

CHAPTER 44C
AUDIOLOGY AND SPEECH-LANGUAGE
PATHOLOGY ADVISORY
COMMITTEE

Authority

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

Source and Effective Date

R.1998 d.374, effective June 29, 1998.
 See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Audiology and Speech-Language Pathology Pathology Advisory Committee, expires on December 26, 2003. See: 35 N.J.R. 3273(a).

Chapter Historical Note

Chapter 44C was adopted as R.1986 d.192, effective June 2, 1986. See: 17 N.J.R. 1062(a), 18 N.J.R. 1201(c).

Chapter 44C was repealed and a new Chapter 44C, Audiology and Speech-Language Pathology Pathology Advisory Committee, was adopted as R.1988 d.344, effective July 18, 1988. See: 20 N.J.R. 244(b), 20 N.J.R. 1723(b).

Subchapter 4, Provisional Licensure as Audiologist or Speech-Language Pathologist, was repealed by R.1990 d.111, effective February 5, 1990. See: 21 N.J.R. 3433, 22 N.J.R. 358(a).

Pursuant to Executive Order No. 66(1978), Chapter 44C, Audiology and Speech-Language Pathology Advisory Committee, was readopted as R.1993 d.383, effective July 8, 1993. See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Pursuant to Executive Order No. 66(1978), Chapter 44C, Audiology and Speech-Language Pathology Pathology Advisory Committee, was readopted as R.1998 d.374, effective June 29, 1998, and Subchapter 4, Lapsed License, was adopted by R.1998 d.374, effective July 20, 1998. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL REQUIREMENTS

13:44C-1.1 Change of Address or Telephone

Every licensed audiologist and speech-language pathologist shall notify the director of the Division of Consumer Affairs (“director”) in writing within 60 days of any change in office address or office telephone number.

SUBCHAPTER 2. ADMINISTRATION; FEES

13:44C-2.1 Election of officers

The membership of the New Jersey Audiology and Speech-Language Pathology Advisory Committee shall once each year elect a chairman, and a secretary-treasurer. The chairman shall have the responsibility to conduct all meetings unless, in his or her discretion, a delegation of that responsibility is made. In the absence of the chairman or an express delegation of responsibility, the secretary-treasurer shall assume all duties of the chairman.

13:44C-2.2 Fees and charges

(a) The following fees shall be charged by the Advisory Committee:

| | |
|--|----------|
| 1. Application fee..... | \$75.00 |
| 2. Initial license fee | |
| i. If paid during the first year of a biennial license renewal period | \$100.00 |
| ii. If paid during the second year of a biennial license renewal period..... | \$50.00 |
| 3. License renewal fee, biennial | \$100.00 |
| 4. Temporary license (one year) | \$50.00 |
| 5. Late renewal fee (up to 30 days) | \$50.00 |
| 6. Reinstatement fee (after 30 days) | \$50.00 |
| 7. Certification of licensure to other states | \$50.00 |
| 8. Duplicate license fee | \$10.00 |
| 9. Duplicate wall certificate | \$25.00 |

Amended by R.1994 d.89, effective February 22, 1994.
See: 25 N.J.R. 5448(a), 26 N.J.R. 1106(a).

SUBCHAPTER 3. REQUIREMENTS FOR LICENSURE AS AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST

13:44C-3.1 Application forms

(a) Applications for licensure may be obtained at the office of the Advisory Committee, 124 Halsey Street, Newark, New Jersey 07101. The Committee's mailing address is Audiology and Speech-Language Pathology Advisory Committee, Post Office Box 45002, Newark, New Jersey 07101.

(b) All applications for licensure shall be accompanied by the fee as set forth in N.J.A.C. 13:44C-2.2.

Administrative change to (a).
See: 25 N.J.R. 1516(b).

13:44C-3.2 Requirements for licensure

(a) An applicant for licensure shall submit the following to the Advisory Committee:

1. Satisfactory proof of graduation from a master's degree program or its equivalent in the area of audiology, speech-language pathology, or both, at an accredited college or university acceptable to the New Jersey Commission on Higher Education.

i. "Equivalency of a master's degree" means holding a bachelor's degree from an accredited college or university and at least 42 post-baccalaureate semester hours acceptable toward a master's degree, of which at least 30 semester hours shall be in the areas of speech-language pathology or audiology. At least 21 of these 42 semester hours shall have been obtained from a single college or university. No more than six semester hours may be in the courses that provide credit for clinical practice obtained during academic training.

