

VOLUME 46, ISSUE 6
ISSUE DATE: MARCH 17, 2014
RULE ADOPTIONS

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY ADVISORY COMMITTEE**

Adopted Amendments: N.J.A.C. 13:44C-6.1 and 6.4

Adopted Repeal: N.J.A.C. 13:44C-6.6

Adopted Repeals and New Rules: N.J.A.C. 13:44C-6.2, 6.3, and 6.5

License Renewal

Allocation of Credit

Documentation of Continuing Education Credits

Excess Hours Credited to Subsequent Renewal Period

Waiver of Requirements; Appearance

Additional Continuing Education Requirements

Subjects; Sponsors

Proposed: February 19, 2013, at 45 N.J.R. 249(a) (see also 45 N.J.R. 627(a)).

Adopted: August 21, 2013, by Eric T. Kanefsky, Director, Division of Consumer Affairs.

Filed: February 12, 2014, as R.2014 d.043, **with substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:3B-24.

Effective Date: March 17, 2014.

Expiration Date: February 17, 2016.

Summary of Public Comments and Agency Responses:

The official comment period ended April 30, 2013. The Director received comments from the following two individuals:

1. Patricia E. Connelly, PhD, CC-A, American Board of Audiology- Pediatric Audiology Specialty Certification (ABA-PASC)

2. Patricia A. Prelock, PhD, CCC-SLP, American Speech-Hearing Association (ASHA) President

1. COMMENT: A commenter contends that, by requiring continuing education courses to be related to the practice of audiology, new N.J.A.C. 13:44C-6.2 will prohibit licensees from using hearing aid dispenser continuing education courses to satisfy continuing education requirements. The commenter contends that this will increase costs for licensees who also hold hearing aid dispenser licenses and that

knowledge of hearing aids is important for audiologists even if they are not licensed to dispense hearing aids.

RESPONSE: The Director points out that licensed audiologists and speech-language pathologists have never been able to apply hearing aid dispenser courses towards continuing education requirements unless those courses were approved by the American Speech-Language-Hearing Association (ASHA) or the American Academy of Audiology (AAA). This remains the case under the adopted new rules. While related, the practice of hearing aid dispensing differs from that of audiology or speech-language pathology. If a hearing aid continuing education course is not approved by ASHA or AAA, there is no way to ensure that the course is substantively related to the practice of audiology or speech-language pathology and, therefore, a worthwhile continuing education experience for licensees.

[page=546] 2. COMMENT: N.J.A.C. 13:44C-6.2(b)2 permits licensees to obtain continuing education credit by teaching a new graduate course accredited by ASHA. A commenter recommends that this rule be amended to require that the graduate course be taught in a college or university program that is accredited by ASHA. The commenter contends that ASHA does not accredit individual courses.

RESPONSE: The Director has made changes to N.J.A.C. 13:44C-6.2(b)2 upon adoption to recognize that ASHA accredits institutions and not individual courses.

3. COMMENT: One commenter recommends that the Director amend N.J.A.C. 13:44C-6.2(b)2 and 7 to recognize the Accreditation Commission for Audiology Education (ACAE) as an accrediting entity for audiology education programs.

RESPONSE: The Director has determined that the ACAE has accreditation standards substantially similar to ASHA requirements. The Director intends to change N.J.A.C. 13:44C-6.2(b)2 and 7 in a future amendment to recognize the ACAE as an accrediting entity.

4. COMMENT: A commenter is concerned because N.J.A.C. 13:44C-6.2(b)3 does not recognize articles that are published in medical journals that are not specifically related to audiology or speech-language pathology.

RESPONSE: N.J.A.C. 13:44C-6.2(b)3 requires that the subject of a refereed journal article be in audiology or speech-language pathology. The regulation does not require that the journal in which the article is printed be specifically related to audiology or speech-language pathology.

5. COMMENT: One commenter recommends inserting the words "New Jersey" before "Department of Health" and "Department of Education" in N.J.A.C. 13:44C-6.2(b)5 to clarify that the Board is not referring to Federal agencies.

