



Virginia Department of Planning and Budget **Economic Impact Analysis**

18 VAC 30-21 Regulations Governing the Practice of Audiology and Speech-Language Pathology

Department of Health Professions

Town Hall Action/Stage: 6184 / 9924

October 8, 2024

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented below represents DPB’s best estimate of the potential economic impacts as of the date of this analysis.¹

Summary of the Proposed Amendments to Regulation

The Board of Audiology and Speech-Language Pathology (Board) proposes to lower the regulatory burden by expanding pathways and reducing the requirements involved in obtaining licensure in Virginia (i.e., initial and provisional licensure, and licensure by endorsement) as an audiologist or as a speech-language pathologist (SLP), while also clarifying the regulatory text.

Background

This action results from Executive Order 19, the Board’s 2021 periodic review, and partly from a petition for rulemaking received in late 2022.² The proposed changes would clarify the regulatory text by amending unclear or passive language, removing certain text (outdated provisions, provisions duplicative of statutory language, and unnecessary or internally duplicative provisions), combining listed requirements for audiology and speech-language pathology where possible, and removing non-regulatory language.

¹ Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

² <https://townhall.virginia.gov/L/ViewPetition.cfm?petitionId=379>

The proposal would also expand the pathways and also reduce the requirements involved in obtaining initial or provisional licensure as well as licensure by endorsement in Virginia as an audiologist or as a speech-language pathologist; these changes are discussed below.

Estimated Benefits and Costs

One of the proposed changes would expand the pathways to initial licensure.³ The proposal would allow initial licensure to those who submit evidence of the following:

- a. *Documentation of graduation from a program accredited by the Council on Academic Accreditation of ASHA [American Speech Language Hearing Association] or an equivalent accrediting body recognized by the board;*
- b. *Passage of the qualifying examination from an accrediting body recognized by the board; and*
- c. *Evidence of six months of practice pursuant to a provisional license as described in 18VAC30-21-70 and submission of recommendation for licensure from the applicant's supervisor during practice as a provisional licensee.*

According to the Board, each of the current pathways requires that the applicant hold a Certificate of Clinical Competency (CCC) issued by ASHA. The Board has determined that this approach is overly burdensome because it imposes a burden on those licensees who wish to obtain an initial license in Virginia (e.g., a military spouse) but who have had a break in their practice for various reasons such as pregnancy, sickness, family leave, etc. The Board states that such an individual has to regain his/her current and unrestricted CCC status often at a significant cost in order to then obtain initial licensure in the Commonwealth. For example, for an applicant to access and provide their CCC they must maintain a current membership with ASHA by paying renewal fees for annual dues and certification fees. The total cost for initial membership and certification fees currently ranges between \$256 and \$511.⁴ The renewal dues/fees for 2025 range between \$71 and \$250.⁵ Additionally, otherwise qualified applicants may be unable to access their test scores from more than ten years ago if they do not maintain a membership with ASHA, as the testing administrator destroys the related documentation.

³ Relatedly, this change stems from a petition for rulemaking received by the Board in late 2022, which requested that the Board provide alternative pathways to licensure outside the Certificate of Clinical Competency requirement.

⁴ <https://www.asha.org/certification/slpcertification/>

⁵ <https://www.asha.org/renew/>

As is, the current regulations do not provide a pathway for experienced applicants to obtain a license if they qualify to apply only by examination and cannot access their scores through ASHA. Moreover, there may be delays depending on how quickly ASHA receives and processes the application/fees and provides the certification information to the Board. The proposal would allow for an additional pathway to initial licensure that does not require a CCC, thereby eliminating the fees that may be charged by ASHA as well as the potential delays.

The second substantive proposed change would amend the requirements for provisional licensure. A provisional license is issued to allow a practitioner who does not meet the requirements of the initial license; this allows them to practice until they fully meet the requirements. For example, if a practitioner has a deficiency in one or more required areas for full licensure, a provisional license allows practice while the applicant is addressing the deficiency. Currently, a provisional license is issued only to allow the applicant to obtain a CCC because that is the only avenue to full licensure. Since there would be a new pathway for initial licensure as discussed above, the language would be amended to include the new pathway as well. In essence, the proposed language would broaden the language that currently restricts the pathway only to those applicants who can obtain current and unrestricted CCC status by accommodating the new pathway.

A third change would extend the duration of a provisional license from 18 months to 24 months, extend the ability to renew a provisional license for a period of 12 months instead of the existing six months, and allow the possibility of renewing a provisional license after 36 months rather than 24 months. These extensions of time are intended to reduce the burden of completing practice requirements in order to obtain a full license.

The fourth substantive change is related to licensure by endorsement and would repeal the ten hours of continuing education required for each year in which the applicant has been licensed in another jurisdiction, not to exceed 30 hours. The Board does not believe the continuing education requirement is necessary for an individual holding a license in another state because most states require continuing education. Moreover, the Board believes that applicants are likely to have taken continuing education, although it does not have any data on this topic. The Board states that generally other states maintain their own renewal requirements and it does not need to perform additional checks on such requirements. This change is expected to provide

some administrative cost savings to the Board as well as the applicant in terms of time that would have been expended on demonstrating compliance with the current continuing education requirement.

Businesses and Other Entities Affected

This regulation applies to audiologists and SLPs licensed in Virginia. As of March 2024, there were 601 audiologists, 362 school SLPs, and 5,318 SLPs. However, the substantive proposed changes primarily apply to initial and provisional licensure, and licensure by endorsement.

The Board estimates that approximately ten to twenty percent of future applicants for initial licensure in Virginia may qualify for licensure under the proposed new pathway to initial licensure. In fiscal year 2024, there were 987 initial licenses issued. Thus, annually, approximately 99 to 198 initial licensees may benefit from that change. The number of provisional licenses issued in 2023 was 223, but the number of licenses issued by endorsement is not available. No licensure applicant appears to be disproportionately affected.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.⁶ An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.⁷ As noted above, the proposal would primarily expand the pathways and reduce the requirements for licensure and reduce burdens. Thus, no adverse impact is indicated.

⁶ Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance.

⁷ Statute does not define “adverse impact,” state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

Small Businesses⁸ Affected:⁹

The proposed amendments do not appear to adversely affect small businesses directly as they apply to individual practitioner licenses.

Localities¹⁰ Affected¹¹

The proposed amendments do not introduce costs on localities.

Projected Impact on Employment

The proposed amendments would expand the pathways to licensure and reduce the requirements and burdens on audiologists and SLPs. Thus, a positive impact on the supply of such practitioners in Virginia may be expected.

Effects on the Use and Value of Private Property

With an increase in the supply of audiologists and SLPs, firms that employ audiologists or SLPs may find it easier and less costly to hire and employ such practitioners. This could moderately increase their value. No impact on real estate development costs is expected.

⁸ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

⁹ If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

¹⁰ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

¹¹ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.