Code. (3-22-18)

04. Distant Site. The site at which a provider of audiology, speech-language pathology, sign language interpreting or hearing aid dealing and fitting services is located at the time the service is provided. (3-22-18)

05. Originating Site. The location of a service recipient at the time audiology, speech-language pathology, sign language interpreting or hearing aid dealing and fitting services are provided. (3-22-18)

06. Tele-Speech, Hearing and Communication Services. Audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting services provided to a person through the use of electronic communications, information technology, asynchronous store and forward transfer, or synchronous interaction between a service provider at a distant site and a service recipient at an originating site. The practice of audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting via tele-speech, hearing and communication services is deemed to take place at the originating site. (3-22-18)

07. Tele-Speech, Hearing and Communication Provider. A person who is licensed, required to be licensed, or, if located outside of Idaho, would be required to be licensed if located in Idaho by Title 54, Chapter 29, Idaho Code, and who provides or offers to provide tele-speech, hearing and communication services to persons who are located in Idaho. (3-22-18)

011. -- 099. (RESERVED)

100. ORGANIZATION (RULE 100).

01. Meetings. The Board meets not less than twice annually and at other such times and places as designated by the Board or the Chairman of the Board. Special meetings may be held at the call of the Chairman, and all members must be notified. (3-30-06)

a. All meetings are held in accordance with the Idaho Open Meeting Law, Sections 67-2340 through 67-2347, Idaho Code. (3-30-06)

b. Four (4) members of the Board constitute a quorum, provided at least one (1) board member of the relevant profession is present when any board action is taken that affects the profession, its licensees, or applicants. The Board may act by virtue of a majority vote of members present in which a quorum is present. The Chairman may vote only in the event of a tie vote. (7-17-14)

02. Organization of the Board. At the first meeting of each fiscal year, the Board elects from its members a Chairman, who assumes the duty of the office immediately upon such selection. (3-30-06)

a. The Chairman, when present, presides at all meetings, appoint with the consent of the Board, all committees, and otherwise perform all duties pertaining to the office of Chairman. The Chairman is an ex-officio member of all committees. (3-30-06)

b. The Chief of the Bureau acts as an agent of the Board and is the official keeper of all records of the Board. The Bureau provides such services as may be authorized by Chapter 26, Title 67, Idaho Code, and as defined under contract between the Bureau and the Board. (3-30-06)

101. -- 149. (RESERVED)

150. APPLICATION (RULE 150).

01. Filing an Application. Applicants for licensure will submit a complete application, verified under oath, to the Board at its official address. The application must be on the forms approved by the Board and submitted together with the appropriate fees and supporting documents. (3-22-18)

02. Supporting Documents. The applicant must provide or facilitate the provision of any supporting third-party documents that may be required under the qualifications for the license being sought. (3-22-18)

03. Applications Must Be Complete. Applications will not be considered complete until all required information, documents, and fees are received by the Board. (3-22-18)

04. Lack of Activity. If an applicant fails to respond to a Board request or an application has lapsed

activity for twelve (12) consecutive months, the application on file with the Board will be deemed denied and will be terminated upon a thirty (30) day written notice, unless the applicant demonstrates good cause to the Board. (3-22-18)

151. -- 174. (RESERVED)

175. FEES (RULE 175).

Applications should not be filed unless the applicant can meet all requirements. (3-30-06)

01. Application Fee. Application Fee - Thirty dollars (\$30). (3-30-06)

02. Original License Fee. The original license fee is seventy dollars (\$70) to be accompanied by the completed application. (3-24-17)

03. Examination/Reexamination Fee. Examination fee is that charged by the examination provider plus an administration fee of fifty dollars (\$50) when the examination is administered by the Board. (3-30-06)

04. Provisional Permit. Provisional permit and provisional permit extension fee is one hundred dollars (\$100). (3-22-18)

05. Registration Fee for Out-of-State Licenses. Registration fee is ten dollars (\$10). (3-22-18)

06. Annual Renewal Fee. Annual renewal fee is one hundred dollars (\$100). (3-24-17)

07. Annual Renewal Fee for Inactive License. Annual renewal fee is sixty-five dollars (\$65). (3-27-13)

08. Reinstatement Fee. Reinstatement fee is as provided in Section 67-2614, Idaho Code. (3-22-18)

09. Dual Licensure Fee. There is no fee for dual licensure. A person is charged fees as though the person had obtained only one (1) license. (3-22-18)

10. Refund of Fees. No refund of fees will be made to any person who has paid such fees for application or reinstatement of a license or examination fees for unexcused applicants. (3-29-10)

176. -- 199. (RESERVED)

200. REINSTATEMENT OF LICENSE (RULE 200).

Reinstatement. Any license canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, and the applicant must submit proof of having obtained the required continuing education in the twelve (12) months prior to reinstatement. (3-29-10)

201. -- 204. (RESERVED)

205. INACTIVE STATUS (RULE 205).

01. Request for Inactive Status. Each person requesting an inactive status during the renewal of their active license must submit a written request and pay the established fee. (3-27-13)