RESPONSE: The Director did intend to limit the in-service workshops recognized by N.J.A.C. 13:44C-6.2(b)5 to those given by institutions licensed by New Jersey entities and the rule is clear as written. The Director will consider whether an in-service workshop offered by an entity licensed by an appropriate Federal agency, or an entity licensed by a department of health or department of education in another state, will qualify for continuing education credit in the future.

6. COMMENT: A commenter recommends that N.J.A.C. 13:44C-6.2(b)6 be amended to recognize home

study courses offered by nationally recognized professional organizations that are not specifically related to audiology or speech-language pathology, like pediatric or gerontology organizations.

RESPONSE: In order to ensure that a home study course is substantially related to the practice of audiology and speech-language pathology, such a course must be approved by an audiology or speech-language pathology professional organization. The Director will not amend N.J.A.C. 13:44C-6.2(b)6 as the commenter recommends.

7. COMMENT: A commenter recommends that N.J.A.C. 13:44C-6.2(b)7 be amended to remove reference to ASHA. The commenter contends that ASHA does not accredit undergraduate courses or programs.

RESPONSE: The commenter is correct that ASHA does not accredit undergraduate courses. There is an error in N.J.A.C. 13:44C-6.2(b)7 in that undergraduate course work should be at a college or university accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education. Graduate course work should be from a college or university accredited by ASHA. The Director has amended N.J.A.C. 13:44C-6.2(b)7 upon adoption to provide this clarification.

8. COMMENT: A commenter recommends that N.J.A.C. 13:44C-6.2(b)8 be amended to recognize other professional organizations.

RESPONSE: The Director is not aware of any professional organizations besides ASHA and AAA that issue verification of completion for reading articles related to the practice of audiology and speech-language pathology. If the Director is made aware of such organizations at a later date, he will review them to determine if they provide the same level of review as ASHA and AAA and if they should be added to N.J.A.C. 13:44C-6.2(b)8.

9. COMMENT: One commenter recommends that N.J.A.C. 13:44C-6.2(b)9 be amended to clarify that ASHA approves continuing education providers and not individual courses.

RESPONSE: The Director has reviewed ASHA standards for continuing education and it appears that ASHA approves both providers and individual courses. The Director has made changes to N.J.A.C. 13:44C-6.2(b)9 so that a course will qualify for continuing education credit if it is approved by, or offered by a provider approved by, either ASHA or AAA. The Director has also corrected a typographical error in this regulation.

10. COMMENT: A commenter recommends that N.J.A.C. 13:44C-6.3(a)1iv be amended to require certificates of completion to include the number of credits earned by a licensee and not the number of credits offered for the course. The commenter contends that the number of credits actually completed by a licensee is not always the same as the amount offered for a course.

RESPONSE: N.J.A.C. 13:44C-6.3(a)1iv does not state that a certificate of completion include the number of credits offered by a course. The Director anticipates that certificates of completion will accurately reflect the number of credits completed. A licensee who submits a certificate of completion that fraudulently depicts the number of continuing education credits would be subject to disciplinary review.

11. COMMENT: A commenter commends the Board for allowing licensees to use the ASHA Continuing Education Registry as an alternative to maintaining continuing education documentation.

RESPONSE: The Director thanks the commenter for her support.

12. COMMENT: One commenter recommends that N.J.A.C. 13:44C-6.3(b) be deleted. This provision states that licensees who are part of a continuing education registry need not maintain the documentation required by N.J.A.C. 13:44C-6.3(a). The commenter contends that this provision is not necessary as N.J.A.C. 13:44C-6.3(c) requires licensees to submit either original documentation proving completion of continuing education or a transcript from a registry. The commenter also recommends that N.J.A.C. 13:44C-6.3(c) be amended to recognize other entities that provide continuing education transcript services.

RESPONSE: The commenter appears to have misunderstood the purpose of N.J.A.C. 13:44C-6.3(b). The commenter is correct that N.J.A.C. 13:44C-6.3(c) permits licensees to submit either documentation or a transcript; however, without N.J.A.C. 13:44C-6.3(b), a licensee who is a member of a registry would be required to maintain documentation regardless of whether he or she submits a transcript to the Committee. The Director is not aware of any other audiology or speech-language pathology professional organizations that offer continuing education transcript services. If the Director is made aware of such organizations, he will review them to determine if they provide a service substantially similar to those offered by ASHA and AAA and should be added to N.J.A.C. 13:44C-6.3(b).