2. If the master's degree was earned prior to January 1, 1993, transcripts from one or more accredited educational institutions evidencing the completion of a total of 60 semester hours of academic credit that demonstrate that the applicant has obtained a well-integrated program of course study dealing with the normal aspects of human communication, development and disorders thereof and clinical techniques for evaluation and management of such disorders, as follows:

i. Twelve of the 60 semester hours shall be obtained in courses that provide information that pertains to normal development and normal functions of speech, language and hearing processes.

ii. Thirty of the 60 semester hours shall be in courses that provide information relative to communication disorders and information about, and training in, evaluation and management of speech, language and hearing disorders. At least 24 of these 30 semester hours shall be in courses in the professional area (audiology or speech-language pathology) for which the license is requested, and at least six semester hours must be in audiology for the license in speech-language pathology, or in speech-language pathology for the license in audiology. No more than six semester hours may be in courses that provide credit for clinical practice obtained during academic training.

iii. Credit for study of information pertaining to related fields that augment the work of the clinical practitioner of audiology or speech-language pathology may also apply toward the 60 total semester hours.

iv. Thirty of the total 60 semester hours that are required for a license shall be in courses that are acceptable toward a graduate degree by the college or university in which they are taken. Moreover, 21 of those 30 semester hours shall be within the 24 semester hours required in the professional area (audiology or speech-language pathology) for which the license is requested or within the six semester hours required in the other area.

v. A minimum of 300 clock hours of supervised clinical experience with individuals who present a variety of communication disorders, and this experience must have been obtained within the training institution or in one of its cooperating programs.

3. If the master's degree was earned subsequent to January 1, 1993, transcripts from one or more accredited educational institutions evidencing the completion of a total of 75 semester hours of academic credit that demonstrate that the applicant has obtained a well-integrated program of course study dealing with the normal aspects of human communication development and disorders thereof and clinical techniques for evaluation and management of such disorders, as follows:

i. At least 27 of the 75 semester credit hours shall be in basic science coursework as follows:

- (1) Biological/physical science: three hours;
 - (2) College-level mathematics: three hours;
 - (3) Behavioral and/or social sciences: six hours; and
 - (4) Basic human communication processes, to include course work in each of the following three areas of speech, language and hearing: the anatomic and physiological bases; the physical and psychosocial bases; and the linguistic and psycholinguistic aspects: 15 hours;
- ii. At least 36 of the 75 semester credit hours shall be in courses that concern the nature, prevention, evaluation and treatment of speech, language and hearing disorders. The courses shall include courses in disorders primarily affecting children as well as disorders primarily affecting adults.
- (1) At least 30 of the 36 hours shall be in courses for which graduate credit was received, and at least 21 of the 30 graduate credit hours shall be in the professional area for which licensure is sought.
 - (2) For a license in speech-language pathology, at least 30 of the 36 semester credit hours of professional coursework shall be in speech-language pathology. At least six of the 30 credits shall be in speech disorders and at least six shall be in language disorders. At least six of the 36 semester credit hours of professional coursework shall be in audiology, with three of the six in hearing disorders and hearing evaluation and three in habilitative/rehabilitative procedures with individuals who have a hearing impairment.
 - (3) For a license in audiology, at least 30 of the 36 semester credit hours of professional coursework shall be in audiology. At least six of the 30 shall be in hearing disorders and hearing evaluation, and at least six shall be in habilitative/rehabilitative procedures with individuals who have a hearing impairment. At least six of the 36 semester credit hours of professional coursework shall be in speech-language pathology, with three in speech disorders and three in language disorders;
- iii. A minimum of 25 clock hours of supervised observation of the evaluation and treatment of children and adults with disorders of speech, language or hearing; and
- iv. A minimum of 350 clock hours of supervised clinical experience with individuals who present a variety of communication disorders. The experience shall have been obtained within the training institution or in one of its cooperating programs. No more than 25 of the clock hours may be obtained from participation in staffings in which evaluation, treatment and/or recommendations are discussed or formulated, with or without the client present.

