

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

*Administrative Rules of the Texas Department of Licensing and Regulation
16 Texas Administrative Code, Chapter 111
(Effective May 1, 2018)*

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SUBCHAPTER A. GENERAL PROVISIONS.

111.1. Authority. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

This chapter is promulgated under the authority of the Texas Occupations Code, Chapters 51 and 401, and Chapter 402 as applicable.

111.2. Definitions. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

Unless the context clearly indicates otherwise, the following words and terms shall have the following meanings.

- (1) ABA--The American Board of Audiology.
- (2) Act--Texas Occupations Code, Chapter 401, relating to Speech-Language Pathologists and Audiologists.
- (3) Acts--Texas Occupations Code, Chapter 401, relating to Speech-Language Pathologists and Audiologists; and Texas Occupations Code, Chapter 402, relating to Hearing Instrument Fitters and Dispensers.
- (4) Advisory board--The Speech-Language Pathologists and Audiologists Advisory Board.
- (5) ASHA--The American Speech-Language-Hearing Association.
- (6) Assistant in audiology--An individual licensed under Texas Occupations Code §401.312 and §111.90 of this chapter and who provides audiological support services to clinical programs under the supervision of an audiologist licensed under the Act.
- (7) Assistant in speech-language pathology--An individual licensed under Texas Occupations Code §401.312 and §111.60 of this chapter and who provides speech-language pathology support services under the supervision of a speech-language pathologist licensed under the Act.
- (8) Audiologist--An individual who holds a license under Texas Occupations Code §401.302 and §401.304 to practice audiology.
- (9) Audiology--The application of nonmedical principles, methods, and procedures for measurement, testing, appraisal, prediction, consultation, counseling, habilitation, rehabilitation, or instruction related to disorders of the auditory or vestibular systems for the purpose of providing or offering to provide services modifying communication disorders involving speech, language, or auditory or vestibular function or other aberrant behavior relating to hearing loss.
- (10) Caseload--The number of clients served by the licensed speech-language pathologist or licensed speech-language pathology intern.
- (11) Client--A consumer or proposed consumer of audiology or speech-language pathology services.
- (12) Commission--The Texas Commission of Licensing and Regulation.
- (13) Department--The Texas Department of Licensing and Regulation.
- (14) Direct Supervision related to Assistants (Speech-Language Pathology and Audiology)--Real-time observation and guidance by the supervisor while a client contact or clinical activity or service is performed by the assistant. Direct supervision shall be performed in person or via

telepractice/telehealth as authorized and prescribed by this chapter.

- (15) Direct supervision related to Interns (Speech-Language Pathology)--Real-time observation and guidance by the supervisor while a client contact or clinical activity or service is performed by the intern. Telepractice/telehealth may not be used for direct supervision of Speech-Language Pathology Interns.
- (16) Ear specialist--A licensed physician who specializes in diseases of the ear and is medically trained to identify the symptoms of deafness in the context of the total health of the client, and is qualified by special training to diagnose and treat hearing loss. Such physicians are also known as otolaryngologists, otologists, neurotologists, otorhinolaryngologists, and ear, nose, and throat specialists.
- (17) Executive director--The executive director of the department.
- (18) Extended absence--More than two consecutive working days for any single continuing education experience.
- (19) Extended recheck--Starting at 40 dB and going down by 10 dB until no response is obtained or until 20 dB is reached and then up by 5 dB until a response is obtained. The frequencies to be evaluated are 1,000, 2,000, and 4,000 hertz (Hz).
- (20) Fitting and dispensing hearing instruments--The measurement of human hearing by the use of an audiometer or other means to make selections, adaptations, or sales of hearing instruments. The term includes the making of impressions for earmolds to be used as a part of the hearing instruments and any necessary postfitting counseling for the purpose of fitting and dispensing hearing instruments.
- (21) Hearing instrument--Any wearable instrument or device designed for, or represented as aiding, improving or correcting defective human hearing. This includes the instrument's parts and any attachment, including an earmold, or accessory to the instrument. The term does not include a battery or cord.
- (22) Hearing screening--A test administered with pass/fail results for the purpose of rapidly identifying those persons with possible hearing impairment which has the potential of interfering with communication.
- (23) In-person--The supervisor must be physically present, observing the assistant's or the intern's client contact or clinical activity or service. Telepractice/telehealth is not considered in-person.
- (24) Indirect supervision related to Assistants (Speech-Language Pathology and Audiology)--The supervisor performs monitoring activities or provides guidance to the assistant, either of which does not occur during actual client contact by the assistant or while the assistant is providing a clinical activity or service. Telepractice/telehealth may be used for indirect supervision as authorized and prescribed under this chapter.
- (25) Indirect supervision related to Interns (Speech-Language Pathology)--The supervisor performs monitoring activities or provides guidance to the intern, either of which does not occur during actual client contact by the intern or while the intern is providing a clinical activity or service. Telepractice/telehealth may be used for indirect supervision as authorized and prescribed under this chapter.
- (26) Intern in audiology--An individual licensed under Texas Occupations Code §401.311 and §111.80 of this chapter and who is supervised by an individual who holds an audiology license under Texas Occupations Code §401.302 and §401.304.

- (27) Intern in speech-language pathology--An individual licensed under Texas Occupations Code §401.311 and §111.40 of this chapter and who is supervised by an individual who holds a speech-language pathology license under Texas Occupations Code §401.302 and §401.304.
- (28) Intern Plan and Agreement of Supervision Form (for Interns in Speech-Language Pathology and Audiology)--An agreement between a supervisor and an intern in which the parties enter into a supervisory relationship and the supervisor agrees to assume responsibility for all services provided by the intern.
- (29) Provisional Licensee--An individual granted a provisional license under Texas Occupations Code §401.308.
- (30) Sale or purchase--Includes the sale, lease or rental of a hearing instrument or augmentative communication device to a member of the consuming public who is a user or prospective user of a hearing instrument or augmentative communication device.
- (31) Speech-language pathologist--An individual who holds a license under Texas Occupations Code §401.302 and §401.304, to practice speech-language pathology.
- (32) Speech-language pathology--The application of nonmedical principles, methods, and procedures for measurement, testing, evaluation, prediction, counseling, habilitation, rehabilitation, or instruction related to the development and disorders of communication, including speech, voice, language, oral pharyngeal function, or cognitive processes, for the purpose of evaluating, preventing, or modifying or offering to evaluate, prevent, or modify those disorders and conditions in an individual or a group.
- (33) Supervisor--An individual who holds a license under Texas Occupations Code §401.302 and §401.304 and whom the department has approved to oversee the services provided by the assigned assistant and/or intern. The term “supervisor” and “department-approved supervisor” have the same meaning as used throughout this chapter.
- (34) Supervisory Responsibility Statement (SRS) Form (for Assistants in Audiology or Speech-Language Pathology)--An agreement between a supervisor and an assistant in which the parties enter into a supervisory relationship, the supervisor agrees to assume responsibility for the assistant’s activities, and the assistant agrees to perform only those activities assigned by the supervisor that are not prohibited under this chapter.
- (35) Telehealth--See definition(s) in Subchapter V, Telehealth.

SUBCHAPTER B. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS ADVISORY BOARD.

111.10. Membership. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) The advisory board consists of nine members appointed by the presiding officer of the commission with the approval of the commission as follows:
 - (1) three audiologist members;
 - (2) three speech-language pathologist members; and
 - (3) three members who represent the public.
- (b) Advisory board members must:
 - (1) be from the various geographic regions of the state; and

- (2) be from varying employment settings.
- (c) The advisory board members appointed under Subsections (a)(1) and (2) must:
 - (1) have been engaged in teaching, research, or providing services in speech-language pathology or audiology for at least five years; and
 - (2) be licensed under this chapter.
- (d) One of the public advisory board members must be a physician licensed in this state and certified in otolaryngology or pediatrics.

111.11. Duties. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

The advisory board shall provide advice and recommendations to the department on technical matters relevant to the administration of the Act and this chapter.

111.12. Terms; Vacancies. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) Members are appointed for staggered six-year terms. The terms of three members expire September 1 of each odd-numbered year.
- (b) If a vacancy occurs during a member's term, the presiding officer of the commission, with the commission's approval, shall appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term.
- (c) A member of the advisory board may be removed from the advisory board pursuant to Texas Occupations Code §51.209, Advisory Boards; Removal of Advisory Board Member.

111.13. Officers. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) The presiding officer of the commission shall designate a member of the advisory board to serve as the presiding officer of the advisory board for a term of one year.
- (b) The presiding officer shall preside at all meetings at which he or she is in attendance. The presiding officer of the advisory board may vote on any matter before the advisory board.

111.14. Meetings. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) The advisory board shall meet at the call of the presiding officer of the commission or the executive director.
- (b) Meetings shall be announced and conducted under the provisions of the Open Meetings Act, Texas Government Code, Chapter 551.
- (c) A quorum of the advisory board is necessary to conduct official business. A quorum is five members.
- (d) Board action shall require a majority vote of those members present and voting.

SUBCHAPTER C. EXAMINATIONS.

111.20. License Examination--General Requirements. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

The examination required by the Act shall consist of a written examination and a Jurisprudence Examination.

111.21. License Examination--Written Examination. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) The written examination shall be the Speech-Language Pathology and Audiology Examination (Praxis exam), a national examination administered by the Educational Testing Service.
- (b) An applicant shall have a passing score as determined by the Educational Testing Service on the written examination.

111.22. Waiver of Written Examination Requirement. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) This section is applicable to applicants applying for a speech-language pathology license under Subchapter D or an audiology license under Subchapter H. This waiver only applies to the written examination under §111.21.
- (b) The department may waive the written examination requirement and issue a license to an applicant who holds the ASHA Certificate of Clinical Competence ASHA or the ABA Certification.
- (c) An applicant for a license issued by the department who currently holds the ASHA Certificate of Clinical Competence, may submit official documentation from ASHA as evidence that the applicant meets the clinical experience and examination requirements as set out in the Act and this chapter for a speech-language pathology license.
- (d) An applicant for a license issued by the department who currently holds either the ASHA Certificate of Clinical Competence or the ABA Certification, may submit official documentation from ASHA or ABA as evidence that the applicant meets the clinical experience and examination requirements as set out in the Act and this chapter for an audiology license.

111.23. License Examination--Jurisprudence Examination. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) The department shall develop and administer a Jurisprudence Examination to determine an applicant's knowledge of the Act, this chapter, and any other applicable laws of this state affecting the practice of speech-language pathology or audiology.
- (b) The department shall revise the Jurisprudence Examination as needed.
- (c) All applicants for licensure shall submit proof of successful completion of the Jurisprudence Examination at the time of application, unless applying for an upgrade. The Jurisprudence Examination must be completed no more than 12 months prior to the date of licensure application.

SUBCHAPTER D. REQUIREMENTS FOR SPEECH-LANGUAGE PATHOLOGY LICENSE.

111.30. Speech-Language Pathology License--Licensing Requirements. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) An individual shall not practice as a speech-language pathologist without a current license issued by the department. An applicant for a speech-language pathology license shall meet the requirements set out in the Act and this section.
- (b) Education. The graduate degree shall be completed at a college or university which has a program accredited by a national accrediting organization that is approved by the department and recognized by the United States Secretary of Education under the Higher Education Act of 1965 (20 U.S.C. §1001, *et seq.*).

- (1) Original or certified copies of the transcripts showing the conferred degree shall verify the applicant completed the following:
 - (A) at least thirty-six (36) semester credit hours shall be in professional course work acceptable toward a graduate degree; and
 - (B) at least twenty-four (24) semester credit hours acceptable toward a graduate degree shall be earned in the area of speech-language pathology, including normal development and use of speech, language, and hearing; prevention evaluation, habilitation, and rehabilitation of speech, language, and hearing disorders; and related fields that augment the work of clinical practitioners of speech-language pathology;
 - (2) A maximum of six (6) academic semester credit hours associated with clinical experience and a maximum of six (6) academic semester credit hours associated with a thesis or dissertation may be counted toward the thirty-six (36) hours but not in lieu of the requirements of paragraph (1)(B).
 - (3) A quarter hour of academic credit shall be considered as two-thirds of a semester credit hour.
 - (4) An applicant who possesses a master's degree with a major in audiology and is pursuing a license in speech-language pathology may apply if, the department has an original transcript showing completion of a master's degree with a major in audiology on file and a letter from the program director or designee of the college or university stating that the individual completed enough hours to establish a graduate level major in speech-language pathology and would meet the academic and clinical experience requirements for a license as a speech-language pathologist.
 - (5) An applicant whose transcript is in a language other than English or whose degree was earned at a foreign university shall submit an original evaluation form from an approved transcript evaluation service. The transcript evaluation service must determine that the applicant's degree is a master's degree or higher with a major in one of the areas of communicative sciences or disorders. The applicant shall bear all expenses incurred during the procedure.
 - (6) An applicant who graduated from a college or university not accredited by the ASHA Council on Academic Accreditation shall submit an original signed letter from ASHA stating the Council for Clinical Certification accepted the course work and clinical experience. The applicant shall bear all expenses incurred during the procedure.
- (c) Clinical Work. An applicant shall complete at least twenty-five (25) clock hours of supervised observation before completing the minimum of the following hours of supervised clinical direct client contact, which may be referred to as clinical practicum, with individuals who present a variety of communication disorders within an educational institution or in one of its cooperating programs:
- (1) 275 clock hours if the master's degree was earned prior to November 10, 1993; or
 - (2) 350 clock hours if the master's degree was earned between November 10, 1993 and December 31, 2004; or
 - (3) 400 clock hours if the master's degree was earned on or after January 1, 2005.
- (d) Internship. An applicant must have completed an internship in which clinical work has been accomplished in speech-language pathology as set out in §111.41.
- (1) An individual shall be licensed under §111.41, prior to the beginning of the internship.
 - (2) The supervisor of an individual who completed an internship in another state and met the requirements set out in §111.41 shall:

- (A) be licensed in that other state; or
 - (B) hold the ASHA Certificate of Clinical Competence in speech-language pathology if the other state did not require licensing.
- (e) Examination. An applicant shall pass the examination referenced under §111.21.

111.35. Speech-Language Pathology License--Application and Eligibility Requirements. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on current department-approved forms.
- (b) An applicant for a speech-language pathology license must submit the following required documentation:
 - (1) a completed application on a department-approved form;
 - (2) if previously submitted when applying for an intern's license, an original or certified copy of the transcript(s), which shows all relevant course work and which shows the applicant possesses a minimum of a master's degree with a major in one of the areas of communicative sciences or disorders;
 - (3) if the applicant graduated from a college or university with a program not accredited by the ASHA Council on Academic Accreditation, an original signed letter from ASHA stating the Council for Clinical Certification accepted the course work and clinical experience;
 - (4) if the applicant's transcript is in a language other than English or the degree was earned at a foreign university, an original evaluation form from an approved transcript evaluation service stating that the applicant's degree is a master's degree or higher with a major in one of the areas of communicative sciences or disorders;
 - (5) a Report of Completed Speech-Language Pathology Internship Form completed by the applicant's department-approved supervisor and signed by both the applicant and the department-approved supervisor;
 - (6) if the internship was completed out-of-state, one of the following documents regarding the supervisor must be submitted:
 - (A) if that state requires licensure, a copy of the supervisor's valid license to practice in that state; or
 - (B) if that state does not require licensure, an original letter from ASHA stating the supervisor held the Certificate of Clinical Competence when the applicant completed the internship;
 - (7) a Praxis Exam Score Report showing the applicant passed the examination described in §111.21;
 - (8) proof of successfully completing the Texas Jurisprudence Examination under §111.23; and
 - (9) the initial application fee required under §111.160.
- (c) If not previously submitted when applying for an assistant or intern license, an applicant for a speech-language pathology license must submit a completed legible set of fingerprints, on a department-approved form, to the Department of Public Safety for the purpose of obtaining criminal history record information. An applicant must successfully pass a criminal history background check.