02. Inactive License Status. (3-27-13)

a. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho. (3-27-13)

b. Inactive license renewal notices and licenses will be marked "Inactive." (3-27-13)

c. When the licensee desires active status, the licensee must show acceptable fulfillment of continuing

education requirements for the previous twelve (12) months and submit a fee equivalent to the difference between the inactive and active renewal fee. (3-27-13)

d. Licensees may not practice or supervise in Idaho as an Audiologist, Speech-Language Pathologist, Speech-Language Pathologist Aide, Speech-Language Pathologist Assistant, or Hearing Aid Dealer and Fitter while on inactive status. (3-27-13)

206. -- 209. (RESERVED)

210. QUALIFICATIONS FOR AUDIOLOGIST LICENSURE (RULE 210).

All applicants for licensure as an audiologist must comply with the following education, experience, and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Graduate Program Requirement. A master's or doctoral degree with emphasis in audiology or not less than seventy-five (75) semester credit hours of post-baccalaureate study that culminates in a doctoral degree from a nationally accredited school for audiology. (4-2-08)

02. Examination. Pass an examination given by PRAXIS or other examination as may be approved by the Board. (4-2-08)

03. Experience. Meet the supervised academic clinical practicum and supervised postgraduate experience approved by the Board. (4-2-08)

211. SUPPORT PERSONNEL: AUDIOLOGY (RULE 211).

01. Supervising Audiologist – Responsibilities – Restrictions. (3-24-17)

a. The supervising audiologist, a person licensed to practice audiology under Title 54, Chapter 29, Idaho Code, is responsible for everything audiology support personnel do or fail to do while performing their duties under the supervising audiologist's supervision. (3-24-17)

b. Responsibilities of the supervising audiologist include, but are not limited to: (3-24-17)

i. Hiring, training, assessing the competency, and evaluating the performance of audiology support personnel. (3-24-17)

ii. Approving or disapproving all orders and directives concerning audiology tasks issued by administrators or other managers. (3-24-17)

iii. Assigning audiology tasks to audiology support personnel and supervising the performance of those tasks. Assigned tasks must not exceed the knowledge and skills of audiology support personnel nor require the exercise of professional judgment, interpretation of test results, or the development or modification of treatment plans. (3-24-17)

iv. Assessing the abilities of audiology support personnel to perform assigned audiology tasks. (3-24-17)

v. Providing feedback to audiology support personnel to facilitate improved job performance. (3-24-17)

c. The number of audiology support personnel that an audiologist may supervise at any one time must be consistent with the delivery of appropriate, quality service, and Title 54, Chapter 29, Idaho Code. (3-24-17)

d. An audiologist must supervise audiology support personnel in the following manner: (3-24-17)

i. A supervising audiologist must directly supervise audiology support personnel no less than one (1) time for every five (5) times that support personnel provide audiology services to a patient (twenty percent (20%)).

Direct supervision requires in-view real-time observation and guidance while an assigned activity is performed. This requirement can be met when the supervisor is providing supervision from a distant site using two-way video and audio transmission. The supervising audiologist will document and retain a record of all direct supervision periods.

(3-24-17)

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

(3-24-17)

02. Audiology Support Personnel – Roles – Restrictions. (3-24-17)

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

(3-24-17)

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

(3-24-17)

- i. Greet and escort patients. (3-24-17)
- ii. Schedule patients. (3-24-17)
- iii. Package and dispatch by mail ear-mold orders, devices for repair, and manufacturer/lab returns. (3-24-17)
- iv. Maintain an inventory of supplies. (3-24-17)
- v. Check equipment for functionality. (3-24-17)
- vi. Test hearing aids and other amplification devices. (3-24-17)
- vii. Troubleshoot and perform minor repairs to hearing aids, ear molds, and other amplification devices. (3-24-17)
- viii. Clean hearing aids and other amplification devices. (3-24-17)
- ix. Perform electroacoustic analysis of hearing aids and other amplification devices. (3-24-17)
- x. Instruct patients in the proper use and care of hearing aids and other amplification devices. (3-24-17)
- xi. Demonstrate how to use alerting and assistive listening devices. (3-24-17)
- xii. Instruct patients on how to perform proper ear hygiene. (3-24-17)
- xiii. Assist audiologist in treatment programs. (3-24-17)
- xiv. Assist audiologist with setup and technical tasks. (3-24-17)
- xv. Prepare materials for ear impressions. (3-24-17)
- xvi. Maintain and restock testing and treatment rooms. (3-24-17)
- xvii. Perform equipment maintenance and biological checks. (3-24-17)
- xviii. Conduct hearing and tympanic screening on children and adults without interpretation. (3-24-17)