4. Satisfactory proof of completion of a clinical internship, in accordance with the provisions of N.J.A.C. 13:44C-3.3, in the professional area for which the license is sought.

5. Satisfactory proof of having achieved a score of 600 on the National Teachers' Examinations in audiology or speech-language pathology, as appropriate, administered and set by Educational Testing Service in Princeton, New Jersey. An applicant may substitute a current and valid license to practice audiology or speech-language pathology, as is appropriate; issued by another state with substantially equivalent requirements for licensure, as satisfactory proof of having passed the examination.

Amended by R.1989 d.579, effective November 20, 1989.

See: 21 N.J.R. 2702(a), 21 N.J.R. 3670(b).

In (a), deleted text on score levels related to percentiles.

Amended by R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Amended by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Substituted "Commission on" for "Department of" preceding "Higher Education".

13:44C-3.3 Requirements for clinical internship

(a) For purposes of this section, "professional employment" means direct clinical work with patients, consultations, recordkeeping, and any other duties relevant to a bona fide program of clinical work.

(b) For purposes of this section, "full-time employment" means a minimum of 30 clock hours of work per week or part time equivalent employment as follows:

- 1. Work of 15 to 19 hours per week over 18 months;
- 2. Work of 20 to 24 hours per week over 15 months;
- 3. Work of 25 to 29 hours per week over 12 months.

(c) The clinical internship shall comprise no less than nine months of full-time professional employment.

(d) In the event that part-time employment is used to fulfill a part of the clinical internship, 100 percent of the minimum hours of the weekly part-time work must be spent in direct professional employment, and the internship must be completed within a maximum period of 18 consecutive months.

(e) Clinical internship shall be under the direct supervision of a person licensed to practice audiology or speech-language pathology, as appropriate, by this State or another state which has standards substantially equivalent to those of this State. If the clinical internship takes place in an exempt setting or in a state without licensure or comparable requirements, the supervisor shall be a person who holds a Certificate of Clinical Competence (C.C.C.) by the American Speech-Language-Hearing Association (ASHA), or its equivalent.

(f) The supervisor shall be responsible for the professional practices of the temporary licensee.

(g) The supervisor shall provide a minimum of one hour of on-site direct supervision for each 20 hours of direct, face-to-face evaluation or therapeutic services rendered by the supervisee. Supervision shall take place not less than once a month.

Recodification and New Rule, R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Prior text at section, "Waiver," recodified as 13:44C-3.4.

13:44C-3.4 Waiver

The director may waive provisions of this subchapter for good cause shown.

Recodified from 13:44C-3.3 by R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

SUBCHAPTER 4. LAPSED LICENSE

13:44C-4.1 Requirements for reinstatement of lapsed license

(a) An individual whose license has lapsed for nonpayment of a biennial renewal fee shall be reinstated by the Director, provided that the applicant otherwise qualifies for licensure pursuant to statute and submits one of the following to the Advisory Committee:

1. A certification of licensure in good standing from any other state or jurisdiction in which the applicant has practiced audiology or speech-language pathology during the period of lapsed licensure in this State;

2. An affidavit by the applicant stating that he or she has practiced audiology or speech-language pathology in a state or jurisdiction that does not require certification or licensure during the period of lapsed licensure in this State, accompanied by verification of such practice by the applicant's employer;

3. An affidavit by the applicant stating that he or she has practiced audiology or speech-language pathology in an exempt setting during the period of lapsed licensure in this State, accompanied by verification of such employment from the applicant's employer; or

4. An affidavit by the applicant stating that he or she has not practiced audiology or speech-language pathology in this or any other jurisdiction during the period of lapsed licensure in this State.

(b) Prior to reinstatement, an applicant shall pay a reinstatement fee pursuant to N.J.A.C. 13:44C-2.2.

(c) Prior to reinstatement, an applicant shall meet the following continuing educational requirements:

1. An individual whose license has elapsed for a period of less than 10 years must complete 20 hours of Committee-approved continuing education within the two-year period immediately preceding the application for reinstatement.

2. An individual whose license has lapsed for a period of 10 years or longer must complete 50 hours of Committee-approved continuing education within the five-year period immediately preceding the application for reinstatement.