- (d) **Waiver of Clinical Experience and Examination Requirements.** An applicant who currently holds the ASHA Certificate of Clinical Competence may submit official documentation from ASHA of the Certificate of Clinical Competence as evidence that the applicant meets the clinical experience and examination requirements as set out in the Act and this subchapter for a speech-language pathology license. Such an applicant must submit:
- (1) an original or certified copy of a signed letter from ASHA, which verifies the applicant currently holds the Certificate of Clinical Competence in the area of speech-language pathology;
 - (2) an original or certified copy of the transcript(s) showing the conferred degree of all relevant course work which also verifies that the applicant possesses a minimum of a master's degree with a major in one of the areas of communicative sciences or disorders;
 - (3) the required documents under subsection (b)(1) and (8) and subsection (c); and
 - (4) the initial application fee required under §111.160.
- (e) **Upgrade from Intern License to Full License.** An applicant, who holds a current Texas intern in speech-language pathology license, may upgrade to a speech-language pathology license by submitting:
- (1) a completed upgrade application on a department-approved form;
 - (2) the required documents under subsection (b)(2), (5), and (7) and subsection (c); and
 - (3) the initial application fee required under §111.160.
- (f) An applicant must complete all licensing requirements within one year from the date the application was submitted. After that year an applicant will be required to submit a new application and all required materials in addition to paying a new application fee.

111.36. Speech-Language Pathology License--Issuing License. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) The department will issue an applicant, whose application has been approved, a license containing the licensee's name, license number, and expiration date.
- (b) A speech-language pathology license issued by the department remains the property of the department.
- (c) The department will issue a duplicate license upon written request using a department-approved form or in a manner prescribed by the department and payment of the duplicate/replacement fee under §111.160.

111.37. Speech-Language Pathology License--License Terms; Renewals. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) A speech-language pathology license is valid for two years from the date of issuance and may be renewed biennially.
- (b) A licensee is responsible for submitting all required documentation and information and paying the renewal application fee prior to the expiration date of the license.
- (c) To renew a speech-language pathology license, a licensee must:
 - (1) submit a completed renewal application on a department-approved form;
 - (2) complete 20 hours of continuing education as required under §111.130;

- (3) comply with the continuing education audit process described under §111.132, if selected for an audit; and
- (4) submit the license renewal fee required under §111.160.
- (d) A licensee must successfully pass a criminal history background check in order to renew the license; however, the licensee does not need to submit new fingerprints.
- (e) The department may deny the renewal of the license pursuant to Texas Occupations Code §401.451.
- (f) If all conditions required for renewal are met prior to expiration, the department shall issue a renewed license.
- (g) A person whose license has expired may late renew the license in accordance with the procedures set out under §60.31 and §60.83 of this title.
- (h) A person whose license has expired may not practice or engage in speech-language pathology.

SUBCHAPTER E. REQUIREMENTS FOR INTERN IN SPEECH-LANGUAGE PATHOLOGY LICENSE.

111.40. Intern in Speech-Language Pathology License--Licensing Requirements--Education and Clinical Work. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) An individual shall not practice as an intern in speech-language pathology without a current license issued by the department. An applicant for an intern in speech-language pathology license must meet the requirements under the Act and this section.
- (b) Education. The graduate degree shall be completed at a college or university which has a program accredited by a national accrediting organization that is approved by the department and recognized by the United States Secretary of Education under the Higher Education Act of 1965 (20 U.S.C. §1001, *et seq.*)
 - (1) Original or certified copies of the transcripts showing the conferred degree shall verify the applicant completed the following:
 - (A) at least thirty-six (36) semester credit hours shall be in professional course work acceptable toward a graduate degree; and
 - (B) at least twenty-four (24) semester credit hours acceptable toward a graduate degree shall be earned in the area of speech-language pathology including normal development and use of speech, language, and hearing; prevention evaluation, habilitation, and rehabilitation of speech, language, and hearing disorders; and related fields that augment the work of clinical practitioners of speech-language pathology;
 - (2) A maximum of six academic semester credit hours associated with clinical experience and a maximum of six academic semester credit hours associated with a thesis or dissertation may be counted toward the thirty-six (36) hours but not in lieu of the requirements of paragraph (1)(B).
 - (3) A quarter hour of academic credit shall be considered as two-thirds of a semester credit hour.
 - (4) An applicant who possesses a master's degree with a major in audiology and is pursuing a license in speech-language pathology may apply if the department has an original transcript showing completion of a master's degree with a major in audiology on file and a letter from the program director or designee of the college or university stating that the individual completed enough hours to establish a graduate level major in speech-language pathology and would meet the academic and clinical experience requirements for a license as a speech-language pathologist.

- (5) An applicant whose transcript is in a language other than English or whose degree was earned at a foreign university shall submit an original evaluation form from an approved transcript evaluation service. The transcript evaluation service must determine that the applicant's degree is a master's degree or higher with a major in one of the areas of communicative sciences or disorders. The applicant shall bear all expenses incurred during the procedure.
- (6) An applicant who graduated from a college or university not accredited by the ASHA Council on Academic Accreditation shall submit an original signed letter from ASHA stating the Council for Clinical Certification accepted the course work and clinical experience. The applicant shall bear all expenses incurred during the procedure.
- (c) **Clinical Work.** An applicant shall complete at least twenty-five (25) clock hours of supervised observation before completing the minimum of the following hours of supervised clinical direct client contact, which may be referred to as clinical practicum, with individuals who present a variety of communication disorders within an educational institution or in one of its cooperating programs:
 - (1) 275 clock hours if the master's degree was earned prior to November 10, 1993; or
 - (2) 350 clock hours if the master's degree was earned between November 10, 1993 and December 31, 2004; or
 - (3) 400 clock hours if the master's degree was earned on or after January 1, 2005.
- (d) In the event the course work and clinical experience set out in subsections (b) - (c), were earned more than ten (10) years before the date of application for the intern license, the applicant shall submit proof of current knowledge of the practice of speech-language pathology. Proof of current knowledge may include: recently completing continuing education or other courses; holding a current license in another state; holding a current ASHA certification; or retaking and passing the written examination.
- (e) An applicant who successfully completed all education and clinical requirements under this section, but who has not had the degree officially conferred may be licensed as an intern in order to begin the internship but shall submit verification from the program director or designee verifying the applicant has met all academic course work, clinical experience requirements, and completed a thesis or passed a comprehensive examination, if required, and is awaiting the date of next graduation for the degree to be conferred.
- (f) An applicant whose master's degree is received at a college or university accredited by the ASHA Council on Academic Accreditation will receive automatic approval of the course work and clinical experience if the program director or designee verifies that all requirements have been met and review of the transcript shows that the applicant has successfully completed at least twenty-four (24) semester credit hours acceptable toward a graduate degree in the area of speech-language pathology.

111.41. Intern in Speech-Language Pathology License--Internship and Supervision Requirements. *(New section adopted effective May 1, 2018, 43 TexReg 2544)*

- (a) A licensed intern in speech-language pathology (intern) must be supervised by a licensed speech-language pathologist who has been approved by the department to serve as the intern's supervisor (supervisor).
- (b) A supervisor must agree to assume responsibility for all services provided by the intern. The supervisor must comply with the requirements set out in the Act and §111.154.
- (c) **Intern Plan and Agreement of Supervision Form.** A Speech-Language Pathology Intern Plan and Agreement of Supervision Form shall be submitted in a manner prescribed by the department and completed by both the applicant and the proposed supervisor. The proposed supervisor must meet the requirements set out in the Act and §111.154.
 - (1) Approval from the department shall be required prior to practice by the intern. The Speech-

Language Pathology Intern Plan and Agreement of Supervision Form shall be submitted upon:

- (A) application for an intern license;
 - (B) any changes in supervision; and
 - (C) the addition of other supervisors.
- (2) If more than one speech-language pathologist agrees to supervise the intern, each proposed supervisor must submit a Speech-Language Pathology Intern Plan and Agreement of Supervision Form.
- (3) The intern may not practice without an approved Speech-Language Pathology Intern Plan and Agreement of Supervision Form. The supervisor may not allow an intern to practice before a Speech-Language Pathology Intern Plan and Agreement of Supervision Form is approved.
- (4) If the supervisor ceases supervision of the intern, the supervisor shall notify the department, in a manner prescribed by the department, and shall inform the intern to stop practicing immediately. The supervisor is responsible for the practice of the intern until notification has been received by the department.
- (5) If the intern's supervisor ceases supervision, the intern shall stop practicing immediately. The intern may not practice until a new Speech-Language Pathology Intern Plan and Agreement of Supervision Form has been submitted to and approved by the department.
- (d) Internship Requirements. The internship shall:
- (1) be completed within a maximum period of forty-eight (48) months once initiated;
 - (2) be successfully completed after no more than two attempts;
 - (3) consist of thirty-six (36) weeks of full-time supervised professional experience (thirty-five (35) hours per week) totaling a minimum of 1,260 hours, or its part-time equivalent, of supervised professional experience in which clinical work has been accomplished in speech-language pathology. Professional experience of less than five hours per week cannot be used to meet the minimum 1,260 hours, but the professional experience still must be supervised by a licensed speech-language pathologist.
 - (4) involve primarily clinical activities such as assessment, diagnosis, evaluation, screening, treatment, report writing, family/client consultation, and/or counseling related to the management process of individuals who exhibit communication disabilities;
 - (5) be divided into three (3) segments with no fewer than thirty-six (36) clock hours of supervisory activities to include:
 - (A) six (6) hours of in-person direct supervision per segment by the supervisor(s) of the intern's direct client contact at the worksite in which the intern provides screening, evaluation, assessment, habilitation, and rehabilitation; and
 - (B) six (6) hours of indirect supervision per segment with the supervisor(s) which may include correspondence, review of videos, evaluation of written reports, phone conferences with the intern, evaluations by professional colleagues; or
 - (C) an alternative plan as approved by the department.
- (e) Extension Request. An applicant who does not meet the time frames defined in subsection (d)(1), shall

request an extension, in writing, explaining the reason for the request. The request must be signed by both the intern and the supervisor in a manner prescribed by the department. Evaluation of the intern's progress of performance from all supervisors must accompany the request. Intern plans and supervisory evaluations for any completed segments must be submitted in a manner prescribed by the department. The department shall determine if the internship:

- (1) should be revised or extended; and
 - (2) whether additional course work, continuing professional education hours, or passing the examination referenced in §111.21 is required.
- (f) Evaluations. During each segment of the internship, each supervisor shall conduct a formal evaluation of the intern's progress in the development of professional skills. Documentation of this evaluation shall be maintained by both parties for three years or until the speech-language pathology license is granted. A copy of this documentation shall be submitted to the department upon request.
- (g) Changes in Internship. Prior to implementing changes in the internship, approval from the department is required.
- (1) If the intern changes his or her supervisor or adds additional supervisors, a current Speech-Language Pathology Intern Plan and Agreement of Supervision Form shall be submitted by the new proposed supervisor and approved by the department before the intern may resume practice as prescribed under subsection (c).
 - (2) If the intern changes his or her supervisor, the Speech-Language Pathology Report of Completed Internship Form shall be completed by the former supervisor and the intern and submitted to the department upon completion of that portion of the internship. It is the decision of the former supervisor to determine whether the internship is acceptable. The department shall review the form and inform the intern of the results.
 - (3) Each supervisor who ceases supervising an intern shall submit a Speech-Language Pathology Report of Completed Internship Form for the portion of the internship completed under the supervisor's supervision. This must be submitted within thirty (30) days of the date the supervision ended.
 - (4) If no hours were earned under an approved supervisor, the licensed intern or the approved supervisor must submit a signed, written statement that no hours were earned and provide the reason.
 - (5) If the intern changes his or her employer but the supervisor and the number of hours employed per week remain the same, the supervisor shall notify the department in a manner prescribed by the department of the new location. This must be submitted within thirty (30) days of the date the change occurred.
- (h) Notwithstanding the supervision provisions in this section, the department may establish procedures, processes, and mechanisms for the monitoring and reporting of the supervision requirements.

111.42. Intern in Speech-Language Pathology License--Practice and Duties of Interns. *(New section adopted effective May 1, 2018, 43 TexReg 2544)*

- (a) A licensed intern in speech-language pathology (intern) must perform assigned duties under the supervision of a licensed speech-language pathologist who has been approved by the department to serve as the intern's supervisor (supervisor).
- (b) In any professional context the intern must indicate the intern's status as a licensed speech-language pathology intern.

- (c) An intern shall not use "SLP-CFY" or "SLP-CF" as indicators for their credentials. Licensees shall use "Intern SLP" or "SLP Intern" to shorten their professional title.
- (d) If the intern wishes to continue to practice after the completion of the internship specified in §111.41(d), the intern shall apply for a speech-language pathology license under Subchapter D, if the intern passed the examination referenced in §111.21.
- (e) The intern may continue to practice while awaiting the processing of the speech-language pathology license if the intern meets the following conditions:
 - (1) holds a valid intern in speech-language pathology license;
 - (2) practices under the supervision of the current supervisor, who filed the Speech-Language Pathology Intern Plan and Agreement of Supervision Form and the Speech-Language Pathology Report of Completed Internship Form; and
 - (3) practices under the terms of the current Speech-Language Pathology Intern Plan and Agreement of Supervision Form.

111.45. Intern in Speech-Language Pathology License--Application and Eligibility Requirements. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on department-approved forms.
- (b) An applicant for an intern in speech-language pathology license must submit the following required documentation:
 - (1) a completed application on a department-approved form;
 - (2) if the graduate degree has been conferred, an original or certified copy of the transcript(s) which shows all relevant course work and which shows the applicant possesses a minimum of a master's degree with a major in one of the areas of communicative sciences or disorders;
 - (3) if the applicant graduated from a college or university with a program not accredited by the ASHA Council on Academic Accreditation, an original signed letter from ASHA stating the Council for Clinical Certification accepted the course work and clinical experience;
 - (4) if the graduate degree has not been conferred, the Course Work and Clinical Experience Form completed by the university program director or designee of the college or university attended;
 - (5) if the applicant's transcript is in a language other than English or the degree was earned at a foreign university, an original evaluation form from an approved transcript evaluation service stating that the applicant's degree is a master's degree or higher with a major in one of the areas of communicative sciences or disorders;
 - (6) an Intern Plan and Agreement of Supervision Form completed by the proposed supervisor and signed by both the applicant and the proposed supervisor;
 - (7) proof of successfully completing the Texas Jurisprudence Examination under §111.23; and
 - (8) the initial application fee required under §111.160.
- (c) If not previously submitted when applying for an assistant license, an applicant for an intern in speech-language pathology license must submit a completed legible set of fingerprints, on a form prescribed by the

department, to the Department of Public Safety for the purpose of obtaining criminal history record information. An applicant must successfully pass a criminal history background check.

- (d) An applicant must complete all licensing requirements within one year from the date the application was submitted. After that year an applicant will be required to submit a new application and all required materials in addition to paying a new application fee.

111.46. Intern in Speech-Language Pathology License--Issuing License. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) The department will issue an applicant, whose application has been approved, a license containing the licensee's name, license number, and expiration date.
- (b) An intern in speech-language pathology license issued by the department remains the property of the department.
- (c) The department will issue a duplicate license upon written request using a department-approved form or in a manner prescribed by the department and payment of the duplicate/replacement fee under §111.160.