- xix. Conduct otoacoustic emission screening. (3-24-17)
- xx. Perform non-diagnostic otoscopy. (3-24-17)
- xxi. Perform pure-tone audiological reassessment on established patients. (3-24-17)
- xxii. Prepare patients for vidoenystagmography/electronystagmography or evoked testing. (3-24-17)
- xxiii. Assist audiologists to test the hearing of pediatric patients. (3-24-17)
- xxiv. Perform universal newborn hearing screening tests. (3-24-17)
- xxv. Perform infection control duties with the clinic/service. (3-24-17)
- xxvi. Assist patients in recording their case history and completing other relevant forms. (3-24-17)
- xxvii. Communicate with hearing instrument manufacturers and suppliers regarding the status of orders and repairs. (3-24-17)
- xxviii. Facilitate the exchange of information between audiologist and patient when differences in languages or culture are an issue. (3-24-17)
- xxix. Assist in clinical research. (3-24-17)
- c. Audiology support personnel are prohibited from performing the following: (3-24-17)
 - i. Any task prohibited by state or federal law. (3-24-17)
 - ii. Any task not expressly approved by the supervising audiologist. (3-24-17)
 - iii. Interpreting observations or data into diagnostic statements of clinical management strategies or procedures. (3-24-17)
 - iv. Determining case selection. (3-24-17)
 - v. Transmitting clinical information, either verbally or in writing, to anyone without the approval of the supervising audiologist. (3-24-17)
 - vi. Composing clinical reports except for progress notes to be reviewed by the audiologist and held in the client's records. (3-24-17)
 - vii. Referring a patient/client to other professionals or agencies. (3-24-17)
 - viii. Referring to self or using in connection with audiology support person's name, any title other than one determined by the supervising audiologist that is consistent with state and federal law. (3-24-17)
 - ix. Signing any formal documents (e.g. treatment plans, reimbursement forms, or reports). (3-24-17)
 - x. Discharging a patient/client from services. (3-24-17)
 - xi. Communicating with a patient/client's family or others regarding any aspect of the patient/client's status or services without the specific consent of the supervising audiologist. (3-24-17)

03. Audiology Support Personnel Certified by the Council for Accreditation in Occupational Hearing Conservation (CAOHC) – Roles – Restrictions. (3-24-17)

- a. Audiology support Personnel who are certified by the CAOHC as a Certified Occupational Hearing

Conservationist (COHC) may perform the following tasks under the supervision of a licensed audiologist in addition to those tasks set forth in Subsection 211.02.b.: (3-24-17)

- i. Check and calibrate audiometric instrumentation. [see Rule 211.02.b.v. and vi.] (3-24-17)
- ii. Conduct otoscopic screening and pure-tone threshold testing. (3-24-17)
- iii. Counsel employees about test results and the criteria for employee referral. (3-24-17)
- iv. Fit employees and train them on personal hearing protection devices. (3-24-17)
- v. Fit hearing protection devices for testing. (3-24-17)
- vi. Assist CAOHC course directors in the conduct of training. (3-24-17)
- vii. Educate, train, and motivate employees to conserve their hearing. (3-24-17)
- viii. Maintain business and medical records. (3-24-17)
- ix. Generate periodic hearing conservation statistical reports. (3-24-17)

b. In addition to being prohibited from performing the tasks listed in Subsection 211.02.c., CAOHC's are also prohibited from performing the following tasks: (3-24-17)

- i. Assuming the role of a professional supervisor of the audiometric monitoring portion of a hearing conservation program. (3-24-17)
- ii. Assuming the role of instructor of other occupation hearing conservationists. (3-24-17)
- iii. Interpreting audiograms. (3-24-17)
- iv. Conducting any type of audiometric testing other than air conduction (e.g. not bone-conduction testing or speech audiometry). (3-24-17)
- v. Diagnosing hearing disorders. (3-24-17)
- vi. Independently evaluating a hearing conservation program's effectiveness. (3-24-17)
- vii. Conducting noise surveys and analyzing or assuming responsibility for noise-control solutions. (3-24-17)

04. Audiology Support Personnel – Pre-Service and In-Service Instruction. (3-24-17)

a. The supervising audiologist is responsible for the training of audiology support personnel and for maintaining a written record of completed training activity. (3-24-17)

b. Training will be conducted pre-service (before tasks are assigned) and in-service (after tasks are assigned). The quality and content of training is left to the discretion of the supervising audiologist. The following guidelines apply to both pre-service and in-service training. (3-24-17)

- i. Training should be well-defined and specific to assigned tasks. (3-24-17)
- ii. Supervising audiologists should ensure that the scope and intensity of training is sufficient to prepare audiology support personnel to successfully perform assigned tasks. (3-24-17)
- iii. Training should be competency based and be provided through a variety of formal and informal instructional methods accompanied by written policies and procedures. (3-24-17)

iv. Supervising audiologists should provide audiology support personnel with a written description of their roles and functions. Audiologists should provide personnel with ongoing training opportunities to ensure that audiology practices are current and skills are maintained. (3-24-17)

v. Training should include the identification of and appropriate response to linguistic and cultural challenges which may affect the delivery of service. (3-24-17)

212. NEWBORN HEARING SCREENING TESTS.

Performing newborn hearing screening tests on infants using automated equipment that produces a pass/fail response does not, by itself, constitute the practice of audiology or convert persons performing the tests into audiology support personnel. (3-28-18)

213. -- 219. (RESERVED)

220. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST LICENSURE (RULE 220).