SUBCHAPTER 5. APPLICANTS FOR TEMPORARY LICENSURE AS AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST

13:44C-5.1 Applications

(a) Applications for temporary licensure may be obtained at the Office of the Advisory Committee, 124 Halsey Street, Newark, New Jersey 07101. The mailing address is Audiology and Speech-Language Pathology Committee, Post Office Box 45002, Newark, New Jersey 07101.

(b) All applications for temporary licensure shall be accompanied by the fee set forth in N.J.A.C. 13:44C-2.2.

Administrative change to (a).

See: 25 N.J.R. 1516(b).

13:44C-5.2 Requirements for temporary licensure

(a) An applicant for temporary licensure as a recent resident shall submit the following to the Advisory Committee:

1. A notarized statement by the applicant that the applicant has become a resident of New Jersey within the preceding six months; and

2. Proof that the applicant holds a current and valid license to practice audiology and/or speech-language pathology in another state.

(b) Prior to commencing a clinical internship, an applicant for temporary licensure shall submit the following to the Advisory Committee:

1. A notarized statement by the applicant relating to participation in a clinical internship;

2. A notarized statement by applicant's supervisor relating to applicant's participation in a clinical internship;

3. A clinical internship plan signed by the applicant and supervisor in compliance with N.J.A.C. 13:44C-3.3;

4. Proof of a master's degree or its equivalent in audiology or speech-language pathology from an accredited college or university acceptable to the Department of Higher Education; and

5. Transcripts documenting completion of specific requirements to be determined by the director in consultation with the Committee and the Department of Higher Education.

Amended by R.1993 d.383, effective August 2, 1993.
 See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).
 Amended by R.1998 d.374, effective July 20, 1998.
 See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).
 In (b), rewrote the introductory paragraph.

13:44C-5.3 Limits on temporary licensure

(a) A temporary license for a recent resident is valid for one year and cannot be renewed.

(b) A temporary license for individuals participating in a clinical internship is valid for 18 months or until such time as the holder completes his or her clinical internship, whichever comes first. The temporary license cannot be renewed.

Amended by R.1991 d.227, effective May 6, 1991.
 See: 23 N.J.R. 167(a), 23 N.J.R. 1419(a).
 Added "or until such time as the holder completes his or her clinical internship, whichever comes first. The temporary license . . ." in (b).

SUBCHAPTER 6. CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

13:44C-6.1 License renewal

No license renewal shall be issued by the Director until the applicant confirms on the renewal application that the applicant has completed Committee-approved continuing education pursuant to N.J.A.C. 13:44C-6.2 during the two calendar years preceding application for renewal. Such continuing education is a mandatory requirement for license renewal.

Amended by R.1998 d.374, effective July 20, 1998.
 See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).
 Rewrote the section.

13:44C-6.2 Allocation of credit

(a) Evidence of 20 documented hours of Continuing Professional Education shall be required biennially of each applicant for renewal.

(b) Credit for all Continuing Professional Education will be granted as follows for each two-year period:

1. Giving a new seminar or lecture or in-service workshop: one hour per contact hour up to a maximum of 10 hours.

i. "New" means new to the person presenting a seminar, lecture or in-service workshop; a seminar, lecture or in-service workshop which the licensee has never presented before in any setting.

ii. "Contact hour" means one hour of actual presence in or participation in a course of study.

2. Teaching a new graduate course: six hours for each new course up to a maximum of 12 hours.

i. "New" means new to the person teaching it; a course which the licensee has never taught before in any educational setting.

3. Publication in a national journal of a copyrighted article in audiology or speech-language pathology: three hours per publication to a maximum of six hours.

4. Attendance at seminars and conferences: one hour per contact hour.

5. Self-Assessment Home Study courses accompanied by examination and sponsored by a nationally-recognized professional organization in audiology or speech-language pathology: maximum of 10 hours.

6. Successful completion of graduate course work taken beyond that required for professional license: one hour per contact hour.

(c) "Documented" means that the applicant obtains a certificate of participation, a signed document by the instructor indicating attendance or an official transcript from an accredited college or university.

13:44C-6.3 Documentation of continuing education credits

(a) A licensee shall keep comprehensive records of the continuing education hours which the licensee completes in order to verify program attendance or activity completion. Each licensee shall submit such documentation to the Advisory Committee upon its request.