111.47. Intern in Speech-Language Pathology License--License Terms; Renewals. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) An intern in speech-language pathology license is valid for one year from the date of issuance and may be renewed annually.
- (b) A licensee is responsible for submitting all required documentation and information and paying the renewal application fee prior to the expiration date of the license.
- (c) To renew an intern in speech-language pathology license, a licensee must:
 - (1) submit a completed renewal application on a department-approved form;
 - (2) complete ten (10) hours of continuing education as required under §111.130;
 - (3) comply with the continuing education audit process described under §111.132, if selected for an audit;
 - (4) submit an Intern Plan and Agreement of Supervision Form for the intern's upcoming experience unless the intern is currently not practicing. In that event, the intern shall provide an explanation of the reason for not practicing; and
 - (5) submit the license renewal fee required under §111.160.
- (d) A licensee must successfully pass a criminal history background check in order to renew the license; however, the licensee does not need to submit new fingerprints.
- (e) The department may deny the renewal of the license pursuant to Texas Occupations Code §401.451.
- (f) If all conditions required for renewal are met prior to expiration, the department shall issue a renewed license.
- (g) A person whose license has expired may late renew the license in accordance with the procedures set out under §60.31 and §60.83 of this title.
- (h) A person whose license has expired may not practice or engage in speech-language pathology.

**SUBCHAPTER F. REQUIREMENTS FOR ASSISTANT IN SPEECH-LANGUAGE PATHOLOGY
LICENSE.**

111.50. Assistant in Speech-Language Pathology License--Licensing Requirements--Education and Clinical Observation and Experience. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) An individual shall not practice as an assistant in speech-language pathology without a current license issued by the department. An applicant for an assistant in speech-language pathology license must meet the requirement under the Act and this section. The applicant must meet the following requirements:
- (1) possess a baccalaureate degree with an emphasis in communicative sciences or disorders;
 - (2) have acquired at least twenty-four (24) semester credit hours in speech-language pathology and/or audiology with a grade of "C" or above with the following conditions:
 - (A) at least 18 of the 24 semester credit hours must be in speech-language pathology;
 - (B) at least three (3) of the 24 semester credit hours must be in language disorders;
 - (C) at least three (3) of the 24 semester credit hours must be in speech disorders;
 - (D) the 24 semester credit hours excludes course work such as special education, deaf education, or sign language; and
 - (E) the 24 semester credit hours must be academic course work and excludes any clinical experience; and
 - (3) have earned no fewer than twenty-five (25) hours of clinical observation in the area of speech-language pathology and twenty-five (25) hours of clinical assisting experience in the area of speech-language pathology obtained within an educational institution or in one of its cooperating programs. If these hours are not completed, the applicant must complete the Clinical Deficiency Plan under subsection (e).
- (b) The baccalaureate degree shall be completed at a college or university which has a program accredited by the ASHA Council on Academic Accreditation or holds accreditation or candidacy status from a recognized regional accrediting agency.
- (1) Original or certified copy of the transcripts showing the conferred degree shall be submitted and reviewed as follows:
 - (A) only course work earned within the past ten (10) years with a grade of "C" or above is acceptable;
 - (B) a quarter hour of academic credit shall be considered as two-thirds of a semester credit hour; and
 - (C) academic courses, the titles of which are not self-explanatory, shall be substantiated through course descriptions in official school catalogs or bulletins or by other official means.
 - (2) In the event the course work and clinical experience set out in subsection (a), were earned more than ten (10) years before the date of application for the assistant license, the applicant shall submit proof of current knowledge of the practice of speech-language pathology to be evaluated by the department. Proof of current knowledge may include: recently completing continuing education or other courses; or holding a current license in another state.

- (c) An applicant who possesses a baccalaureate degree with a major that is not in communicative sciences or disorders may qualify for the assistant license. The department shall evaluate transcripts on a case-by-case basis to ensure equivalent academic preparation, and shall determine if the applicant satisfactorily completed twenty-four (24) semester credit hours in communicative sciences or disorders and meets the requirements of §111.50(b)(2), which may include some leveling hours.
- (d) Degrees and/or course work received at foreign universities shall be acceptable only if such course work and clinical practicum hours may be verified as meeting the requirements of subsection (a). The applicant must bear all expenses incurred during the procedure. The department shall evaluate the documentation, which shall include an original transcript and an original report from a credential evaluation services agency acceptable to the department.
- (e) An applicant who has not acquired the twenty-five (25) hours of clinical observation and twenty-five (25) hours of clinical experience referenced in subsection (a)(3), shall not meet the minimum qualifications for the assistant license. These hours must be obtained through an accredited college or university, or through a Clinical Deficiency Plan. All hours must be completed under in-person, direct supervision. In order to acquire these hours, the applicant shall first obtain the assistant license by submitting the forms, fees, and documentation referenced in §111.55 and include the prescribed Clinical Deficiency Plan to acquire the clinical observation and clinical assisting experience hours lacking.
 - (1) The licensed speech-language pathologist who will provide the applicant with the training to acquire these hours must meet the requirements set out in the Act and §111.154 and shall submit:
 - (A) the Supervisory Responsibility Statement Form prescribed under §111.51; and
 - (B) the prescribed Clinical Deficiency Plan.
 - (2) The department shall evaluate the documentation and fees submitted to determine if the assistant license shall be issued. Additional information or revisions may be required before approval is granted.
 - (3) The Clinical Deficiency Plan shall be completed within sixty (60) days of the issue date of the assistant's license or the licensed assistant must submit a new plan.
 - (4) Immediately upon completion of the Clinical Deficiency Plan, the licensed speech-language pathologist identified in the plan shall submit a statement or information that the licensed assistant successfully completed the clinical observation and clinical assisting experience and that all hours worked by the licensed assistant were under the in-person, direct supervision of the licensed speech-language pathologist. This statement shall specify the number of hours completed and verify completion of the training identified in the Clinical Deficiency Plan.
 - (5) Department staff shall evaluate the documentation required in paragraph (4) and inform the licensed assistant and licensed speech-language pathologist who provided the training if acceptable.
 - (6) A licensed assistant may continue to practice under the in-person, direct supervision of the licensed speech-language pathologist who provided the licensed assistant with the training while the department evaluates the documentation identified in paragraph (4). All hours worked by the licensed assistant must be under the in-person, direct supervision of the licensed speech-language pathologist.
 - (7) In the event another licensed speech-language pathologist shall supervise the licensed assistant after completion of the Clinical Deficiency Plan, a Supervisory Responsibility Statement Form shall be submitted to the department seeking approval for the change in supervision. If the documentation required by paragraph (4), has not been received and approved by the department,

approval for the change in supervision shall not be granted.

111.51. Assistant in Speech-Language Pathology License--Supervision Requirements. *(New section adopted effective May 1, 2018, 43 TexReg 2544)*

- (a) A licensed assistant in speech-language pathology (assistant) must be supervised by a licensed speech-language pathologist who has been approved by the department to serve as the assistant's supervisor (supervisor).
- (b) A supervisor must agree to assume responsibility for all services provided by the assistant. The supervisor must comply with the requirements set out in the Act and §111.154.
- (c) **Supervisory Responsibility Statement Form.** A Supervisory Responsibility Statement Form shall be submitted in a manner prescribed by the department by both the applicant and the proposed supervisor. The proposed supervisor must meet with the requirements set out in the Act and §111.154.
 - (1) Approval from the department shall be required prior to practice by the assistant. The Supervisor Responsibility Statement Form shall be submitted upon:
 - (A) application for an assistant license;
 - (B) any changes in supervision; and
 - (C) the addition of other supervisors.
 - (2) If more than one speech-language pathologist agrees to supervise the assistant, each proposed supervisor must submit a separate Supervisor Responsibility Statement Form in manner prescribed by the department.
 - (3) The assistant may not practice without an approved Supervisor Responsibility Statement Form. The supervisor may not allow an assistant to practice before a Supervisor Responsibility Statement Form is approved.
 - (4) The assistant shall only provide services for the caseload of the assistant's supervisors who have current Supervisor Responsibility Statement Forms on file with the department.
 - (5) If the supervisor ceases supervision of the assistant, the supervisor shall notify the department, in a manner prescribed by the department, and shall inform the assistant to stop practicing immediately. The supervisor is responsible for the practice of the assistant until notification has been received by the department.
 - (6) If the assistant's supervisor ceases supervision, the assistant shall stop practicing immediately. The assistant may not practice until a new Supervisor Responsibility Statement Form has been submitted to and approved by the department.
- (d) The supervisor shall assign duties and provide appropriate supervision to the assistant.
- (e) Direct supervision of the assistant may only occur at the worksite in which the assistant provides services to existing clients or while the assistant provides services to cases previously delegated to the assistant. The supervisor may not make temporary, short-term assignments from the supervisor's caseload to the assistant in order to fulfill direct supervision requirements.
- (f) **Client Contacts.**
 - (1) Initial contacts directly with the client shall be conducted by the supervisor.

- (2) Following the initial contact, the supervisor shall determine whether the assistant has the competence to perform specific duties before delegating tasks.
- (g) Amount and Type of Supervision. Each supervisor shall provide a minimum of eight (8) hours per calendar month of supervision to the assistant. This subsection applies whether the assistant is employed full-time or part-time.
- (1) At least four (4) hours must be direct supervision. At least two (2) of the direct supervision hours must be in-person. The other two (2) hours may be in-person or by telehealth/telepractice.
 - (2) The remaining hours may be performed using indirect supervision.
 - (3) If fewer than four (4) weeks are worked in a calendar month, then the number of hours of supervision provided will be based on the number of weeks worked. Two (2) hours of supervision must be provided for each week worked, including one (1) hour of direct supervision and one (1) hour of indirect supervision.
 - (4) For the purposes of this subsection the telehealth/telepractice provisions allowed by Subchapter V may be used for up to six (6) hours of supervision (two (2) hours of direct supervision and four (4) hours of indirect supervision).
 - (5) When determining the amount and type of supervision, the supervisor must consider the skill and experience of the assistant as well as the services to be provided. The supervision hours established in this subsection may be exceeded as determined by the supervisor.
- (h) Delegating Clinical Tasks.
- (1) The supervisor may delegate specific clinical tasks to an assistant; however, the responsibility to the client for all services provided cannot be delegated.
 - (2) The supervisor shall ensure that all services are documented and provided in compliance with the Act and this chapter.
 - (3) The supervisor shall:
 - (A) in writing, determine the skills and assigned tasks the assistant is able to carry out under §111.52. This document must be agreed upon by the assistant and the supervisor;
 - (B) notify the client or client's legal guardian(s) that services will be provided by a licensed assistant;
 - (C) develop the client's treatment program in all settings and review it with the assistant who will provide the service; and
 - (D) maintain responsibility for the services provided by the assistant.
- (i) Admission, Review, and Dismissal Meetings. The supervisor, prior to an Admission, Review and Dismissal (ARD) meeting, shall:
- (1) notify the parents of students with speech impairments that services will be provided by the assistant and that the assistant will represent Speech Pathology at the ARD;
 - (2) develop the student's new Individual Education Program (IEP) goals and objectives and review them with the assistant; and

- (3) maintain undiminished responsibility for the services provided and the actions of the assistant.
- (j) Records. The supervisor shall maintain the following records.
 - (1) The supervisor shall maintain for a period of three years supervisory records that verify regularly scheduled monitoring, assessment, and evaluation of the assistant's and client's performance. Such documentation may be requested by the department.
 - (2) The supervisor shall keep job descriptions and performance records of the assistant. Records shall be current and made available upon request to the department.
- (k) Supervision Audits. The department may audit a random sampling of assistants for compliance with this section and §111.154.
 - (1) The department shall notify the assistant and the supervisor in a manner prescribed by the department that the assistant has been selected for an audit.
 - (2) Upon receipt of an audit notification, the assistant and the supervisor shall provide in a manner prescribed by the department the requested proof of compliance to the department.
 - (3) The assistant and the supervisor shall comply with the department's request for documentation and information concerning compliance with the audit.
- (l) Notwithstanding the supervision provisions in this section, the department may establish procedures, processes, and mechanisms for the monitoring and reporting of the supervision requirements.

111.52. Assistant in Speech-Language Pathology License--Practice and Duties of Assistants. *(New section adopted effective May 1, 2018, 43 TexReg 2544)*

- (a) A licensed assistant in speech-language pathology (assistant) must perform assigned duties under the supervision of a licensed speech-language pathologist who has been approved by the department to serve as the assistant's supervisor (supervisor).
- (b) The assistant may execute specific components of the clinical speech, language, and/or hearing program if the supervisor:
 - (1) determines that the assistant has received the training and has the skill to accomplish that task; and
 - (2) provides sufficient supervision to ensure appropriate completion of the task assigned to the assistant.
- (c) Duties that a supervisor may assign to an assistant, who has received appropriate training, include the following:
 - (1) conduct or participate in speech, language, and/or hearing screening;
 - (2) implement the treatment program or the Individual Education Program (IEP) designed by the supervisor;
 - (3) provide carry-over activities which are the therapeutically designed transfer of a newly acquired communication ability to other contexts and situations;
 - (4) collect data;
 - (5) administer routine tests if the test developer does not specify a graduate degreed examiner and the

- supervisor has determined the assistant is competent to perform the test;
- (6) maintain clinical records;
 - (7) prepare clinical materials;
 - (8) participate with the supervisors' research projects, staff development, public relations programs, or similar activities as designated and supervised by the supervisor; and
 - (9) write lesson plans based on the therapy program developed by the supervisor. The lesson plans shall be reviewed and approved by the supervisor.
- (d) The assistant shall not:
- (1) work with any cases that are not assigned to the supervisor's caseload;
 - (2) conduct evaluations;
 - (3) interpret results of routine tests;
 - (4) interpret observations or data into diagnostic statements, clinical management strategies, or procedures;
 - (5) represent speech-language pathology at staffing meetings or at an Admission, Review and Dismissal (ARD) meeting, except as specified in this section;
 - (6) attend staffing meeting or ARD without the supervisor being present except as specified in this section;
 - (7) design or alter a treatment program or Individual Education Program (IEP);
 - (8) determine case selection;
 - (9) present written or oral reports of client information, except as provided by this section;
 - (10) refer a client to other professionals or other agencies;
 - (11) use any title which connotes the competency of a licensed speech-language pathologist;
 - (12) practice as an assistant without a current Supervisory Responsibility Statement on file with the department;
 - (13) perform invasive procedures;
 - (14) screen or diagnose clients for feeding and swallowing disorders;
 - (15) use a checklist or tabulated results of feeding or swallowing evaluations;
 - (16) demonstrate swallowing strategies or precautions to clients, family, or staff;
 - (17) provide client or family counseling;
 - (18) sign any formal document relating to the reimbursement for or the provision of speech-language pathology services without the supervisor's signature; or
 - (19) use "SLP-A" or "STA" as indicators for their credentials. Licensees shall use "Assistant SLP" or

"SLP Assistant" to shorten their professional title.

