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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Audiology and Speech-Language Pathology, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC30-21
VAC Chapter title(s)	Regulations Audiology and Speech-Language Pathology
Action title	Implementation of the ASLP Compact
Date this document prepared	August 8, 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

Chapter 337 of the 2023 Acts of Assembly mandated Virginia's participation in the ASLP Compact. This notice of intended regulatory action sets forth the intended changes to be made to 18VAC30-21 to implement the provisions of the Compact in Virginia.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

ASLP Compact or Compact = the Audiology and Speech-Language Pathology Interstate Compact

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This action is mandated by Chapter 337 of the 2023 Acts of Assembly.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Regulations of the Board of Audiology and Speech-Language Pathology are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Virginia Code § 54.1-2400(6) specifically states that the general powers and duties of health regulatory boards shall be "[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) that are reasonable and necessary to administer effectively the regulatory system."

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The regulatory amendments contemplated by this NOIRA are necessary to comply with the mandate of the General Assembly, which requires Virginia's participation in the ASLP Compact. Requirements for fees are necessary to ensure the Board, as a special fund agency funded entirely by licensing fees, maintains adequate funds to continue operations with the added work created by the Compact. Amending provisions governing disciplinary provisions is necessary to ensure that the Board has the ability to discipline practitioners operating in Virginia under a Compact privilege.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The amendments will:

- Add definitions consistent with the Compact;

- Set fees for the issuance and renewal of a Compact privilege to practice in Virginia;
- Set requirements to obtain a privilege to practice in Virginia consistent with Compact requirements;
- Specify that renewal of a Compact privilege is based on adherence to Compact rules for continued competency;
- Set forth the criminal background check requirement for initial licensure, consistent with Compact requirements;
- Set forth requirements that privilege holders in Virginia must adhere to Virginia laws and regulations; and
- Amend disciplinary provisions to ensure Compact privilege holders follow the same practice rules as Virginia licensees.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

There are no alternatives to regulation. The Board must collect fees, set forth practice and renewal requirements, and amend disciplinary provisions in regulation.

Periodic Review and Small Business Impact Review Announcement

This NOIRA is not being used to announce a periodic review or a small business impact review.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Board of Audiology and Speech-Language Pathology is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: https://townhall.virginia.gov. Comments may also be submitted by mail, email or fax to Erin Barrett, Agency Regulatory Coordinator, 9960 Mayland Drive, Henrico, VA 23233 or erin.barrett@dhp.virginia.gov or by fax to (804) 915-0382. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (https://townhall.virginia.gov) and on the

Commonwealth Calendar website (https://commonwealthcalendar.virginia.gov/). Both oral and written comments may be submitted at that time.