All applicants for licensure as a speech-language pathologist must comply with the following education, experience, and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Graduate Program Requirement. A master's or doctoral degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board and includes a supervised academic clinical practicum. (3-27-13)

02. Examination. Pass an examination in speech-language pathology given by PRAXIS or other examination as may be approved by the Board. (4-2-08)

03. Supervised Experience. Satisfactorily complete the supervised postgraduate experience approved by the Board and defined in Subsections 220.03.a. through 220.03.d. (3-27-13)

a. One thousand two hundred sixty (1,260) hours of experience gained under the supervision of a licensed speech-language pathologist in no less than thirty-six (36) weeks of full-time (thirty-five (35) hours per week) experience or the equivalent part-time experience and in no more than forty-eight (48) months. (3-27-13)

b. One thousand ten (1,010) hours of experience must be in direct client contact. (3-27-13)

c. There must be at least six (6) hours of on-site observations of direct client contact each quarter. (3-27-13)

d. The nature of the supervision and contact must allow for immediate feedback and can be conducted using audio/visual, in person, electronic means, or telephone. (3-27-13)

221. -- 229. (RESERVED)

230. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST AIDE LICENSURE (RULE 230).

All applicants for licensure as a speech-language pathologist aide must comply with the following education and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Education Program Requirement. A baccalaureate degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board. (4-2-08)

02. Examination. Pass an examination in speech-language pathology aide as may approved by the Board. (4-2-08)

03. Supervision. A speech-language pathologist aide may only work under the supervision of a speech-language pathologist. (4-2-08)

231. -- 239. (RESERVED)

240. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST ASSISTANT LICENSURE (RULE 240).

All applicants for licensure as a speech-language pathologist assistant must comply with the following education and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Education Program Requirement. An associate degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board. (4-2-08)

02. Examination. Pass an examination in speech-language pathology assistant as may be approved by the Board. (4-2-08)

03. Supervision. A speech-language pathologist assistant may only work under the supervision of a speech-language pathologist. (4-2-08)

241. -- 249. (RESERVED)

250. QUALIFICATIONS FOR HEARING AID DEALER AND FITTER LICENSURE (RULE 250).

All applicants for licensure as a hearing aid dealer and fitter must comply with the following education, experience, and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Education Requirement. A high school diploma or successful passage of the General Educational Development diploma (GED). (4-2-08)

02. Examination. Pass an examination approved by the Board. (4-2-08)

251. -- 259. (RESERVED)

260. QUALIFICATIONS FOR SIGN LANGUAGE INTERPRETER LICENSURE (RULE 260).

The Board may grant a sign language interpreter license to an applicant who completes an application as set forth in Section 150 and meets the following: (3-22-18)

01. General. (3-22-18)

a. Be at least eighteen (18) years of age; (4-11-19)

b. Certify that the applicant has not been found guilty, convicted, received a withheld judgment, or suspended sentence for a felony. If the applicant has been found guilty, convicted, received a withheld judgment, or suspended sentence for such a crime, the applicant must submit a written statement of suitability for licensure as set forth in Section 320 of these rules; and (3-22-18)

c. Certify that the applicant or the applicant's license or certification has not been subject to any disciplinary action by a regulatory entity in another state, territory, or country including, but not limited to, having an application for licensure denied. If the applicant or applicant's license has been subject to discipline, the applicant must submit a written statement of suitability for licensure as set forth in Section 320 of these rules. (3-22-18)

02. Education. Possess a high school diploma or the equivalent; (3-22-18)

03. Examination or Certification. Pass competency examinations approved by the Board or obtain a certification approved by the Board. (3-22-18)

261. -- 269. (RESERVED)

270. REGISTRATION FOR OUT-OF-STATE LICENSEES (RULE 270).

A person licensed or certified as sign language interpreter in another state, territory, or the District of Columbia may practice sign language interpreting in this state without a license issued by the board for a period not to exceed in the

aggregate thirty (30) days in any calendar year provided that they fulfill the following requirements: (3-22-18)

01. Statement of Registration. Before commencing such work, the person will file with the Board on a form approved by the board a statement of registration providing the person's name, residence, sign language interpreter license or certificate of registration number, and the name, address, and phone number of the issuing authority; (3-22-18)

02. Registration Fee. The person will pay one (1) registration fee for each calendar year in which they register; (3-22-18)

03. Statement of Time Engaged. Within five (5) business days of completion of the work, the person will submit to the Board on a form approved by the Board a statement of the number of days in which the person engaged in that work within the state. (3-22-18)

271. -- 279. (RESERVED)

280. DEAF INTERPRETERS (RULE 280).

01. Letter of Endorsement. Persons who are deaf or hard-of-hearing and are not sign language interpreters may perform in the role of a deaf interpreter if they file with the Board two (2) written endorsement letters from a sign language interpreter licensed under Title 54, Chapter 29, Idaho Code. Each letter must, at a minimum, include: (3-22-18)

a. Date letter of endorsement was written; (3-22-18)

b. Full name, mailing address, and phone number of the deaf interpreter; (3-22-18)

c. Name, mailing address, and phone number of the sign language interpreter; and (3-22-18)

d. A statement endorsing the deaf interpreter to perform sign language interpreting services and an explanation as to why the sign language interpreter believes that the deaf interpreter has the skills and the knowledge to perform this role. (3-22-18)