- (e) An assistant may represent special education and speech pathology at the Admission, Review, and Dismissal (ARD) meetings with the following stipulations.
 - (1) The assistant shall have written documentation of approval from the supervisor.
 - (2) The assistant shall have three years of experience as an assistant in the school setting.
 - (3) The assistant may attend, with written approval of the supervisor, a student's annual review ARD meeting if the meeting involves a student for whom the assistant provides services. If an assistant attends a meeting as provided by this rule, the supervisor is not required to attend the meeting. A supervisor must attend an ARD meeting if the purpose of the meeting is to develop a student's initial Individual Education Program (IEP) or if the meeting is to consider the student's dismissal, unless the supervisor has submitted his or her recommendation in writing on or before the date of the meeting.
 - (4) The assistant shall present IEP goals and objectives that have been developed by the supervisor and reviewed with the parent by the supervisor.
 - (5) The assistant shall discontinue participation in the ARD meeting and shall contact the supervisor when questions or changes arise regarding the IEP document.
- (f) In any professional context the assistant must indicate the assistant's status as a speech-language pathology assistant.

111.55. Assistant in Speech-Language Pathology License--Application and Eligibility Requirements. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on department-approved forms.
- (b) An applicant for an assistant in speech-language pathology license must submit the following required documentation:
 - (1) a completed application on a department-approved form;
 - (2) a completed Supervisory Responsibility Statement Form as prescribed under §111.51;
 - (3) an original or certified copy of the transcript(s), which shows the 24 semester credit hours of required course work and which shows the applicant possesses a baccalaureate degree with an emphasis in communicative sciences or disorders or a baccalaureate degree that qualifies under §111.50(c);
 - (4) if not previously submitted, a Clinical Observation and Clinical Experience Form completed by the university program director or designee of the college or university training program verifying the applicant completed the requirements set out in §111.50(a)(3);
 - (5) for an applicant who did not obtain the hours referenced in paragraph (4), a Clinical Deficiency Plan Form to obtain the hours lacking;
 - (6) proof of successfully completing the Texas Jurisprudence Examination under §111.23; and
 - (7) the initial application fee required under §111.160.

- (c) An applicant for an assistant in speech-language pathology license must submit a completed legible set of

fingerprints, on a form prescribed by the department, to the Department of Public Safety for the purpose of obtaining criminal history record information. An applicant must successfully pass a criminal history background check.

- (d) An applicant must complete all licensing requirements within one year from the date the application was submitted. After that year an applicant will be required to submit a new application and all required materials in addition to paying a new application fee.

111.56. Assistant in Speech-Language Pathology License--Issuing License. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) The department will issue an applicant, whose application has been approved, a license containing the licensee's name, license number, and expiration date.
- (b) An assistant in speech-language pathology license issued by the department remains the property of the department.
- (c) The department will issue a duplicate license upon written request using a department-approved form or in a manner prescribed by the department and payment of the duplicate/replacement fee under §111.160.

111.57. Assistant in Speech-Language Pathology License--License Terms; Renewals. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) An assistant in speech-language pathology license is valid for two years from the date of issuance and may be renewed biennially.
- (b) A licensee is responsible for submitting all required documentation and information and paying the renewal application fee prior to the expiration date of the license.
- (c) To renew an assistant in speech-language pathology license, a licensee must:
 - (1) submit a completed renewal application on a department-approved form;
 - (2) complete twenty (20) hours of continuing education as required under §111.30;
 - (3) comply with the continuing education audit process described under §111.32, if selected for an audit;
 - (4) submit, in a manner prescribed by the department, a Supervisory Responsibility Statement Form or information from each supervisor unless the assistant is currently not practicing or the supervisor(s) has not changed; and
 - (5) submit the license renewal fee required under §111.160.
- (d) A licensee must successfully pass a criminal history background check in order to renew the license; however, the licensee does not need to submit new fingerprints.
- (e) The department may deny the renewal of the license pursuant to Texas Occupations Code §401.451.
- (f) If all conditions required for renewal are met prior to expiration, the department shall issue a renewed license.
- (g) A person whose license has expired may late renew the license in accordance with the procedures set out under §60.31 and §60.83 of this title.
- (h) A person whose license has expired may not practice or engage in speech-language pathology.

SUBCHAPTER H. REQUIREMENTS FOR AUDIOLOGY LICENSE.

111.70. Audiology License--Licensing Requirements. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) An individual shall not practice as an audiologist without a current license issued by the department. An applicant for the audiology license shall meet the requirements set out in the Act and this section.
- (b) Education. The doctoral degree in audiology or a related hearing science shall be completed at a college or university that has a program accredited by a national accrediting organization that is approved by the department and recognized by the United States Secretary of Education under the Higher Education Act of 1965 (20 U.S.C. §1001 et seq.).
- (c) An applicant whose transcript is in a language other than English or whose degree was earned at a foreign university shall submit an original evaluation form from an approved transcript evaluation service. The transcript evaluation service must determine that the applicant's degree is a doctoral degree in audiology or a related hearing science. The applicant shall bear all expenses incurred during the procedure.
- (d) An applicant who graduated from a college or university program not accredited by a national accrediting organization that is approved by the department and recognized by the United States Secretary of Education under the Higher Education Act of 1965 (20 U.S.C. §1001 et seq.) shall have the ASHA Council for Clinical Certification evaluate the course work to determine whether the applicant qualified for the Certificate of Clinical Competence. The applicant shall bear all expenses incurred during the procedure.
- (e) Examination. An applicant shall pass the examination referenced under §111.21.
- (f) An applicant who previously held the ASHA Certificate of Clinical Competence or the ABA Certification may have the certificate reinstated and apply for licensure under §111.75(d).

111.75. Audiology License--Application and Eligibility Requirements. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on department-approved forms.
- (b) An applicant for an audiology license must submit the following required documentation:
 - (1) a completed application on a department-approved form;
 - (2) if not previously submitted when applying for an intern's license, an original or certified copy of the transcript(s), which shows the conferred doctoral degree in audiology or a related hearing science;
 - (3) if the degree was not earned at an institution as described in §111.70(b), official documentation from the ASHA Council for Clinical Certification that the conferred doctoral degree is adequate for ASHA Certification or from the ABA that the conferred doctoral degree is adequate for ABA Certification;
 - (4) if the applicant's transcript is in a language other than English or the degree was earned at a foreign university, an original evaluation form from an approved transcript evaluation service stating that the applicant's degree is a master's degree or higher with a major in one of the areas of communicative sciences or disorders;
 - (5) if the applicant currently holds a Texas intern in audiology license, a Report of Completed Audiology Internship Form completed by the applicant's supervisor and signed by both the applicant and the supervisor;

- (6) if the internship was completed out-of-state, one of the following documents regarding the supervisor must be submitted:
 - (A) if that state requires licensure, a copy of the supervisor's valid license to practice in that state; or
 - (B) if that state does not require licensure, an original letter from ASHA stating the supervisor held the Certificate of Clinical Competence or ABA Certification when the applicant completed the internship;
 - (7) a Praxis Exam Score Report showing the applicant passed the examination described in §111.21;
 - (8) proof of successfully completing the Texas Jurisprudence Examination under §111.23; and
 - (9) the initial application fee required under §111.160.
- (c) If not previously submitted when applying for an assistant or intern license, an applicant for an audiology license must submit a completed legible set of fingerprints, on a form prescribed by the department, to the Department of Public Safety for the purpose of obtaining criminal history record information. An applicant must successfully pass a criminal history background check.
- (d) Waiver of Clinical Experience and Examination Requirements. An applicant who currently holds either the ASHA Certificate of Clinical Competence or the ABA Certification may submit official documentation from ASHA or ABA as evidence that the applicant meets the clinical experience and examination requirements as set out in the Act and this subchapter for an audiology license. Such an applicant must submit:
- (1) an original or certified copy of a signed letter from ASHA or ABA which verifies the applicant currently holds the ASHA Certificate of Clinical Competence or ABA Certification in the area of audiology;
 - (2) an original or certified copy of the transcript(s) showing the conferred degree of all relevant course work which also verifies that the applicant possesses a minimum of a doctoral degree in audiology or a related hearing science;
 - (3) the required documents under subsection (b)(1) and (8) and subsection (c); and
 - (4) the initial application fee required under §111.160.
- (e) Upgrade from Intern License to Full License. An applicant, who holds a current Texas intern in audiology license, may upgrade to an audiology license by submitting:
- (1) a completed upgrade application on a department-approved form;
 - (2) the required documents under subsection (b)(2), (5), and (7) and subsection (c); and
 - (3) the initial application fee required under §111.160.
- (f) An applicant must complete all licensing requirements within one year from the date the application was submitted. After that year an applicant will be required to submit a new application and all required materials in addition to paying a new application fee.

111.76. Audiology License--Issuing License. *(New section adopted effective October 1, 2016,41 TexReg 4441)*

- (a) The department will issue an applicant, whose application has been approved, a license containing the
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licensee's name, license number, and expiration date.

- (b) An audiology license issued by the department remains the property of the department.
- (c) The department will issue a duplicate license upon written request using a department-approved form or in a manner prescribed by the department and payment of the duplicate/replacement fee under §111.160.

111.77. Audiology License--License Terms; Renewals. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) An audiology license is valid for two years from the date of issuance and may be renewed biennially.
- (b) A licensee is responsible for submitting all required documentation and information and paying the renewal application fee prior to the expiration date of the license.
- (c) To renew an audiology license, a licensee must:
 - (1) submit a completed renewal application on a department-approved form;
 - (2) complete 20 hours of continuing education as required under §111.130;
 - (3) comply with the continuing education audit process described under §111.132, if selected for an audit; and
 - (4) submit the license renewal fee required under §111.160.
- (d) A licensee must successfully pass a criminal history background check in order to renew the license; however, the licensee does not need to submit new fingerprints.
- (e) The department may deny the renewal of the license pursuant to Texas Occupations Code §401.451.
- (f) If all conditions required for renewal are met prior to expiration, the department shall issue a renewed license.
- (g) A person whose license has expired may late renew the license in accordance with the procedures set out under §60.31 and §60.83 of this title.
- (h) A person whose license has expired may not practice or engage in audiology.

SUBCHAPTER I. REQUIREMENTS FOR INTERN IN AUDIOLOGY LICENSE.

111.80. Intern in Audiology License--Licensing Requirements--Education. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) An individual shall not practice as an intern in audiology without a current license issued by the department. An applicant for the intern in audiology license shall meet the requirements set out in the Act and this section.
- (b) Education. The doctoral degree in audiology or a related hearing science shall be obtained at a college or university that has a program accredited by a national accrediting organization that is approved by the department and recognized by the United States Secretary of Education under the Higher Education Act of 1965 (20 U.S.C. §1001 et seq.).
- (c) An applicant who graduated from a college or university program not accredited by a national accrediting organization that is approved by the department and recognized by the United States Secretary of Education under the Higher Education Act of 1965 (20 U.S.C. §1001 et seq.) shall have the ASHA Council for

Clinical Certification evaluate the course work to determine whether the applicant qualified for the Certificate of Clinical Competence. The applicant shall bear all expenses incurred during the procedure.

- (d) The applicant shall submit the department prescribed form signed by the university program director or designee verifying the applicant is enrolled in a professionally recognized accredited doctoral program as approved by the department.

111.81. Intern in Audiology License--Internship and Supervision Requirements. *(New section adopted effective May 1, 2018, 43 TexReg 2544)*

- (a) A licensed intern in audiology (intern) must be supervised by a licensed audiologist who has been approved by the department to serve as the intern's supervisor (supervisor).
- (b) A supervisor must agree to assume responsibility for all services provided by the intern. The supervisor must comply with the requirements set out in the Act and §111.154.
- (c) Intern Plan and Agreement of Supervision Form. An Audiology Intern Plan and Agreement of Supervision Form shall be submitted in a manner prescribed by the department and completed by both the applicant and the proposed supervisor. The proposed supervisor must meet the requirements set out in the Act and §111.154.
 - (1) Written approval from the department shall be required prior to practice by the intern in audiology. The Audiology Intern Plan and Agreement of Supervision Form shall be submitted upon:
 - (A) application for an intern license;
 - (B) any changes in supervision; and
 - (C) the addition of other supervisors.
 - (2) If more than one audiologist agrees to supervise the intern, each proposed supervisor must submit an Audiology Intern Plan and Agreement of Supervision Form.
 - (3) The intern may not practice without an approved Audiology Intern Plan and Agreement of Supervision Form. The supervisor may not allow an intern to practice before an Audiology Intern Plan and Agreement of Supervision Form is approved.
 - (4) If the supervisor ceases supervision of the intern, the supervisor shall notify the department, in a manner prescribed by the department, and shall inform the intern to stop practicing immediately. The supervisor is responsible for the practice of the intern until notification has been received by the department.
 - (5) If the intern's supervisor ceases supervision, the intern shall stop practicing immediately. The intern may not practice until a new Audiology Intern Plan and Agreement of Supervision Form has been submitted to and approved by the department.
- (d) Internship Requirements. The internship shall:
 - (1) begin after completion of all academic course work under §111.80;
 - (2) consist of 1,600 hours of supervised clinical work as defined in paragraph (3); and
 - (3) involve primarily clinical activities such as assessment, diagnosis, evaluation, screening, treatment, report writing, family/client consultation, and/or counseling related to the management process of individuals.

- (e) Changes in Internship. Prior to implementing changes in the internship, written approval from the department is required.
 - (1) If the intern changes his or her supervisor or adds additional supervisors, a current Audiology Intern Plan and Agreement of Supervision Form shall be submitted by the new proposed supervisor and approved by the department before the intern may resume practice as prescribed under subsection (c).
 - (2) If the intern changes his or her supervisor, the Audiology Report of Completed Internship Form shall be completed by the former supervisor and the intern and submitted to the department upon completion of that portion of the internship. It is the decision of the former supervisor to determine whether the internship meets the department's requirements. The department shall review the form and inform the intern of the results.
 - (3) A supervisor who ceases supervising an intern shall submit an Audiology Report of Completed Internship Form for the portion of the internship completed under his or her supervision. This must be submitted within 30 days of the date the supervision ended.
 - (4) If no hours were earned under an approved supervisor, the licensed intern or the approved supervisor must submit a signed, written statement that no hours were earned and provide the reason.
 - (5) If the intern changes his or her employer but the supervisor and the number of hours employed per week remain the same, the supervisor shall submit a signed statement or submit in a manner prescribed by the department giving the name, address and phone number of the new location. This must be submitted within thirty (30) days of the date the change occurred.
- (f) Notwithstanding the supervision provisions in this section, the department may establish procedures, processes, and mechanisms for the monitoring and reporting of the supervision requirements.

111.82. Intern in Audiology License--Practice and Duties of Interns. *(New section adopted effective May 1, 2018, 43 TexReg 2544)*

- (a) A licensed intern in audiology (intern) must perform assigned duties under the supervision of a licensed audiologist who has been approved by the department to serve as the intern's supervisor (supervisor).
- (b) In any professional context the intern must indicate the intern's status as a licensed intern in audiology.
- (c) The intern may continue to practice while awaiting the processing of the audiology license if the intern meets the following conditions:
 - (1) holds a valid intern in audiology license;
 - (2) practices under the supervision of the current supervisor, who filed the Audiology Intern Plan and Agreement of Supervision Form and the Report of Completed Internship in Audiology; and
 - (3) practices under the terms of the current Audiology Intern Plan and Agreement of Supervision Form.