13. COMMENT: A commenter recommends that N.J.A.C. 13:44C-6.4(b) be amended to establish how long continuing education records must be maintained by licensees.

RESPONSE: N.J.A.C. 13:44C-6.3(a) establishes that continuing education documentation must be maintained for five years from the date of completion.

14. COMMENT: One commenter recommends that N.J.A.C. 13:44C-6.5(c) be amended to include the phrase "for the biennial period" after "continuing education requirements."

RESPONSE: The Director believes that N.J.A.C. 13:44C-6.5(c) establishes that continuing education credit hours completed as part of discipline or to correct a deficiency cannot be used towards continuing education requirements for any biennial period and will not amend N.J.A.C. 13:44C-6.5(c) as the commenter recommends.

15. COMMENT: A commenter contends that N.J.A.C. 13:44C-6.9 repeats provisions from N.J.A.C. 13:44C-6.4 since ASHA and AAA are national audiology and speech-language pathology professional organizations that offer and approve seminars, webinars, teleconferences, and lectures. The commenter recommends that N.J.A.C. 13:44C-6.9 be deleted.

RESPONSE: The Director points out that there is no N.J.A.C. 13:44C-6.9. It is likely that the commenter meant to refer to N.J.A.C. 13:44C-6.2(b)9 and (b)4, which respectively establish that continuing education courses approved by ASHA or AAA, and seminars, webinars, teleconferences, or lectures accredited by audiology and speech-language pathology professional organizations, will qualify for continuing [page=547] education credit. N.J.A.C. 13:44C-6.2(b)9 is necessary because it refers to continuing education courses, which are separate and distinct from the seminars, webinars,

teleconferences, or lectures recognized by N.J.A.C. 13:44C-6.2(b)4.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal standards or requirements applicable to the subject matter of the adopted amendments and new rules.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 6. CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

13:44C-6.1 License renewal

No license renewal shall be issued by the Director until the applicant confirms on the renewal application that the applicant has completed continuing education pursuant to N.J.A.C. 13:44C-6.2 during the preceding biennial renewal period.

13:44C-6.2 Allocation of credit

(a) Applicants for biennial license renewal shall complete 20 credit hours of continuing education related to the practice of audiology or speech-language pathology in the preceding biennial renewal period.

(b) A licensee may obtain continuing education credit hours from the following sources:

1. Giving a new seminar, webinar, teleconference, lecture, or in-service workshop related to the practice of audiology or speech-language pathology: one credit hour per each hour of actual presentation of the seminar, lecture, or workshop, up to a maximum of 10 credit hours.

i. As used in (b)1 above, "new" means that the licensee has never presented the seminar, lecture, or in-service workshop before in any setting;

2. Teaching a new undergraduate course related to the practice of audiology or speech-language pathology at a college or university accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education, or new graduate course ***in a college or university*** accredited by the American Speech-Language-Hearing Association: six credit hours for each new course up to a maximum of 12 credit hours.

i. As used in (b)2 above, "new" means that the licensee has never taught the course before in any educational setting;

3. Publication in a refereed national journal of an article in audiology or speech-language pathology: three credit hours per publication up to a maximum of six credit hours;

4. Attendance at seminars, webinars, teleconferences, or lectures related to the practice of audiology or speech-language pathology accredited by the New Jersey Commission on Higher Education, or accredited or sponsored by a local, state, or national audiology and speech-language pathology professional

organization, local, state, or Federal education or health agency, or a local, state or national medical, psychological, dental, or similar professional organization: one credit hour per hour of attendance;

5. Attendance at an in-service workshop related to the practice of audiology or speech-language pathology provided by an organization licensed by the Department of Health or the Department of Education: one credit hour per each hour of attendance up to a maximum of 10 credit hours;

6. Successful completion of self-assessment home study courses accompanied by examination and sponsored by a nationally-recognized professional organization in audiology or speech-language pathology: one credit hour per course credit up to a maximum of 10 credit hours;