02. Withdrawal of Endorsement. A sign language interpreter who has endorsed a deaf interpreter may withdraw their endorsement at any time upon delivery of written notice to the deaf interpreter and the Board. (3-22-18)

281. -- 299. (RESERVED)

300. EXAMINATION AND RE-EXAMINATION (RULE 300).

Each applicant is required to successfully pass the examination approved by the Board that is relevant to the license or permit for which application is being made. (3-30-06)

01. Dates and Locations of Exams. Examinations are held at such times and places as determined by the Board or third-party examination administering authorities, or both. (3-22-18)

02. Content of Exam. Each applicant is required to successfully pass the examination approved by the Board that is relevant to the license or permit for which application is being made. (3-30-06)

a. Applicants for Speech-Language Pathologist licensure must successfully pass the national Praxis speech-language pathologist examination. Applicants for speech-language pathologist aide or speech-pathologist assistant must pass an examination approved by the Board. (3-30-06)

b. Applicants for audiologist licensure must successfully pass the national Praxis audiologist examination. (3-30-06)

c. Applicants for Hearing Aid Dealer and Fitter licensure must successfully pass the national

International Hearing Instrument Studies examination. (3-30-06)

d. Applicants for a sign language interpreter license by examination must pass one (1) written examination from Subsection 300.02.d.i. or as approved by the Board and one (1) practical examination from Subsection 300.02.d.ii. or as approved by the Board: (3-22-18)

i. The Educational Interpreter Performance Assessment (EIPA), any interpreting generalist written examination developed by the Registry of Interpreters for the Deaf (RID), the Center for Assessment of Sign Language Interpreters (CASLI), or any state government. (3-22-18)

ii. Any practical or performance general interpreting examination recognized by the Registry of Interpreters for the Deaf (RID) or the Educational Interpreter Performance Assessment (EIPA) at score 4.0 or above. This practical or performance examination must have been passed within twenty (20) years before original application. (3-22-18)

03. Failure of Exam. An applicant who fails to obtain a satisfactory score as determined by the examination provider in either the written examination or a section of the practical examination, is required to retake only the portion of the examination failed in order to qualify for licensure. If the applicant again fails the examination the applicant is required to retake the entire examination until the examination is successfully passed to qualify for licensure. (3-30-06)

301. CERTIFICATIONS (RULE 301).

01. Approved Certification Sponsors. Certifications approved by the Board for purposes of licensure are those administered by: (3-22-18)

a. Registry of Interpreters for the Deaf (RID); (3-22-18)

b. National Association of the Deaf (NAD); (3-22-18)

c. Center for Assessment of Sign Language Interpreters (CASLI). (3-22-18)

d. Board for Evaluation of Interpreters (BEI) at basic level or above, or if certified before 2014, at intermediate level or above; (3-22-18)

e. Utah Interpreter Program (UIP) at professional or master level. (3-22-18)

02. Board Approved Certification. Also approved is any certification that may be approved by the Board. (3-22-18)

03. Valid Certification. To be valid for licensure, a certification must be current. (3-22-18)

04. Multiple-Level Certifications. Some certifications are multiple-level. It is the responsibility of each sign language interpreter to work in settings appropriate to their certification. (3-22-18)

302. -- 309. (RESERVED)

310. ENDORSEMENT (RULE 310).

The Board may grant a license to any person who submits a completed application on a form approved by the Board, together with the required fees, and who meets the following prerequisites: (3-29-12)

01. Holds a Current, Active License. The applicant must hold a current, active license, at the level for which a license is being sought, issued by the authorized regulatory entity in another state, the certification of which must be received directly by the Board from the issuing agency. (3-29-12)

02. Discipline, Sanctions, or Voluntary Surrender of License. The applicant must not have been

disciplined within the last five (5) years, had a license revoked, suspended, restricted, or otherwise sanctioned by any regulatory entity and has never voluntarily surrendered a license. (3-29-12)

03. No Felony Conviction. The applicant must not have been convicted of or found guilty of a felony, or received a withheld judgment or suspended sentence for any felony. (3-29-12)

04. Must Abide by Governing Laws and Rules. The applicant must certify under oath to abide by the laws and rules governing the practice of Speech, Hearing and Communication Services in Idaho. (3-29-12)

311. -- 319. (RESERVED)

320. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE (RULE 320).