111.85. Intern in Audiology License--Application and Eligibility Requirements. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on department-approved forms.
- (b) An applicant for an intern in audiology license must submit the following required documentation:

- (1) a completed application on a department-approved form;
 - (2) a Course Work and Clinical Experience Form for Audiology Intern completed by the university program director or designee of the college or university attended which verifies the applicant is enrolled in a professionally recognized accredited doctoral program as approved by the department, and has completed all required academic and clinical course work;
 - (3) an Intern Plan and Agreement of Supervision Form completed by the proposed supervisor and signed by both the applicant and the proposed supervisor;
 - (4) proof of successfully completing the Texas Jurisprudence Examination under §111.23; and
 - (5) the initial application fee required under §111.160.
- (c) If not previously submitted when applying for an assistant license, an applicant for an intern in audiology license must submit a completed legible set of fingerprints, on a form prescribed by the department, to the Department of Public Safety for the purpose of obtaining criminal history record information. An applicant must successfully pass a criminal history background check.
- (d) An applicant must complete all licensing requirements within one year from the date the application was submitted. After that year an applicant will be required to submit a new application and all required materials in addition to paying a new application fee.

111.86. Intern in Audiology License--Issuing License. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) The department will issue an applicant, whose application has been approved, a license containing the licensee's name, license number, and expiration date.
- (b) An intern in audiology license issued by the department remains the property of the department.
- (c) The department will issue a duplicate license upon written request using a department-approved form or in a manner prescribed by the department and payment of the duplicate/replacement fee under §111.160.

111.87. Intern in Audiology License--License Terms; Renewals. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) An intern in audiology license is valid for one year from the date of issuance and may be renewed annually.
- (b) A licensee is responsible for submitting all required documentation and information and paying the renewal application fee prior to the expiration date of the license.
- (c) To renew an intern in audiology license, a licensee must:
 - (1) submit a completed renewal application on a department-approved form;
 - (2) submit an Intern Plan and Agreement of Supervision Form for the intern's upcoming experience unless the intern is currently not practicing. In that event, the intern shall provide an explanation of the reason for not practicing; and
 - (3) submit the license renewal fee required under §111.160.
- (d) A licensee must successfully pass a criminal history background check in order to renew the license; however, the licensee does not need to submit new fingerprints.
- (e) The department may deny the renewal of the license pursuant to Texas Occupations Code §401.451.

- (f) If all conditions required for renewal are met prior to expiration, the department shall issue a renewed license.
- (g) A person whose license has expired may late renew the license in accordance with the procedures set out under §60.31 and §60.83 of this title.
- (h) A person whose license has expired may not practice or engage in audiology.

SUBCHAPTER J. REQUIREMENTS FOR ASSISTANT IN AUDIOLOGY LICENSE.

111.90. Assistant in Audiology License--Licensing Requirements--Education and Training. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) An individual shall not practice as an assistant in audiology without a current license issued by the department. An applicant for an assistant in audiology license shall meet the requirements set out in the Act and this section.
- (b) An assistant in audiology shall meet the following requirements:
 - (1) reach the minimum age of 18 years old and possess a high school diploma or equivalent;
 - (2) complete the approved 20-hour certification course from the Council for Accreditation of Occupational Hearing Conservation (CAOHC) and earn a passing score on the examination;
 - (3) if the applicant holds a bachelor degree or higher in communicative sciences or disorders, the applicant does not need to complete the certification course and examination under subsection (b)(2);
 - (4) submit the Supervisory Responsibility Statement for an Assistant in Audiology Form prescribed under §111.91; and
 - (5) submit a plan to complete a minimum of twenty-five (25) hours of job-specific competency-based training to be carried out by the supervisor. Until this training is complete, the licensed assistant in audiology may practice only under in-person, direct supervision by the supervisor.
- (c) Upon satisfactory completion of job-specific competency-based training under subsection (b)(5), the supervisor shall submit the Report of Completed Training for an Assistant in Audiology Form on behalf of the licensed assistant in audiology. After the department approves the report, the licensed assistant may practice only in compliance with the supervision requirements under §111.91 and §111.92.

111.91. Assistant in Audiology License--Supervision Requirements. *(New section adopted effective May 1, 2018, 43 TexReg 2544)*

- (a) A licensed assistant in audiology (assistant) must be supervised by a licensed audiologist who has been approved by the department to serve as the assistant's supervisor (supervisor).
- (b) A supervisor must agree to assume responsibility for all services provided by the assistant. The supervisor must comply with the requirements set out in the Act and §111.154.
- (c) Supervisory Responsibility Statement Form. A Supervisory Responsibility Statement Form shall be submitted in a manner prescribed by the department by both the applicant and the proposed supervisor. The proposed supervisor must meet the requirements set out in the Act and §111.154.
 - (1) Approval from the department shall be required prior to practice by the licensed assistant in audiology. The Supervisory Responsibility Statement for an Assistant in Audiology Form shall be

submitted upon:

- (A) application for a license;
 - (B) any changes in supervision; and
 - (C) addition of other supervisors.
- (2) If more than one audiologist agrees to supervise the assistant, each proposed supervisor must submit a separate Supervisory Responsibility Statement Form in a manner prescribed by the department.
- (3) The assistant may not practice without an approved Supervisor Responsibility Statement Form. The supervisor may not allow an assistant to practice before a Supervisor Responsibility Statement Form is approved.
- (4) The assistant shall only provide services for the caseload of the assistant's supervisors who have current Supervisor Responsibility Statement Forms on file with the department.
- (5) If the supervisor ceases supervision of the assistant, the supervisor shall notify the department, in a manner prescribed by the department, and shall inform the assistant to stop practicing immediately. The supervisor is responsible for the practice of the assistant until notification has been received by the department.
- (6) If the assistant's supervisor ceases supervision, the assistant shall stop practicing immediately. The assistant may not practice until a new Supervisor Responsibility Statement Form has been submitted to and approved by the department.
- (d) A supervisor shall assign duties and provide appropriate supervision to the assistant.
- (e) Client Contacts.
- (1) All diagnostic contacts shall be conducted by the supervisor.
 - (2) Following the initial diagnostic contact, the supervisor shall determine whether the assistant has the competence to perform specific non-diagnostic and non-prohibited duties before delegating tasks as referenced in §111.92(c).
- (f) Amount and Type of Supervision. Each supervisor must provide a minimum of ten (10) hours per week, or forty (40) hours per calendar month, of supervision to the assistant. This subsection applies whether the assistant is employed full-time or part-time.
- (1) At least one (1) hour per week, or four (4) hours per calendar month, must be direct supervision.
 - (2) The remaining hours may be performed using indirect supervision.
 - (3) If fewer than four (4) weeks are worked in a calendar month, then the number of hours of supervision provided will be based on the number of weeks worked. Ten (10) hours of supervision must be provided for each week worked, including one (1) hour of direct supervision.
 - (4) The supervisor shall provide in-person, direct supervision for the duties described under §§111.92(c)(1) - (4).
 - (5) For the purposes of this subsection, the telehealth and telepractice provisions described under §111.215 may be used except for duties described under §§111.92(c)(1) - (4) where the supervisor must provide in-person, direct supervision.

- (6) When determining the amount and type of supervision, the supervisor must consider the skill and experience of the assistant as well as the services to be provided. The supervision hours established in this paragraph may be exceeded as determined by the supervisor.
- (g) Delegating Clinical Tasks.
 - (1) Although the supervisor may delegate specific clinical tasks to an assistant, the responsibility to the client for all services provided cannot be delegated.
 - (2) The supervisor shall ensure that all services are documented and provided in compliance with the Act and this chapter.
 - (3) The supervisor shall:
 - (A) in writing, determine the skills and assigned tasks the assistant is able to carry out under §111.92. This document must be agreed upon by the assistant and the supervisor;
 - (B) notify the client or client's legal guardian(s) that services will be provided by a licensed assistant; and
 - (C) maintain responsibility for the services provided by the assistant.
- (h) Records. The supervisor shall maintain the following records.
 - (1) Supervisory records shall be maintained by the supervisor for a period of three years which verify regularly scheduled monitoring, assessment, and evaluation of the assistant's and client's performance. Such documentation may be requested by the department.
 - (2) The supervisor shall keep job descriptions and performance records. Records shall be current and be made available upon request to the department.
- (i) Supervision Audits. The department may audit a random sampling of assistants for compliance with this section and §111.154.
 - (1) The department shall notify an assistant and the supervisor in a manner prescribed by the department that the assistant has been selected for an audit.
 - (2) Upon receipt of an audit notification, the assistant and the supervisor, who agreed to accept responsibility for the services provided by the assistant, shall provide the requested proof of compliance to the department in a manner prescribed by the department.
 - (3) The assistant and the supervisor shall comply with the department's request for documentation and information concerning compliance with the audit.
- (j) Notwithstanding the supervision provisions in this section, the department may establish procedures, processes, and mechanisms for the monitoring and reporting of the supervision requirements.

111.92. Assistant in Audiology License--Practice and Duties of Assistants. *(New section adopted effective May 1, 2018, 43 TexReg 2544)*

- (a) A licensed assistant in audiology (assistant) must perform assigned duties under the supervision of a licensed audiologist who has been approved by the department to serve as the assistant's supervisor (supervisor).
- (b) The assistant may execute specific components of the clinical hearing program if the supervisor:

- (1) determines that the assistant has received the training and has the skill to accomplish that task; and
 - (2) provides sufficient supervision to ensure appropriate completion of the task assigned to the assistant.
- (c) Duties that a supervisor may assign to an assistant, who has received appropriate training, include the following:
- (1) under in-person, direct supervision, conduct or participate in, hearing screening including screening otoscopy, tympanometry, otoacoustic emissions procedures and pure tone air conduction procedures, but may not diagnose hearing loss or disorders of the auditory system, or make statements of severity or implication;
 - (2) under in-person, direct supervision, assist the audiologist with play audiometry, visual reinforcement audiometry, and tasks such as picture-pointing speech audiometry;
 - (3) under in-person, direct supervision, assist the audiologist in the evaluation of difficult-to-test patients;
 - (4) under in-person, direct supervision, assist the audiologist with technical tasks for diagnostic evaluation such as preparing test rooms, attaching electrodes, and preparing patients prior to procedures;
 - (5) maintain clinical records;
 - (6) prepare clinical materials;
 - (7) participate with the supervisor in research projects, staff development, public relations programs, or similar activities as designated and supervised by the supervisor;
 - (8) maintain equipment by conducting biologic and electroacoustic calibration of audiometric equipment, perform preventative maintenance checks and safety checks of equipment;
 - (9) explain the proper care of hearing instruments and assistive listening devices to patients;
 - (10) maintain hearing instruments including cleaning, replacing ear mold tubing, minor hearing instrument repairs, determining need for repair, and performing biologic and electroacoustic checks of hearing instruments;
 - (11) provide case history and/or self-assessment forms and clarify questions on the forms to patients as needed;
 - (12) conduct basic record keeping and prepare paperwork for signature by the audiologist;
 - (13) coordinate ear mold and hearing instrument records or repairs and other orders;
 - (14) attach hearing aids to computers and use software to verify internal electroacoustic settings; and
 - (15) perform other non-diagnostic duties not prohibited in subsection (d), for which the assistant has been trained and demonstrates appropriate skills, as assigned by the supervisor.
- (d) The assistant shall not:
- (1) conduct aural habilitation or rehabilitation activities or therapy;

- (2) provide carry-over activities (therapeutically designed transfer of a newly acquired communication ability to other contexts and situations) for patients in aural rehabilitation therapy;
 - (3) collect data during aural rehabilitation therapy documenting progress and results of therapy;
 - (4) administer assessments during aural rehabilitation therapy to assess therapeutic progress;
 - (5) conduct any audiological procedure that requires decision-making or leads to a diagnosis;
 - (6) interpret results of procedures and evaluations, except for screening tests;
 - (7) make diagnostic statements, or propose or develop clinical management strategies;
 - (8) make ear impressions;
 - (9) cause any substance to enter the ear canal or place any instrument or object in the ear canal for the purpose of removing cerumen or debris;
 - (10) make any changes to the internal settings of a hearing instrument manually or using computer software;
 - (11) represent audiology at staffing meetings or on an admission, review and dismissal (ARD) committee;
 - (12) attend staffing meetings or ARD committee meetings without the supervisor being present;
 - (13) design a treatment program;
 - (14) determine case selection;
 - (15) present written or oral reports of client information, except to his or her supervisor;
 - (16) refer a client to other professionals or other agencies;
 - (17) use any title which connotes the competency of a licensed audiologist; or
 - (18) practice as an assistant without a valid Supervisory Responsibility Statement for an Audiology Assistant Form on file with the department.
- (e) In any professional context the assistant must indicate the assistant's status as a licensed audiology assistant.
- (f) A licensed assistant in audiology may not engage in the fitting, dispensing or sale of a hearing instrument under this chapter; however, a licensed assistant in audiology who is licensed under the Texas Occupations Code, Chapter 402 may engage in activities as allowed by that law and is not considered to be functioning under his or her assistant in audiology license when performing those activities.

111.95. Assistant in Audiology License--Application and Eligibility Requirements. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on department-approved forms.
- (b) An applicant for an assistant in audiology license must submit the following required documentation:
 - (1) a completed application on a department-approved form;

- (2) a completed Supervisory Responsibility Statement Form as prescribed under §111.91;
 - (3) certification on the application that the applicant is at least 18 years old;
 - (4) high school diploma or equivalent;
 - (5) an original or certified copy of the Council for Accreditation of Occupational Hearing Conservation (CAOHC) certificate indicating that the applicant has completed the required CAOHC training and passed the required examination;
 - (6) if the applicant holds a bachelor's degree or higher in communicative sciences or disorders, submit proof of degree instead of the certificate under subsection (b)(5);
 - (7) proof of successfully completing the Texas Jurisprudence Examination under §111.23; and
 - (8) the initial application fee required under §111.160.
- (c) An applicant for an assistant in audiology license must submit a completed legible set of fingerprints, on a form prescribed by the department, to the Department of Public Safety for the purpose of obtaining criminal history record information. An applicant must successfully pass a criminal history background check.
 - (d) An applicant must complete all licensing requirements within one year from the date the application was submitted. After that year an applicant will be required to submit a new application and all required materials in addition to paying a new application fee.

111.96. Assistant in Audiology License--Issuing License. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) The department will issue an applicant, whose application has been approved, a license containing the licensee's name, license number, and expiration date.
- (b) An assistant in audiology license issued by the department remains the property of the department.
- (c) The department will issue a duplicate license upon written request using a department-approved form or in a manner prescribed by the department and payment of the duplicate/replacement fee under §111.160.

111.97. Audiology Assistant License--License Terms; Renewals. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) An assistant in audiology license is valid for two years from the date of issuance and may be renewed biennially.
- (b) A licensee is responsible for submitting all required documentation and information and paying the renewal application fee prior to the expiration date of the license.
- (c) To renew an assistant in audiology license, a licensee must:
 - (1) submit a completed renewal application on a department-approved form;
 - (2) complete 20 hours of continuing education as required under §111.130;
 - (3) comply with the continuing education audit process described under §111.132, if selected for an audit;
 - (4) submit, in a manner prescribed by the department, a Supervisory Responsibility Statement Form

or information from each supervisor unless the assistant is currently not practicing or the supervisor(s) has not changed; and

- (5) submit the license renewal fee required under §111.160.
- (d) A licensee must successfully pass a criminal history background check in order to renew the license; however, the licensee does not need to submit new fingerprints.
- (e) The department may deny the renewal of the license pursuant to Texas Occupations Code §401.451.
- (f) If all conditions required for renewal are met prior to expiration, the department shall issue a renewed license.
- (g) A person whose license has expired may late renew the license in accordance with the procedures set out under §60.31 and §60.83 of this title.
- (h) A person whose license has expired may not practice or engage in audiology.

SUBCHAPTER L. REQUIREMENTS FOR DUAL LICENSE IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY.

