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Regulatory
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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Audiology & Speech-Language Pathology, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC30-20-10 et seq.
Regulation title	Regulations Governing the Practice of Audiology & Speech-Language Pathology
Action title	Licensure by endorsement
Document preparation date	11/27/07

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The Board's intent is to consider modification of requirements for initial licensure to allow an applicant who has been licensed and has practiced in another jurisdiction but who does not possess current certification to present other qualifications that indicate current competency to practice. The Board will also consider amendments to its requirements for reinstatement of a lapsed license to allow someone who has not practiced in recent years to work with a provisional license under direct supervision for a specified period of time. The goal of the amended regulation is to remove any barriers to licensure that are not necessary to ensure an ability to practice with safety and competency.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Chapter 24 of Title 54.1 establishes the general powers and duties of the Board of Audiology & Speech-Language Pathology, including the authority to establish qualifications for licensure, levy fees and promulgate regulations.

§ 54.1-2400. General powers and duties of health regulatory boards.--The general powers and duties of health regulatory boards shall be:

- 1. To establish the qualifications for registration, certification, licensure or the issuance of a multistate licensure privilege in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.*
- 2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.*
- 3. To register, certify, license or issue a multistate licensure privilege to qualified applicants as practitioners of the particular profession or professions regulated by such board.*
- 4. To establish schedules for renewals of registration, certification, licensure, and the issuance of a multistate licensure privilege.*
- 5. To levy and collect fees for application processing, examination, registration, certification or licensure or the issuance of a multistate licensure privilege and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.*
- 6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 and Chapter 25 of this title...*

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

Currently, regulations of the Board require an applicant for licensure as an audiologist or speech-language pathologist to hold a current and unrestricted Certificate of Clinical Competence in the area in which he seeks licensure issued by the American Speech-Language-Hearing Association (ASHA) or certification issued by the American Board of Audiology (ABA). For an applicant who has been licensed in another state, the requirement for current certification may be problematic. The purpose of certification is to provide evidence of completion of a degree, educational courses, a practicum, and clinical experience required for licensure. If an applicant met that requirement at the time of initial licensure and has evidence of continuing education and clinical practice, it may not be necessary to show evidence of holding current certification from ASHA or ABA. The Board will consider endorsement provisions that require a current,

unrestricted licensure in another jurisdiction, based on requirements equivalent to those in Virginia at the time of initial licensure, and evidence of continuing competency.

The Board also requires that an applicant for licensure as an audiologist or a speech-language pathologist have passed a qualifying examination from an accrediting body recognized by the board within three years preceding the date of applying for licensure in Virginia or has been actively engaged as an audiologist or a speech-language pathologist for one of the past three consecutive years preceding the date of application. The Board will consider allowing evidence of continuing competency, other than active practice, such as hours of continuing education or may allow an applicant to work under supervision with a provisional license for a specified period of time.

To reinstate a lapsed license within four years, an applicant is required to provide evidence of continuing education equal to the number of hours the license was lapsed. To reinstate a license lapsed for more than four years, an applicant is required to meet the requirements for initial licensure. The Board will consider several options for reinstatement, including an extension of time from four to five years, consistent with neighboring states, or other evidence of current competency, such as active practice in another state.

For licensure by endorsement and reinstatement of a lapsed license, the Board will consider allowing someone who has not actively practiced prior to submission on an application to obtain a provisional license for the purpose of working under the direct supervision of a licensee for a period of time. The intent of requirements for licensure, whether by endorsement or reinstatement, is to ensure that an applicant is competent to practice in Virginia in a safe, professional manner with current skills and abilities.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

The Board will consider the regulatory language from other states as alternatives to the current regulations in Virginia. For example, North Carolina does not license by endorsement, but the regulations for initial licensure set out requirements for specific educational courses and hours, a clinical experience in a practicum, a clinical fellowship under supervision, and passage of a national examination or certification from ASHA. Therefore, an applicant may be able to provide evidence of qualification without current certification. Maryland does recognize a current, unrestricted license from another state, but also requires passage of the examination by a score of 600 within the past five years, or active practice for three of the past five years. If an applicant does not meet the active practice requirement, he is allowed to practice under supervision with a limited license. Tennessee licenses by reciprocity if an applicant has a master's degree and standards that equal or exceed those required for licensure in that state, including certification from ASHA or hours in a practicum, a clinical fellowship and passage of the PRAXIS examination for teachers.

While there may not be one state by which Virginia would chose to model its regulations for endorsement or reinstatement, there may be some aspects of other regulations that will be useful

in the development of qualifications in this state. Access to audiology and speech-language pathology services should not be hampered by enacting unreasonable rules that make it overly burdensome for a qualified person to be licensed. Conversely, the Board has an obligation to ensure that requirements in Virginia are distinctly less restrictive than other states to the point that persons who would be unqualified in other states are able to obtain a Virginia license.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no potential impact of the proposed regulatory action on the institution of the family and family stability.