An applicant who or whose license has a conviction, finding of guilt, withheld judgment, or suspended sentence for a felony or has been subject to discipline in another state, territory, or country must submit with his application a written statement and any supplemental information establishing his current suitability for licensure. (3-22-18)

01. Consideration of Factors and Evidence. The board considers the following factors or evidence: (3-22-18)

a. The severity or nature of the crime or discipline; (3-22-18)

b. The period of time that has passed since the crime or discipline under review; (3-22-18)

c. The number or pattern of crimes or discipline or other similar incidents; (3-22-18)

d. The circumstances surrounding the crime or discipline that would help determine the risk of reoccurrence; (3-22-18)

e. The relationship of the crime or discipline to the practice of sign language interpreting; (3-22-18)

f. The applicant's activities since the crime or discipline under review, such as employment, education, participation in treatment, payment of restitution, or any other factors which may be evidence of current rehabilitation; and (3-22-18)

g. Any other information regarding rehabilitation or mitigating circumstances. (3-22-18)

02. Interview. The Board may, at its discretion, grant an interview of the applicant. (3-22-18)

03. Applicant Bears the Burden. The applicant bears the burden of establishing his current suitability for licensure. (3-22-18)

321. -- 349. (RESERVED)

350. LICENSE EXPIRATION (RULE 350).

01. Original Licenses. All original licenses expire on the anniversary of the licensee's birth date in the year following the year of issue. (3-30-06)

02. Term of License. All license renewals are for a period of twelve (12) months in accordance with Section 67-2614, Idaho Code. (3-30-06)

351. -- 399. (RESERVED)

400. CONTINUING EDUCATION (RULE 400).

In order to protect public health and safety and promote the public welfare, the Board has adopted the following continuing education requirement of all licensees: (3-28-18)

01. Requirement. Until January 1, 2021, each licensee will successfully complete, in the twelve (12) months preceding each renewal of their license, a minimum of ten (10) contact hours of continuing education. (3-28-18)

a. Effective January 1, 2021, each licensee will successfully complete, in the three (3) years prior to their license expiration date, a minimum of thirty (30) contact hours of continuing education. (3-28-18)

b. A contact hour is a measurement of the licensee’s participation in an area of study germane to the practice for which the license is issued as approved by the Board. One (1) contact hour requires one (1) hour of participation in a Board-approved continuing education program excluding meals and breaks. One (1) contact hour equals one (1) clock hour for purposes of obtaining continuing education credit. (3-28-18)

c. For college or university courses that are approved by the Board for continuing education credit, one (1) semester credit hour equals fifteen (15) contact hours; one (1) quarter credit hour equals ten (10) contact hours. (3-28-18)

d. Effective January 1, 2021, the Board will waive the continuing education requirement for the first three (3) license renewals after initial licensure. (3-28-18)

02. Documentation of Attendance. The applicant must provide documentation verifying attendance by securing authorized signatures or other documentation from the course instructors, providers, or sponsoring institution substantiating any hours attended by the applicant. This documentation must be maintained by the applicant and provided to the Board upon request by the Board or its agent. (3-30-06)

03. Compliance Audit. The Board may conduct random continuing education audits of those persons required to obtain continuing education in order to renew a license and require that proof acceptable to the Board of meeting the continuing education requirement be submitted to the Bureau. Failure to provide proof of meeting the continuing education upon request of the Board is grounds for disciplinary action in accordance with Section 54-2923, Idaho Code. (3-30-06)

04. Initial Compliance. Until January 1, 2021, licensees will not be required to meet the continuing education requirement for the first renewal. (3-28-18)

05. Special Exemption. The Board has authority to make exceptions for reasons of individual hardship, including health, when certified by a medical doctor, or other good cause. The licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. Requests for special exemption must be received by the Bureau fifteen (15) business days prior to expiration of the license. (3-29-10)

401. -- 449. (RESERVED)

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

01. Issuance of a Provisional Permit. The Board may issue a provisional permit to allow a person to engage in fitting and dealing hearing aids provided that the holder of a provisional permit may practice only while under the supervision of a person fully licensed as a hearing aid dealer and fitter or audiologist under this chapter. (3-27-13)

02. Adequate Personal Contact -- Requirements. (3-30-06)

a. The supervisor and provisional permit holder must make personal contact each work day to review any assignments, client contacts, and hearing aid fittings for the first sixty (60) days of employment. The nature of the supervision and contact must allow for immediate feedback and includes audio/visual, in person, or telephone contacts. (3-27-13)

b. After the first sixty (60) days of employment, personal contact, described in Subsection 450.02.a., must be made no less than once in each calendar week throughout the remaining period of the permit. (3-27-13)

c. In the event a permit holder fails the licensing examination two (2) consecutive times, and is eligible to maintain a permit, the supervisor and permit holder must reinstate contact in person each work day as set forth in Subsection 450.02.a. (3-29-10)

03. Supervisor -- Qualifications -- Responsibilities -- Restrictions. (3-24-17)

a. Supervisors. A supervisor must: (3-24-17)

i. Be approved in advance by the Board for each permit holder; and (3-24-17)

ii. Hold either an Idaho hearing aid dealer and fitter license or an Idaho audiologist license that is current and in good standing and is renewed as provided in these rules; and (3-24-17)

iii. Not have been the subject of any disciplinary action by the Board or by any other jurisdiction for two (2) years immediately prior to being approved as a supervisor. (3-24-17)

b. A Supervisor that is a hearing aid dealer and fitter must: (3-24-17)

i. Hold a current board certificate in hearing instrument sciences (BC-HIS) from the National Board for Certification in Hearing Instrument Sciences; or (3-24-17)

ii. Have actively practiced as a hearing aid dealer and fitter for at least three (3) years immediately prior to being approved as a supervisor. (3-24-17)

c. Supervisor that is an audiologist. A supervisor that is an audiologist must have actively practiced audiology for at least one (1) year immediately prior to being approved as a supervisor. (3-24-17)