111.110. Dual License in Speech-Language Pathology and Audiology--Licensing Requirements. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

An applicant for a dual license in speech-language pathology and in audiology as referenced in the Act shall meet the requirements set out in §111.30 and §111.70.

111.115. Dual License in Speech-Language Pathology and Audiology--Application and Eligibility Requirements. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on department-approved forms.
- (b) An applicant for a dual license in speech-language pathology and audiology must submit the following required documentation:
 - (1) all of the documentation required under §111.35 for a Speech-Language Pathology License;
 - (2) all of the documentation required under §111.75 for an Audiology License;
 - (3) proof of successfully completing the Texas Jurisprudence Examination under §111.23; and
 - (4) two separate initial application fees required under §111.160, or if the applicant already holds one of the licenses, the initial application fee required under §111.160 for the other license.
- (c) If not previously submitted when applying for a full license, assistant license, or intern license, an applicant for a dual license must submit a completed legible set of fingerprints, on a form prescribed by the department, to the Department of Public Safety for the purpose of obtaining criminal history record information, unless the applicant has already submitted fingerprints as part of a single license. An applicant must successfully pass a criminal history background check.
- (d) An applicant that qualifies for a waiver under §111.35 or §111.75 must submit the waiver documentation required under those two sections.

111.116. Dual License in Speech-Language Pathology and Audiology--Issuing License. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) The department will issue an applicant, whose application has been approved, a license containing the licensee's name, license number, and expiration date.
- (b) A dual license in speech-language pathology and audiology issued by the department remains the property of the department.
- (c) The department will issue a duplicate license upon written request using a department-approved form or in a manner prescribed by the department and payment of the duplicate/replacement fee under §111.160.

111.117. Dual License in Speech-Language Pathology and Audiology--License Terms; Renewals. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) A dual license in speech-language pathology and audiology is valid for two years from the date of issuance and may be renewed biennially.
- (b) A licensee is responsible for submitting all required documentation and information and paying the renewal application fee prior to the expiration date of the license.
- (c) To renew a dual license in speech-language pathology and audiology, a licensee must:
 - (1) submit a separate renewal application form and other documents required under §111.37 and §111.77;
 - (2) complete 30 hours of continuing education as required under §111.130;
 - (3) comply with the continuing education audit process described under §111.132, if selected for an audit; and
 - (4) pay two separate license renewal fees required under §111.160.
- (d) A licensee must successfully pass a criminal history background check in order to renew the license; however, the licensee does not need to submit new fingerprints.
- (e) The department may deny the renewal of the license pursuant to Texas Occupations Code §401.451.
- (f) If all conditions required for renewal are met prior to expiration, the department shall issue a renewed license.
- (g) A person whose license has expired may late renew the license in accordance with the procedures set out under §60.31 and §60.83 of this title.
- (h) A person whose license has expired may not practice or engage in speech-language pathology or audiology.

SUBCHAPTER N. CONTINUING PROFESSIONAL EDUCATION.

111.130. Continuing Professional Education--Requirements and Hours. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) Continuing professional education is required for the following licenses under this chapter:
 - (1) speech-language pathology license;
 - (2) intern in speech-language pathology license;

- (3) assistant in speech-language pathology license;
 - (4) audiology license;
 - (5) assistant in audiology license; and
 - (6) dual license in speech-language pathology and audiology.
- (b) The intern in audiology license is exempt from the continuing professional education requirements.
 - (c) A continuing education unit (CEU) is the basic unit of measurement used to credit individuals with continuing education activities for licensure. One CEU is defined as 10 clock hours of participation in an approved continuing education experience.
 - (d) Pursuant to 16 Texas Administrative Code (TAC) Chapter 59, a continuing education hour (clock hour) shall be 50 minutes of attendance in an approved continuing education course.
 - (e) The following minimum continuing education hours and units are required to renew a license:
 - (1) License issued for a two-year term: 20 clock hours (two CEUs), with 2 clock hours (0.2 CEUs) in ethics;
 - (2) Dual license in speech-language pathology and audiology (two-year term): 30 clock hours (three CEUs), with 2 clock hours (0.2 CEUs) in ethics; and
 - (3) Intern in speech-language pathology license (one-year term): 10 clock hours (1 CEUs), with 1 clock hour (0.1 CEU) in ethics.
 - (f) Continuing education hours earned before the original effective date of a license are not acceptable.
 - (g) Earned continuing education hours exceeding the minimum requirement in a previous renewal period shall first be applied to the continuing education requirement for the current renewal period.
 - (1) A maximum of 10 additional clock hours may be accrued during a license period to be applied to the next consecutive renewal period. Two of the 10 additional clock hours of the rollover hours may be in ethics.
 - (2) A maximum of 15 additional clock hours may be accrued by dual speech-language pathology and audiology licensees during a license period to be applied to the next consecutive renewal period.

111.131. Continuing Professional Education--Courses and Credits. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) Continuing professional education shall be earned in one of the following areas:
 - (1) basic communication processes;
 - (2) speech-language pathology;
 - (3) audiology;
 - (4) ethics; or
 - (5) an area of study related to the areas listed in paragraphs (1) - (4).

- (b) Any continuing education activity shall be provided by a department approved provider with the exception of activities referenced in subsection (c). A list of department approved providers shall be made available to all licensees on the department's website.
- (c) University or college course work completed with a grade of at least a "C" or for credit from an accredited college or university in the areas listed in subsection (a)(1) - (4) shall be approved for 10 continuing education hours per semester hour, with a maximum of 20 continuing education hours per course.
- (d) Completion of the Jurisprudence Examination shall count as one hour of the continuing education requirement for professional ethics per renewal period.

111.132. Continuing Professional Education--Records and Audits. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) The licensee shall be responsible for maintaining a record of his or her continuing education experiences for at least three years.
- (b) Proof of completion of a valid continuing education experience shall include the name of the licensee, the provider of the event, the title and date of the event, and the number of continuing education hours earned. Acceptable verification shall be:
 - (1) a letter, Continuing Education (CE) registry, or form bearing a valid signature or verification as designated by the department approved provider;
 - (2) in the event verification referenced in paragraph (1) of this subsection cannot be obtained, the department may accept verification from the presenter of an approved event if the presenter can also provide proof that the event was acceptable to an approved provider; or
 - (3) an original or certified copy of the university or college transcript if earned under §111.131(c).
- (c) The documentation, certificates, diplomas, or other documentation verifying earning of continuing education hours shall not be forwarded to the department at the time of renewal unless the department selected the licensee for audit.
- (d) The audit process shall be as follows.
 - (1) The department shall select for audit a random sample of license holders for each renewal month. License holders will be notified of the continuing education audit when they receive their renewal documentation.
 - (2) If selected for an audit, the licensee shall submit copies of certificates, transcripts or other documentation satisfactory to the department, verifying the licensee's attendance, participation and completion of the continuing education. All documentation must be provided at the time of renewal.
 - (3) Failure to timely furnish this information or providing false information during the audit process or the renewal process are grounds for disciplinary action against the license holder.
 - (4) A licensee who is selected for continuing education audit may renew through the online renewal process. However, the license will not be considered renewed until required continuing education documents are received, accepted and approved by the department.
 - (5) Licenses will not be renewed until Continuing Education requirements have been met.

SUBCHAPTER O. RESPONSIBILITIES OF THE COMMISSION AND THE DEPARTMENT.

111.140. Rules. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) Pursuant to the authority under Texas Occupations Code §51.203, the commission shall adopt rules necessary to implement the Speech-Language Pathologists and Audiologists program. Pursuant to 16 TAC §60.22, the department is authorized to propose rules.
- (b) The commission has adopted rules governing changes to the standards of practice rules pursuant to §51.2031. These rules are located at 16 TAC Chapter 100.

SUBCHAPTER P. RESPONSIBILITIES OF THE LICENSEE AND CODE OF ETHICS.

111.150. Changes of Name, Address or Other Information. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) A licensee is required to provide current name, address, telephone number, and employment information. The licensee shall notify the department of any changes within thirty (30) days of such changes on a department-approved form or using a department-approved method.
- (b) A request to change the name currently on record must be submitted in writing with a copy of a divorce decree, marriage certificate, legal name change document, or social security card showing the new name. The licensee shall submit the duplicate/replacement fee required under §111.160.

111.151. Consumer Information and Display of License. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) A licensee shall notify each client of the name, mailing address, telephone number and website of the department for the purpose of directing complaints to the department. A licensee shall display this notification:
 - (1) on a sign prominently displayed in the primary place of business of each licensee; and
 - (2) on a written document such as a written contract, a bill for service, or office information brochure provided by the licensee to a client or third party.
- (b) A licensee shall display the license certificate with a current license card as issued by the department in the primary location of practice.
- (c) A licensee shall not make any alteration on official documents issued by the department.

111.152. Advertising. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

A licensee shall not present false, misleading, deceptive, or non-verifiable information relating to the services of the licensee or any person supervised or employed by the licensee.

111.153. Recordkeeping and Billing. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) A licensee shall maintain accurate records of professional services rendered.
- (b) Records must be maintained for a minimum of five consecutive years or longer as warranted.
- (c) Records are the responsibility and property of the entity or individual who owns the practice or the practice setting.

- (d) Records created as a result of treatment in a school setting shall be maintained as part of the student's permanent school record.
- (e) A licensee shall bill a client or a third party only for the services actually rendered in the manner agreed to by the licensee and the client or the client's authorized representative.
- (f) A licensee shall provide, in clear language, a written explanation of the charges for speech-language pathology and/or audiology services previously made on a bill or statement for the client upon the written request of a client, a client's guardian, or a client's parent, if the client is a minor.
- (g) A licensee shall comply with the Health and Safety Code §311.0025, which prohibits improper, unreasonable, or medically unnecessary billing by hospitals or health care professionals.
- (h) A licensee shall use current and appropriate diagnostic and procedure codes.

111.154. Requirements, Duties, and Responsibilities of Supervisors and Persons Being Supervised. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) A licensee must have two years of professional experience in providing direct client services in the area of licensure in order to supervise an intern or assistant. The licensee's internship year shall be counted toward the two years of experience.
- (b) A licensee may not supervise an individual that is related to the licensee within the first degree of consanguinity, as determined under Government Code, Chapter 573, Subchapter B.
- (c) A supervisor of an intern in speech-language pathology must be a licensed speech-language pathologist who is approved by the department and who possesses at least a master's degree with a major in one of the areas of communicative sciences or disorders.
- (d) A supervisor of an assistant in speech-language pathology must be a licensed speech-language pathologist who is approved by the department.
- (e) A supervisor of an intern in audiology or an assistant in audiology must be a licensed audiologist who is approved by the department.
- (f) A supervisor of an intern or assistant shall:
 - (1) ensure that all services provided are in compliance with this chapter and the Act, such as verifying:
 - (A) the intern or assistant holds a current license;
 - (B) the supervisor has been approved by the department;
 - (C) the practice and duties of the intern or assistant are appropriate; and
 - (D) the intern or assistant is qualified to perform the procedure;
 - (2) be responsible for all client services performed by the intern or assistant;
 - (3) provide appropriate supervision after the department approves the supervisory agreement; and
 - (4) comply with the following:
 - (A) supervise no more than a total of four (4) speech-language pathology interns and/or assistants; or

- (B) supervise no more than a total of four (4) audiology interns and/or assistants.
- (g) In addition to the provisions listed in subsection (f), a supervisor of an assistant shall:
 - (1) be responsible for evaluations, interpretation, and case management; and
 - (2) not designate anyone other than a licensed speech-language pathologist or intern in speech-language pathology to represent speech-language pathology to an Admission, Review, and Dismissal (ARD) meetings, except as provided by §111.51 and §111.52.
- (h) A licensed intern or assistant shall abide by the decisions made by his or her supervisor relating to the intern's or assistant's practice and duties. If the supervisor requests that the intern or assistant violate this chapter, the Act, or any other law, the intern or assistant shall refuse to do so and immediately notify the department and any other appropriate authority.

111.155. Standards of Ethical Practice (Code of Ethics). *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) A licensee shall:
 - (1) engage in only those aspects of the profession that are within the scope of the licensee's competence considering level of education, training, and experience;
 - (2) insure a safe therapy environment;
 - (3) provide services as specified in the treatment plan, Individual Education Plan (IEP), or Individualized Family Service Plans (IFSP);
 - (4) seek appropriate medical consultation whenever indicated;
 - (5) seek to identify competent, dependable referral sources for clients;
 - (6) maintain objectivity in all matters concerning the welfare of the client;
 - (7) ensure that all equipment used is in proper working order and is properly calibrated;
 - (8) terminate a professional relationship when it is reasonably clear that the client is not benefiting from the services being provided;
 - (9) provide accurate information to clients and the public about the nature and of communication disorders and about the profession and the services rendered;
 - (10) notify the department in writing of changes of name, highest academic degree granted, address, and telephone number. The department is not responsible for lost, misdirected, or undelivered mail;
 - (11) notify the department of changes in name or mailing address within 30 days of such change(s). Notification must include the name, mailing address, and zip code, and be mailed, faxed, or sent by electronic mail to the department;
 - (12) inform the department of violations of the Act, this code of ethics, or of any other provision of this chapter;
 - (13) comply with any order relating to the licensee which is issued by the department;
 - (14) report in accordance with the Family Code §261.101(b), if there is cause to believe that a child's

physical or mental health or welfare has been or may be adversely affected by abuse or neglect by any person;

- (15) cooperate with the department by promptly furnishing required documents and by promptly responding to a request for information from, or a subpoena issued by, the department or the department's designee;
 - (16) be subject to disciplinary action by the department if the licensee or registrant is issued a written reprimand, is assessed a civil penalty by a court, or has an administrative penalty imposed by the attorney general's office under the Texas Code of Criminal Procedure, Article 56.31 (relating to the Crime Victims Compensation Act);
 - (17) comply with the Health and Safety Code, Chapter 85, Subchapter I, concerning the prevention of the transmission of HIV or Hepatitis B virus by infected health care workers; and
 - (18) fully inform clients of the:
 - (A) results of an evaluation within sixty (60) days, upon request;
 - (B) nature and possible effects of the services rendered; and
 - (C) nature, possible effects, and consequences of activities if the client is participating in research or teaching activities.
- (b) A licensee shall not:
- (1) engage in the medical treatment of speech-language and hearing disorders;
 - (2) jeopardize a client's safety by any inattentive behavior;
 - (3) guarantee, directly or by implication, the results of any therapeutic procedures except as follows:
 - (A) a reasonable statement of prognosis may be made; and
 - (B) caution must be exercised not to mislead clients to expect results that cannot be predicted from reliable evidence;
 - (4) delegate any service requiring professional competence of a licensee or registrant to anyone not licensed or registered for the performance of that service;
 - (5) provide services if the services cannot be provided with reasonable skill or safety to the client;
 - (6) provide any services which create an unreasonable risk that the client may be mentally or physically harmed;
 - (7) engage in sexual contact, including intercourse, kissing, or fondling, with a client or an assistant, intern, or student supervised by the licensee;
 - (8) use alcohol or drugs when the use adversely affects or could adversely affect the licensee's provision of professional services;
 - (9) reveal, without authorization, any professional or personal information about the person served professionally, unless required by law to do so, or unless doing so is necessary to protect the welfare of the person or of the community;
 - (10) participate in activities that constitute a conflict of professional interest which may include the

following:

- (A) exclusive recommendation of a product that the licensee owns or has produced;
 - (B) lack of accuracy in the performance description of a product a licensee or registrant has developed; or
 - (C) restriction of freedom of choice for sources of services or products;
- (11) use his or her professional relationship with a client, intern, assistant, or student to promote for personal gain or profit any item, procedure, or service unless the licensee or registrant has disclosed to the client, intern, assistant, or student the nature of the licensee's or registrant's personal gain or profit;
 - (12) misrepresent his or her training or competence;
 - (13) falsify records;
 - (14) aid or abet the practice of an unlicensed person when that person is required to have a license under the Act;
 - (15) interfere with a department investigation or disciplinary proceeding by willful misrepresentation or omission of facts to the department or the department's designee or by the use of threats or harassment against any person;
 - (16) intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for securing or soliciting clients or patronage for or from any health care professional. The provisions of the Texas Health and Safety Code §161.091, concerning the prohibition of illegal remuneration apply to licensees;
 - (17) endanger the health, welfare, or safety of the public; or
 - (18) use threats, threatening behavior, or acts of violence towards clients, employees, or employers.