7. Successful completion of either undergraduate course work at a college or university accredited by *[the American Speech-Language-Hearing Association]* ***a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education*** or graduate course work ***in a college or university*** accredited by *[a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education]* ***the American Speech-Language-Hearing Association***, related to audiology and speech-language pathology taken beyond that required for professional license that the licensee has never taken before: five credit hours per course credit, up to a maximum of 15 credit hours;

8. Reading articles for which the American Speech-Language-Hearing Association or the American Academy of Audiology issues verification of completion: one credit hour per article, up to a maximum of six credit hours; and

9. Successful completion of continuing education courses approved by*, **or offered by providers approved by,*** the American Speech-Language-Hearing Association*[,]* ***or*** the American Academy of Audiology; one credit hour for each course hour.

13:44C-6.3 Documentation of continuing education credits

(a) Except as set forth in (b) below, a licensee shall maintain the following documentation for a period of five years after completion of credit hours:

1. For attendance at programs, courses, seminars, webinars, teleconference, lectures, or in-services workshops, a certificate of completion from the sponsor, which includes:

i. The name of the licensee;

ii. The name of the sponsor;

iii. The title, location, and date of the program, course, seminar, lecture, or in-service workshop; and

iv. The number of continuing education credit hours;

2. For publication of a refereed article, a copy of the article;

3. For presentation of a new seminar, webinar, teleconference, or lecture, copies of the program, syllabus,

course outlines, course objectives, and bibliographies;

4. For teaching a new undergraduate or graduate course, copies of the syllabus, bibliography, course outline, and verification from the academic institution that the course was not previously taught by the licensee;

5. For reading articles, certificates of completion from the American Speech-Language-Hearing Association or the American Academy of Audiology;

6. For completion of undergraduate or graduate course work, an official transcript from the education institution; and

7. For completion of a self-assessment home study course, verification of completion from the audiology or speech-language pathology professional organization that sponsored the course.

(b) A licensee who is a member of the American Speech-Language-Hearing Association continuing education registry or the American Academy of Audiology continuing education registry shall not be required to maintain the documentation required by (a) above.

(c) A licensee shall submit the documentation required by (a) above or a transcript from the American Speech-Language-Hearing Association continuing education registry or the American Academy of Audiology continuing education registry to the Committee upon request.

13:44C-6.4 Excess hours credited to subsequent renewal period

(a) In the event that a candidate for license renewal completes a number of credit hours in excess of the number required in N.J.A.C. 13:44C-6.2, up to five of those excess credit hours shall be credited toward license renewal requirements for the succeeding biennial renewal period; provided, however, that the excess credit hours were completed within the six months immediately prior to license renewal.

(b) A licensee who wishes to apply excess credit hours to a succeeding biennial renewal period must maintain records indicating that he or she completed more than the required 20 credit hours for the current biennial renewal period.

13:44C-6.5 Waiver of requirements; additional continuing education requirements

(a) The Committee may waive the continuing education requirements of N.J.A.C. 13:44C-6.1 on an individual basis for reasons of hardship, such as, but not limited to, severe illness, disability, or military service.

1. A licensee seeking a waiver of the continuing education requirements shall apply to the Committee in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver. The licensee shall provide the Committee with [page=548] such supplemental materials as will support the request for waiver and the licensee may be requested to appear before the Committee; and

2. A waiver of continuing education requirements granted pursuant to this section shall be effective only

for the biennial period in which such waiver is granted. If the condition(s) which necessitated the waiver persist(s) into the next biennial period, a licensee shall apply to the Committee for approval of such waiver for the new biennial period.

(b) The Committee may direct or order a licensee to complete continuing education credit hours:

1. As part of a disciplinary or remedial measure in addition to the required 20 credit hours of continuing education; or

2. To correct a deficiency in the licensee's continuing education requirements.

(c) Any continuing education credit hours completed by the licensee in compliance with an order or directive from the Committee as set forth in (b)1 above shall not be used to satisfy the minimum continuing education requirements.

13:44C-6.6 (Reserved)