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

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

f. The supervisor must have an established business site within the state of Idaho that the supervisor regularly utilizes as a base of operation. The supervisor and the permit holder are required to work within the same facility. (3-24-17)

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

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

i. A supervisor may terminate their supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. (3-24-17)

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

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

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

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

d. Every permit holder must submit a quarterly report of their activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. All sales or fittings made by the person holding a permit will be indicated on the quarterly report forms supplied by the Bureau. Supplemental attachments to be submitted with this form include: (3-24-17)

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

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

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

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

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

f. Supervisors who fail to properly or adequately supervise permit holders as set forth in Subsection 450.03 will be subject to disciplinary action described in Section 54-2923, Idaho Code. (3-24-17)

05. Exemptions. (3-30-06)

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

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

451. -- 459. (RESERVED)

460. PROVISIONAL PERMIT: SPEECH-LANGUAGE PATHOLOGY (RULE 460).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit to allow a person to engage in the practice of speech-language pathology while completing the required postgraduate experience provided that the holder of a provisional permit may practice only while under the supervision of a person fully licensed as a speech-language pathologist under this chapter: (3-27-13)

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

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

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

c. The supervisor must provide the permit holder with adequate supervision and direct client contact activities which include, but are not limited to, assessment, diagnosis, evaluation, screening, treatment, and client management. (3-27-13)

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

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

03. Application and Quarterly Reports. (3-27-13)

a. Application for permit must include completed application, application and permit fee, official transcripts from the college or university, PRAXIS scores if available, supervisor statement and plan of training and supervision. (3-27-13)

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the combination of all permits may not exceed forty-eight (48) months following the original application. (3-27-13)

c. Forty-eight (48) months is the maximum time allowed for any combination of new or renewed permits. (3-27-13)

d. Every permit holder must submit a quarterly report of their activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. Supplemental attachments to be submitted with this form include: (3-27-13)

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

ii. Supervisor's statement of completion of training assignments by permit holder. (3-27-13)

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

461. -- 469. (RESERVED)

470. PROVISIONAL PERMIT: AUDIOLOGY (RULE 470).

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

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

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

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

c. The supervisor must provide the permit holder with adequate supervision and direct client contact activities which include, but are not limited to, assessment, diagnosis, evaluation, screening, treatment, and client management. (3-27-13)

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

e. The supervisor must have an established business site within the state of Idaho which he regularly

utilizes as a base of operation. All supervised activities must occur in the state of Idaho. (3-27-13)

03. Application -- Quarterly Reports. (3-27-13)

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

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

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

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

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

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

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

471. -- 479. (RESERVED)

480. PROVISIONAL PERMITS (RULE 480).

The Board may issue a provisional permit allowing a person to engage in the practice of sign language interpreting while that person is pursuing licensure by taking steps to pass a competency examination or obtain a certification. The holder of a provisional permit may only practice under the supervision of person(s) holding an active and unrestricted license under Title 54, Chapter 29, Idaho Code that has not been disciplined for two (2) years immediately prior to the supervisor's appointment. (3-22-18)

01. Application. An applicant must submit a completed application on a form approved by the Board together with the required fee, a plan of training, an affidavit to abide by the profession's code of professional conduct, and a statement from a supervisor accepting supervisory responsibility. (3-22-18)

02. Supervision. (3-22-18)

a. A supervisor will ensure that the practice and conduct of each permit holder under their supervision conforms to the requirements of Title 54, Chapter 29, Idaho Code, and these rules. (3-22-18)

b. A supervisor will record with the Board a plan of training that encompasses all sections covered in the licensing examination. The plan must be accepted and approved by the Board or its agent prior to issuance of a permit. (3-22-18)

c. A supervisor will review with the permit holder plans for training necessary to prepare the permit holder for the required examination. (3-22-18)