SUBCHAPTER Q. FEES.

111.160. Fees. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) All fees paid to the department are nonrefundable.
- (b) Speech Language Pathology License (including upgrade from intern license):
 - (1) Initial application fee (includes two-year initial license)--\$150.
 - (2) Renewal application fee (for two-year license)--\$100.
- (c) Intern in Speech Language Pathology License:
 - (1) Initial application fee (includes one-year initial license)--\$75.
 - (2) Renewal application fee (for one year license)--\$75;
- (d) Assistant in Speech Language Pathology License:

- (1) Initial application fee (includes two-year initial license)--\$150.
- (2) Renewal application fee (for two-year license)--\$100.
- (e) Audiology License (including upgrade from intern license):
 - (1) Initial application fee (includes two-year initial license)--\$150.
 - (2) Renewal application fee (for two-year license)--\$100.
- (f) Intern in Audiology License:
 - (1) Initial application fee (includes one-year initial license)--\$75.
 - (2) Renewal application fee (for one-year license)--\$75.
- (g) Assistant in Audiology License:
 - (1) Initial application fee (includes two-year initial license)--\$150.
 - (2) Renewal application fee (for two-year license)--\$100.
- (h) Dual License in Speech Language Pathology and Audiology:
 - (1) Initial application fee (includes two-year initial license):
 - (A) An applicant for a dual license in speech-language pathology and audiology shall submit two separate initial application fees for speech-language pathology and audiology.
 - (B) An applicant who currently holds one license and wishes to obtain a dual license shall submit the initial application fee for the other license.
 - (2) Renewal application fee (for two-year license): Each license must be renewed separately and fees will be determined separately.
- (i) A duplicate/replacement fee for a license or certificate issued under this chapter is \$25.
- (j) Late renewal fees for licenses issued under this chapter are provided under §60.83 of this title (relating to Late Renewal Fees).
- (k) A dishonored/returned check or payment fee is the fee prescribed under §60.82 of this title (relating to Dishonored Payment Device).
- (l) The fee for a criminal history evaluation letter is the fee prescribed under §60.42 of this title (relating to Criminal History Evaluation Letters).

SUBCHAPTER R. COMPLAINTS.

111.170. Telephone Number for Complaints. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

The department shall list with its regular telephone number any toll-free telephone number established under other state law that may be called to present a complaint about a health professional.

111.171. Complaints Regarding Standard of Care. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

The commission has adopted rules related to handling complaints regarding standard of care pursuant to Texas Occupations Code §51.2031. These rules are located at 16 Texas Administrative Code Chapter 100.

SUBCHAPTER S. ENFORCEMENT PROVISIONS.

111.180. Administrative Penalties and Sanctions. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

If a person or entity violates any provision of Texas Occupations Code, Chapters 51 or 401, this chapter, or any rule or order of the executive director or commission, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both in accordance with the provisions of Texas Occupations Code, Chapters 51 and 401, as applicable, and any associated rules.

111.181. Enforcement Authority. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

The enforcement authority granted under Texas Occupations Code, Chapters 51 and 401 and any associated rules may be used to enforce Texas Occupations Code, Chapter 401 and this chapter.

111.182. Refunds. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) The commission or executive director may order an audiologist to pay a refund to a consumer who returns a hearing instrument(s) during the 30-day trial period required by the rules adopted under Subchapter W (regarding Joint Rule Regarding the Sale of Hearing Instruments).
- (b) If the 30-day period ends on a Sunday or a holiday, then the 30-day period shall not expire until the next business day.
- (c) The licensee shall have thirty (30) days from the date of a consumer's return of the hearing instrument(s) to reimburse the consumer.
- (d) In the event that the licensee fails to reimburse the consumer within the prescribed period in subsection (c), then the licensee may be subject to additional penalties and/or sanctions provided for under the Act and rules.

111.183. Surrender of License. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) A licensee may offer to surrender the license to the executive director. The executive director will accept the voluntary surrender of the license and void it immediately.
- (b) When a licensee has offered the surrender of the license after a complaint has been filed alleging violations of the Act or this chapter, and the executive director has accepted the surrender, that surrender is deemed to be the result of a formal disciplinary action.
- (c) A license which has been surrendered and accepted may not be reinstated; however, that person may apply for a new license in accordance with the Act and this chapter.

SUBCHAPTER T. SCREENING PROCEDURES.

111.190. Communication Screening. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) Individuals licensed under the Act may participate in communication screening.
 - (b) Communication screening should include cursory assessments of language and speech to determine if
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further testing is indicated. Formal instruments and informal observations may be used for the assessment. If the screening is not passed, a detailed evaluation is indicated.

- (1) The aspects of language to be screened may include phonology, morphology, syntax, semantics, and pragmatics.
 - (2) The aspects of speech to be screened may include articulation or speech sound production, voice (including phonation and resonance), and fluency.
- (c) Language and speech screening should be conducted in the client's dominant language and primary mode of communication.

111.191. Hearing Screening. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) Individuals licensed under the Act may participate in hearing screening.
- (b) Hearing screening shall be performed and interpreted as follows.
 - (1) Use a screening level of 25 dB HL (ANSI, 1996) for pre-kindergarten and kindergarten, and 20 dB HL (ANSI, 1996) for grades 1 through 12, at the frequencies of 1,000, 2,000, and 4,000 hertz (Hz) in both ears.
 - (2) The criterion for failure is no response at the screening level at any one frequency in either ear.
 - (3) Screening failures shall be followed with a second pure-tone air conduction screening utilizing the same protocol within four weeks.
- (c) If the second pure-tone air conduction screening is failed, a recommendation shall be made for a professional evaluation by a licensed physician or a licensed audiologist. If the person screened was a minor, the recommendation shall be made to a parent or guardian.

111.192. Newborn Hearing Screening. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) Individuals licensed under the Act may participate in universal newborn hearing screening as defined by the Texas Health and Safety Code, Chapter 47.
- (b) Individuals licensed under this Act are subject to 25 TAC Chapter 37, regarding reporting hearing screening or audiologic outcomes to the Department of State Health Services (DSHS) through the designated electronic tracking system and 40 TAC §108.9, regarding referral of children under the age of three years to Early Childhood Intervention (ECI) within two days of identification.

SUBCHAPTER U. FITTING AND DISPENSING OF HEARING INSTRUMENTS.

111.200. Registration of Audiologists and Interns in Audiology to Fit and Dispense Hearing Instruments. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) The audiology license constitutes registration to fit and dispense hearing instruments.
- (b) The audiology intern license constitutes registration to fit and dispense hearing instruments under the supervision of a licensed audiologist approved by the department to supervise the internship.

111.201. General Practice Requirements of Audiologists and Interns in Audiology Who Fit and Dispense Hearing Instruments. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

In accordance with the Act, a licensed audiologist or licensed intern in audiology registered to fit and dispense hearing instruments shall:

- (1) adhere to the federal Food and Drug Administration regulations in accordance with 21 Code of Federal Regulations §801.420 and §801.421;
- (2) insure that all equipment used by the licensee within his or her scope of practice shall be calibrated to insure compliance with the American National Standards Institute (ANSI), S3.6, 1989, Specification for Audiometers, or S3.6, 1996, Specification for Audiometers;
- (3) receive a written statement before selling a hearing instrument that is signed by a licensed physician preferably one who specializes in diseases of the ear and states that the client's hearing loss has been medically evaluated during the preceding six-month period and that the client may be a candidate for a hearing instrument. If the client is age 18 or over, the registered audiologist or intern in audiology may inform the client that the medical evaluation requirement may be waived as long as the registered audiologist or intern in audiology:
 - (A) informs the client that the exercise of the waiver is not in the client's best health interest;
 - (B) does not encourage the client to waive the medical evaluation; and
 - (C) gives the client an opportunity to sign this statement: "I have been advised by (the name of the individual dispensing the hearing instrument) that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation by a licensed physician (preferably a physician who specializes in diseases of the ear) before purchasing a hearing instrument. I do not wish medical evaluation before purchasing a hearing instrument;" and
- (4) verify appropriate fit of the hearing instrument(s), which may include real ear measures, functional gain measures, or other professionally accepted measures.

111.202. Requirements of Audiologists and Interns in Audiology Conducting Audiometric Testing for the Purpose of Fitting and Dispensing Hearing Instruments. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

In accordance with the Act, a licensed audiologist or licensed intern in audiology who fits and dispenses hearing instruments, shall comply with this section when testing hearing for the purpose of determining the need for amplification and the verification of the appropriate fit of hearing instrument(s).

- (1) Licensees must adhere to the most current American National Standards Institute (ANSI) octave band criteria for permissible ambient noise levels during audiometric testing.
- (2) This requirement is best met when a stationary acoustical enclosure is utilized.
- (3) A stationary acoustical enclosure is any fixed enclosed space in which an individual is located for the purpose of testing hearing to threshold. A stationary acoustical enclosure may also be known as an audiometric or hearing test booth, room, suite, area, or space.
- (4) Procedures referenced in Texas Occupations Code §401.401, should be followed when testing outside of a stationary acoustical enclosure.
 - (A) Hearing testing that occurs in an area that does not meet the standard of a stationary acoustical enclosure for the purpose of determining the need for amplification is not considered a diagnostic or threshold measurement.
 - (B) In the event amplification is fit and verification measures cannot be completed in a stationary acoustical enclosure, instrumentation that is minimally affected by ambient noise including but not limited to, real ear measures, shall be utilized to assure the appropriate fit of the amplification.

SUBCHAPTER V. TELEHEALTH.

111.210. Definitions Relating to Telehealth. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

Unless the context clearly indicates otherwise, the following words and terms, when used in this subchapter, shall have the following meanings.

- (1) Client--A consumer or proposed consumer of speech-language pathology or audiology services.
- (2) Client site--The physical location of the client at the time the services are being furnished via telecommunications.
- (3) Consultant--Any professional who collaborates with a provider of telehealth services to provide services to clients.
- (4) Facilitator--The individual at the client site who assists with the delivery of the telehealth services at the direction of the audiologist or speech-language pathologist.
- (5) Provider--An individual who holds a current, renewable, unrestricted speech-language pathology or audiology license under Texas Occupations Code §401.302 and §401.304; or an individual who holds an audiology intern license under Texas Occupations Code §401.311.
- (6) Provider site--The physical location at which the speech-language pathologist or audiologist delivering the services is located at the time the services are provided via telecommunications which is distant or remote from the client site.
- (7) Telecommunications--Interactive communication at a distance by concurrent two-way transmission, using telecommunications technology, of information, including, without limitation, sound, visual images, and/or computer data, between the client site and the provider site, and required to occur without a change in the form or content of the information, as sent and received, other than through encoding or encryption of the transmission itself for purposes of and to protect the transmission.
- (8) Telecommunications technology--Computers and equipment, other than telephone, email or facsimile technology and equipment, used or capable of use for purposes of telecommunications. For purposes of this subchapter, the term includes, without limitation:
 - (A) compressed digital interactive video, audio, or data transmission;
 - (B) clinical data transmission using computer imaging by way of still-image capture and storage and forward; and
 - (C) other technology that facilitates the delivery of telepractice services.
- (9) Telehealth--The use of telecommunications and information technologies for the exchange of information from one site to another for the provision of speech-language pathology or audiology services to a client from a provider.
- (10) Telehealth services--The application of telecommunication technology to deliver speech-language pathology and/or audiology services at a distance for assessment, intervention, and/or consultation.
- (11) Telepractice--The use of telecommunications technology by a license holder for an assessment,

intervention, or consultation regarding a speech-language pathology or audiology client.

- (12) Telepractice services--The rendering of audiology and/or speech-language pathology services through telepractice to a client who is physically located at a site other than the site where the provider is located.

111.211. Service Delivery Models of Speech-Language Pathologists. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) Telehealth may be delivered in a variety of ways, including, but not limited to those set out in this section.
 - (1) Store-and-forward model/electronic transmission is an asynchronous electronic transmission of stored clinical data from one location to another.
 - (2) Clinician interactive model is a synchronous, real time interaction between the provider and client or consultant that may occur via telecommunication links.
- (b) Self-monitoring/testing model refers to when the client or consultant receiving the services provides data to the provider without a facilitator present at the site of the client or consultant.
- (c) Live versus stored data refers to the actual data transmitted during the telepractice. Both live, real-time and stored clinical data may be included during the telepractice.

111.212. Requirements for the Use of Telehealth by Speech-Language Pathologists. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2561)*

- (a) The requirements of this section apply to the use of telehealth by speech-language pathologists.
- (b) A provider shall comply with the commission's Code of Ethics and Scope of Practice requirements when providing telehealth services.
- (c) The scope, nature, and quality of services provided via telehealth are the same as that provided during in-person sessions by the provider.
- (d) The quality of electronic transmissions shall be equally appropriate for the provision of telehealth services as if those services were provided in person.
- (e) A provider shall only utilize technology which they are competent to use as part of their telehealth services.
- (f) Equipment used for telehealth services at the clinician site shall be maintained in appropriate operational status to provide appropriate quality of services.
- (g) Equipment used at the client/patient site at which the client or consultant is present shall be in appropriate working condition and deemed appropriate by the provider.
- (h) The initial contact between a licensed speech-language pathologist and client may be at the same physical location or through telehealth/telepractice, as determined appropriate by the licensed speech-language pathologist.
- (i) A provider shall consider relevant factors including the client's behavioral, physical, and cognitive abilities in determining the appropriateness of providing services via telehealth/telepractice.
- (j) A provider shall be aware of the client or consultant level of comfort with the technology being used as part of the telehealth services and adjust their practice to maximize the client or consultant level of comfort.
- (k) When a provider collaborates with a consultant from another state in which the telepractice services are

delivered, the consultant in the state in which the client receives services shall be the primary care provider for the client.

- (l) As pertaining to liability and malpractice issues, a provider shall be held to the same standards of practice as if the telehealth services were provided in person.
- (m) A provider shall be sensitive to cultural and linguistic variables that affect the identification, assessment, treatment, and management of the clients.
- (n) Upon request, a provider shall submit to the department data which evaluates effectiveness of services provided via telehealth including, but not limited to, outcome measures.
- (o) Telehealth providers shall comply with all laws, rules, and regulations governing the maintenance of client records, including client confidentiality requirements, regardless of the state where the records of any client within this state are maintained.
- (p) Notification of telehealth services shall be provided to the client, the guardian, the caregiver, and the multi-disciplinary team, if appropriate. The notification shall include, but not be limited to: the right to refuse telehealth services, options for service delivery, and instructions on filing and resolving complaints.

111.213. Limitations on the Use of Telecommunications Technology by Speech-Language Pathologists. *(New section adopted effective October 1, 2016, 41 TexReg 4441; amended effective May 1, 2018, 43 TexReg 2544)*

- (a) The limitations of this section apply to the use of telecommunications technology by speech-language pathologists.
- (b) Supervision of a licensed assistant in speech-language pathology may be undertaken through the use of telecommunications technology as described under §111.51 and as follows:
 - (1) no more than two (2) hours of direct supervision per month shall be undertaken through the use of telecommunications technology; and
 - (2) no more than six (6) total hours of supervision per month shall be undertaken through the use of telecommunications technology.
- (c) Direct supervision of a licensed intern in speech-language pathology shall not be undertaken through the use of telecommunications technology.
- (d) Telehealth services may not be provided by correspondence only, e.g., mail, email, faxes, although they may be adjuncts to telepractice.

111.214. Requirements for Providing Telehealth Services in Speech-Language Pathology. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) A provider of telehealth services who practices in the State of Texas shall be licensed by the department.
- (b) A provider of telehealth services shall be competent in both the type of services provided and the methodology and equipment used to provide the service.

111.215. Requirements for Providing Telepractice Services in Audiology. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) Unless otherwise legally authorized to do so, an individual shall not render telepractice services in audiology from the State of Texas or to a client in the State of Texas, unless the individual qualifies as a provider as that term is defined in this subchapter and renders only those telepractice services that are within the course and scope of the provider's licensure and competence, and delivered in accordance with

the requirements of that licensure and pursuant to the terms and conditions set forth in this section.

- (b) The provider shall use only telecommunications technology that meets the definition of that term, as defined in this subchapter, to render telepractice services. Modes of communication that do not utilize such telecommunications technology, including facsimile and email, may be used only as adjuncts.
- (c) Subject to the requirements and limitations of this section, a provider may utilize a facilitator at the client site to assist the provider in rendering telepractice services.
- (d) The provider shall be present at the provider site and shall be visible and audible to, and able to see and hear the client and the facilitator via telecommunications technology in synchronous, real-time interactions, even when receiving or sending data and other telecommunication transmissions in carrying out the telepractice services. The provider is responsible for the actions of the facilitator and shall monitor the client and oversee and direct the facilitator at all times during the telepractice session.
- (e) The provider of telepractice services, prior to allowing a facilitator to assist the provider in rendering telepractice services, shall verify and document the facilitator's qualifications, training, and competence in each task the provider directs the facilitator to perform at the client site, and in the methodology and equipment the facilitator is to use at the client site.
- (f) The facilitator may perform at the client site only the following tasks:
 - (1) those physical, administrative, and other tasks for which the provider has trained the facilitator in connection with the rendering of audiology services for which no form of license, permit, authorization or exemption under the Texas Occupations Code is required; and
 - (2) a task for which the facilitator holds and acts in accordance with any license, permit, authorization or exemption required under the Texas Occupations Code to perform the task.
- (g) A provider shall not render telepractice services to a client in those situations in which the presence of a facilitator is required for safe and effective service to the client and no qualified facilitator is available to the client during the telepractice session.
- (h) The scope, nature, and quality of the telepractice services provided, including the assistance provided by the facilitator, shall be commensurate with the services the provider renders in person at the same physical location as the client.
- (i) The provider shall not render telepractice services unless the telecommunications technology and equipment located at the client site and at the provider site are appropriate to the telepractice services to be rendered; are properly calibrated and in good working order; and are of sufficient quality to allow the provider to deliver equivalent audiology service and quality to the client as if those services were provided in person at the same physical location. The provider shall only utilize telecommunications technology and other equipment for the provider's telepractice which the provider is competent to use.
- (j) Providers and facilitators involved in the provider's delivery of telepractice services shall comply with all laws, rules, and regulations governing the maintenance of client records, including client confidentiality requirements. Documentation of telepractice services shall include documentation of the date and nature of services performed by the provider by telepractice and of the assistive tasks of the facilitator.
- (k) Except to the extent it imposes additional or more stringent requirements, this section does not affect the applicability of any other requirement or provision of law to which an individual is otherwise subject under this chapter or other law.

111.216. Limitations on the Use of Telecommunications Technology by Audiologists.. *(New section adopted effective May 1, 2018, 43 TexReg 2544)*

- (a) The limitations of this section apply to the use of telecommunications technology by audiologists.
- (b) Supervision of a licensed assistant in audiology may be undertaken through the use of telecommunications technology as described under §111.91, except for duties described under §§111.92(c)(1) - (4) where the supervisor must provide in-person, direct supervision.
- (c) Telehealth services may not be provided by correspondence only, e.g., mail, email, faxes, although they may be adjuncts to telepractice.

SUBCHAPTER W. JOINT RULE REGARDING THE SALE OF HEARING INSTRUMENTS.

111.220. Requirements Regarding the Sale of Hearing Instruments. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) This subchapter constitutes the rules required by Texas Occupations Code §401.2021 and §402.1021 to be adopted by the commission with the assistance of the Speech-Language Pathologists and Audiologists Advisory Board and the Hearing Instrument Fitters and Dispensers Advisory Board. The requirements of this subchapter shall be repealed or amended only through consultation with, and mutual action by, both advisory boards.
- (b) Guidelines for a 30 consecutive day trial period.
 - (1) All clients shall be informed of a 30 consecutive day trial period by written contract for services. All charges associated with such trial period shall be included in this written contract for services, which shall include the name, address, and telephone number of the department.
 - (2) Any client purchasing one or more hearing instruments shall be entitled to a refund of the purchase price advanced by the client for the hearing instrument(s), less the agreed-upon amount associated with the trial period, upon return of the instrument(s), in good condition, to the licensed audiologist or licensed intern in audiology within the trial period ending 30 consecutive days from the date of delivery. Should the order be canceled by the client prior to the delivery of the hearing instrument(s), the licensed audiologist or licensed intern in audiology may retain the agreed-upon charges and fees as specified in the written contract for services. The client shall receive the refund due no later than the 30th day after the date on which the client cancels the order or returns the hearing instrument(s), in good condition, to the licensed audiologist or licensed intern in audiology.
 - (3) Should the hearing instrument(s) have to be returned to the manufacturer for repair or remake during the trial period, the 30 consecutive day trial period begins anew. The trial period begins on the day the client reclaims the repaired/remade hearing instrument(s). The expiration date of the new 30 consecutive day trial period shall be made available to the client in writing, through an amendment to the original written contract. The amendment shall be signed by both the licensed audiologist or licensed intern in audiology and the client.
 - (4) On delivery of a new replacement hearing instrument(s) during the trial period, the serial number of the new instrument(s), the delivery date of the hearing instrument(s), and the date of the expiration of the 30 consecutive day trial period must be stated in writing.
 - (5) If the date of the expiration of the 30 consecutive day trial period falls on a holiday, weekend, or a day the business is not open, the expiration date shall be the first day the business reopens.
- (c) Upon the sale of any hearing instrument(s) or change of model or serial number of the hearing instrument(s), the owner shall ensure that each client receives a written contract that contains:

- (1) the date of sale;
 - (2) the make, model, and serial number of the hearing instrument(s);
 - (3) the name, address, and telephone number of the principal place of business of the license holder who dispensed the hearing instrument;
 - (4) a statement that the hearing instrument is new, used, or reconditioned;
 - (5) the length of time and other terms of the guarantee and by whom the hearing instrument is guaranteed;
 - (6) a copy of the written forms (relating to waiver forms);
 - (7) a statement on or attached to the written contract for services, in no smaller than 10-point bold type, as follows: “The client has been advised that any examination or representation made by a licensed audiologist or licensed intern in audiology in connection with the fitting and selling of the hearing instrument(s) is not an examination, diagnosis or prescription by a person duly licensed and qualified as a physician or surgeon authorized to practice medicine in the State of Texas and, therefore, must not be regarded as medical opinion or advice.”;
 - (8) a statement on the face of the written contract for services, in no smaller than 10-point bold type, as follows: “If you have a complaint against a licensed audiologist or intern in audiology, you may contact the Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711, Telephone (512) 463-6599, Toll-Free (in Texas): (800) 803-9202”;
 - (9) the printed name, license type, signature and license number of the licensed audiologist or licensed intern in audiology who dispensed the hearing instrument;
 - (10) the supervisor's name, license type, and license number, if applicable;
 - (11) a recommendation for a follow-up appointment within thirty (30) days after the hearing instrument fitting;
 - (12) the expiration date of the 30 consecutive day trial period under subsection (b); and
 - (13) the dollar amount charged for the hearing instrument and the dollar amount charged for the return or restocking fee, if applicable.
- (d) Record keeping. The owner of the dispensing practice shall ensure that records are maintained on every client who receives services in connection with the fitting and dispensing of hearing instruments. Such records shall be preserved for at least five years after the date of the last visit. All of the business's records and contracts are solely the property of the person who owns the business. Client access to records is governed by the Health Insurance Portability and Accountability Act (HIPAA). The records must be available for the department’s inspection and shall include, but are not limited to, the following:
- (1) pertinent case history;
 - (2) source of referral and appropriate documents;
 - (3) medical evaluation or waiver of evaluation;
 - (4) copies of written contracts for services and receipts executed in connection with the fitting and dispensing of each hearing instrument provided;

- (5) a complete record of hearing tests, and services provided; and
 - (6) all correspondence specifically related to services provided to the client or the hearing instrument(s) fitted and dispensed to the client.
- (e) The written contract and trial period information provided to a client in accordance with this section, orally and in writing, shall be in plain language designed to be easily understood by the average consumer.

SUBCHAPTER X. JOINT RULES FOR FITTING AND DISPENSING OF HEARING INSTRUMENTS BY TELEPRACTICE.

111.230. Purpose. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

Pursuant to Texas Occupations Code §401.2022 and §402.1023, the commission, with the assistance of the Speech-Language Pathologists and Audiologists Advisory Board and the Hearing Instrument Fitters and Dispensers Advisory Board, shall adopt rules to establish requirements for the fitting and dispensing of hearing instruments through the use of telepractice. This subchapter contains rules that set forth the requirements for the fitting and dispensing of hearing instruments through the use of telepractice.

111.231. Definitions. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

Unless the context clearly indicates otherwise, the following words and terms, when used in this subchapter, shall have the following meanings:

- (1) Acts--Texas Occupations Code, Chapter 401, relating to Speech-Language Pathologists and Audiologists, and Texas Occupations Code, Chapter 402, relating to Hearing Instrument Fitters and Dispensers.
- (2) Client--A consumer or proposed consumer of services.
- (3) Client site--The site at which the client is physically located.
- (4) Facilitator--The individual at the client site who assists with the delivery of telehealth services.
- (5) Fitting and dispensing hearing instruments--The measurement of human hearing by the use of an audiometer or other means to make selections, adaptations, or sales of hearing instruments. The term includes the making of impressions for earmolds to be used as a part of the hearing instruments and any necessary post fitting counseling for the purpose of fitting and dispensing hearing instruments.
- (6) Hearing instrument--Any wearable instrument or device designed for, or represented as, aiding, improving or correcting defective human hearing. This includes the instrument's parts and any attachment, including an earmold, or accessory to the instrument. The term does not include a battery or cord.
- (7) Provider--An individual who holds a current, renewable, unrestricted audiology license under Texas Occupations Code, §401.302 and §401.304; an individual who holds an audiology intern license under Texas Occupations Code, §401.311; or an individual who holds a current, renewable, unrestricted license under Texas Occupations Code, Chapter 402, that authorizes the individual to fit and dispense hearing instruments without supervision.
- (8) Provider site--The physical location of the provider of telehealth services which is distant or remote from the client site.
- (9) Telecommunications--Interactive communication at a distance by concurrent two-way

transmission, using telecommunications technology, of information, including, without limitation, sound, visual images, and/or computer data, between the client site and the provider site, and required to occur without a change in the form or content of the information, as sent and received, other than through encoding or encryption of the transmission itself for purposes of and to protect the transmission.

- (10) Telecommunications technology--Computers and equipment, other than telephone, email or facsimile technology and equipment, used or capable of use for purposes of telecommunications. For purposes of this subchapter, the term includes, without limitation:
 - (A) compressed digital interactive video, audio, or data transmission;
 - (B) clinical data transmission using computer imaging by way of still-image capture and storage and forward; and
 - (C) other technology that facilitates the delivery of telehealth services.
- (11) Telehealth services--The fitting and dispensing of hearing instruments through telepractice to a client who is physically located at a site other than the site where the provider is located.
- (12) Telepractice--The use of telecommunications technology for the fitting and dispensing of hearing instruments.

111.232. Requirements for Providing Telehealth Services for the Fitting and Dispensing of Hearing Instruments. *(New section adopted effective October 1, 2016, 41 TexReg 4441)*

- (a) Unless otherwise legally authorized to do so, an individual shall not render telehealth services from the State of Texas or to a client in the State of Texas, unless the individual qualifies as a provider as that term is defined in this subchapter and renders only those telehealth services that are within the course and scope of the provider's licensure and competence, and delivered in accordance with the requirements of that licensure and pursuant to the terms and conditions set forth in this section.
- (b) The provider shall use only telecommunications technology that meets the definition of that term, as defined in this subchapter, to render telehealth services. Modes of communication that do not utilize such telecommunications technology, including telephone, facsimile, and email, may be used only as adjuncts.
- (c) Subject to the requirements and limitations of this section, a provider may utilize a facilitator at the client site to assist the provider in rendering telehealth services.
- (d) The provider shall be present at the provider site and shall be visible and audible to, and able to see and hear the client and the facilitator via telecommunications technology in synchronous, real-time interactions, even when receiving or sending data and other telecommunication transmissions in carrying out the telehealth services. The provider is responsible for the actions of the facilitator and shall monitor the client and oversee and direct the facilitator at all times during the telehealth session.
- (e) The provider of telehealth services, prior to allowing a facilitator to assist the provider in rendering telehealth services, shall verify and document the facilitator's qualifications, training, and competence in each task the provider directs the facilitator to perform at the client site, and in the methodology and equipment the facilitator is to use at the client site.
- (f) The facilitator may perform at the client site only the following tasks:
 - (1) those physical, administrative, and other tasks for which the provider has trained the facilitator in connection with the fitting or dispensing of hearing instruments for which no form of license, permit, authorization or exemption is required by law; and

- (2) those tasks for which the individual who is acting as a facilitator otherwise holds and acts in accordance with any license, permit, authorization or exemption required by law to perform the tasks.
- (g) A provider shall not render telehealth services to a client in those situations in which the presence of a facilitator is required for safe and effective service to the client and no qualified facilitator is available to the client during the telepractice session.
- (h) The scope, nature, and quality of the telehealth services provided, including the assistance provided by the facilitator, shall be commensurate with the services the provider renders in person at the same physical location as the client.
- (i) The provider shall not render telehealth services unless the telecommunications technology and equipment located at the client site and at the provider site are appropriate to the telehealth services to be rendered; are properly calibrated and in good working order; and are of sufficient quality to allow the provider to deliver equivalent fitting and dispensing service and quality to the client as if those services were provided in person at the same physical location. The provider shall only utilize telecommunications technology and other equipment for the provider's telepractice which the provider is competent to use.
- (j) A client's initial professional contact with a provider shall be in person at the same physical location.
- (k) Providers and facilitators involved in the provider's delivery of telehealth services shall comply with all laws, rules, and regulations governing the maintenance of client records, including client confidentiality requirements. Documentation of telehealth services shall include documentation of the date and nature of services performed by the provider by telepractice and of the assistive tasks of the facilitator.
- (l) Except to the extent it imposes additional or more stringent requirements, this section does not affect the applicability of any other requirement or provision of law to which an individual is otherwise subject under this chapter or other law.