- d. A supervisor may not supervise more than two (2) permit holder at a time. (3-22-18)
- e. A supervisor may terminate their supervision of a permit holder by delivering written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to termination. (3-22-18)
- 03. Quarterly Reports.** (3-22-18)
- a. Every permit holder must submit a quarterly report of their activities on forms furnished by the Board together with supplemental attachments as may be necessary, attested to and signed by the permit holder and supervisor. Supplemental attachments which must be submitted with this form include: (3-22-18)
- i. Log of supervisor and permit holder contacts; (3-22-18)
- ii. Supervisor’s statement of completion of training assignments by permit holder; and (3-22-18)
- iii. Certificate of attendance for any workshop or training session that permit holder has attended; (3-22-18)
- b. Quarterly reports are due on or before April 10th, July 10th, October 10th, and January 10th for the three (3) calendar month period preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. (3-22-18)
- c. Supervisors who fail to properly or adequately work with permit holders as required by Subsection 480.02 will be subject to disciplinary action as set forth in Section 54-2923, Idaho Code. (3-22-18)
- 04. Expiration and Renewal.** (3-22-18)
- a. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the expiration date of the new permit does not exceed the date of the third licensure examination following approval of the original application. (3-22-18)
- b. A provisional permit expires automatically upon issue of an original license. The provisional permit is valid for one (1) year from the date of issue and may be renewed prior to its expiration with an application for extension signed by the permit holder’s supervisor at the discretion of the Board for a one (1) year period up to a maximum of two (2) renewals. (3-22-18)
- 481. -- 499. (RESERVED)**
- 500. TESTING (RULE 500).**
- 01. Purpose of Rule.** The purpose of this rule is to define, “tests utilizing appropriate procedures,” as used in Section 54-2923(6), Idaho Code. This rule is intended to be consistent with and to compliment FDA Rule 801.420 as it refers to hearing aid evaluations. (3-30-06)
- 02. Pre-Fitting Testing.** All prospective hearing aid consumers must be given calibrated pure tone air and bone tests with masking when applicable. Speech tests must be given by appropriate equipment calibrated to current H.T.L. reference levels. (3-30-06)
- 03. Sound Field Testing.** Before the prospective consumer purchases a hearing aid or within six (6) weeks afterward, the licensee must conduct the testing necessary to document that the fitted instrument meets industry standards and provides benefit to the consumer. This testing must be accomplished using appropriate sound field testing so as to ensure repeatability. Verification of benefit may be accomplished using any one (1) of the following tests: (3-30-06)
- a. Soundfield testing for speech discrimination in both the aided and unaided conditions; (3-30-06)

- b. Soundfield testing using warble tones or narrowband noise to evaluate functional gain; or(3-30-06)
- c. “Real ear” probe microphone measurements. (3-30-06)

04. Records. A copy of all test data must be kept on file by the licensee for two (2) years after sale. (3-30-06)

05. Exemptions. The testing requirements contained in Subsections 450.02 and 450.03 of this rule do not apply to those consumers who are not capable of responding to acceptable audiological pure tone tests. Examples of these types of consumers are: (3-30-06)

- a. A child of tender years; (3-30-06)
- b. The developmentally disabled; and (3-30-06)
- c. The legally incompetent by a court order. (3-30-06)

551. -- 599. (RESERVED)

600. WRITTEN CONTRACTS (RULE 600).

01. Contract Form. Any person who practices the fitting and sale of hearing aids must enter into a written contract with the person to be supplied with the hearing aid. The written contract must be given to the consumer at the time of the sale, and must be signed by the licensee and the consumer. The written contract must contain each of the following: (3-30-06)

- a. Licensee's signature and license number, (3-30-06)
- b. Business address, (3-30-06)
- c. The specifications as to the make, model, and manufacture date of the hearing aid, (3-30-06)
- d. Clearly state the full terms of the sale (3-30-06)
- e. Provide the serial number of the hearing aid upon delivery. (3-30-06)
- f. Be clearly marked as “used” or “reconditioned,” whichever is applicable, if the aid is not new. (3-30-06)

02. Cancellation and Refund. The written contract must grant the consumer a nonwaivable thirty (30) day right to cancel the purchase and obtain a refund. The thirty (30) day right to cancel commences from either the date the contract is signed or the hearing aid is originally delivered to the consumer, whichever is later. The thirty (30) day period is tolled for any period in which the licensee has taken possession or control of the hearing aid after its original delivery. The written contract must specify the exact portion of the purchase price, not to exceed twenty-five (25%) percent of the total purchase price of the hearing instrument and fitting expenses, that is nonrefundable. The written contract must also contain, in print size no smaller than ten (10) point type, the address of the bureau of occupational licenses and the procedure for filing complaints against anyone licensed to dispense hearing aids. (3-30-06)

03. Dealer Cancellation. The written contract must also contain, in print size no smaller than ten (10) point type, a nonwaivable statement that the contract is null and void and unenforceable if the hearing aid being purchased is not delivered to the consumer within thirty (30) days of the date the written contract is signed. The statement must also provide that in the event the hearing aid is not delivered to the consumer within thirty (30) days of the date the written contract is signed, the licensee must promptly refund any and all moneys paid for the purchase of the hearing aid. In the event that any licensee cancels, nullifies, or otherwise, of their own volition, refuses to honor any written contract, for any reason other than consumer cancellation as set forth in Subsection 500.02, that licensee must promptly refund any and all moneys paid for the purchase of the hearing aid, including any monies designated

by the contract as nonrefundable in the event that the consumer had canceled the purchase. (3-30-06)

601. -- 699. (RESERVED)

700. CODE OF ETHICS (RULE 700).

The code of ethics for sign language interpreters licensed under Title 54, Chapter 29, Idaho Code, is contained within the National Association of the Deaf (NAD)-Registry of Interpreters for the Deaf, Inc. (RID) Code of Professional Conduct as incorporated by reference in Section 004 of these rules. (3-22-18)

701. -- 999. (RESERVED)