(b) The licensee shall verify attendance at approved continuing education programs by a certificate of attendance or by a statement from the instructor of the offering. The verification shall include the name of the licensee, the name of the sponsor, the title, location and date of the offering, the signature of a program official and the number of continuing education hours.

(c) The licensee shall verify individual activities by retaining the following:

1. For publications, a copy of the published article;
2. For presentations, copies of the program, syllabus, outlines and bibliographies; and
3. For teaching appointments, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was not previously taught by the licensee.

(d) A licensee shall verify completion of academic coursework by an official transcript.

(e) A licensee shall maintain verification records for five years following the renewal period for which the Advisory Committee has granted the licensee or certificate holder continuing education credit.

New Rule, R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Former N.J.A.C. 13:44C-6.3, Excess hours credited to subsequent renewal period, was recodified to N.J.A.C. 13:44C-6.4.

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

In the event that a candidate for license renewal shall complete in two years a number of hours in excess of the number required in N.J.A.C. 13:44C-6.1, a maximum of five hours in excess of those required shall be credited toward license renewal requirements for subsequent years; provided, however, that the five hours were earned within the six months immediately prior to license renewal.

Amended by R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Recodified from N.J.A.C. 13:44C-6.3 by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Former N.J.A.C. 13:44C-6.4, Waiver of requirements; appearance, was recodified to N.J.A.C. 13:44C-6.5.

13:44C-6.5 Waiver of requirements; appearance

The director may, at his or her discretion, or upon the recommendation of the Advisory Committee, waive any of the requirements of this subchapter for due cause. An appearance before the Advisory Committee may be required.

Recodified from N.J.A.C. 13:44C-6.4 by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Former N.J.A.C. 13:44C-6.5, Subjects; sponsors, was recodified to N.J.A.C. 13:44C-6.6.

13:44C-6.6 Subjects; sponsors

(a) Acceptable Continuing Professional Education shall be in any of the following areas: anatomy and physiology relative to communication; human development; human communication; identification, prevention, diagnosis and treatment of communication disorders; acoustical or electrical science relative to communication disorders; health administration relative to communication disorders.

(b) The Continuing Professional Education hours must be accredited by the New Jersey Commission on Higher Education, or accredited or sponsored by a local, state or national audiology and speech-language pathology professional organization, local, state, or Federal education or health agency, or a local, state or national medical, psychological, dental or similar professional organization. Courses accepted for credit by the National Registry on Continuing Education or by the American Speech-Language-Hearing Association will be given credit by the Committee as set forth in N.J.A.C. 13:44C-6.2.

Recodified from N.J.A.C. 13:44C-6.5 and amended by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

In (a), substituted "anatomy and physiology relative to communication" for "human physiology; human anatomy"; and in (b), substituted "Commission on" for "Department of" preceding "Higher Education".

SUBCHAPTER 7. AUTHORIZED PRACTICE

Petition for Rulemaking.

See: 25 N.J.R. 1287(b).

13:44C-7.1 Scope of practice—audiology

(a) The practice of audiology includes, but is not restricted to, the following functions:

1. Providing screening, identification, assessment, diagnosis, treatment, intervention (that is, prevention, restoration, amelioration, compensation), consultation, counseling, and follow-up services for disorders of the peripheral, vestibular and central auditory systems, and other neural systems;

2. Supervision and conduct of newborn hearing screening programs;

3. Measurement and interpretation of sensory and motor evoked potentials, electronystagmography, and other electrodiagnostic tests for purposes of neurophysiologic intraoperative monitoring and cranial nerve assessment;

4. Provision of hearing care by selecting, evaluating, fitting, facilitating, dispensing and adjusting prosthetic devices for hearing loss (that is, FM assistive listening devices), except for the fitting and dispensing of hearing aids unless licensed by the Hearing Aid Dispensers Examining Committee;

5. Assessment of candidacy of persons with hearing loss for cochlear implants and provision of fitting, programming, and audiological rehabilitation to optimize device use;

6. Provision of audiological rehabilitation including speech-reading, communication management, language development, auditory skill development, and counseling for psychosocial adjustment to hearing loss for persons with hearing loss and their families and caregivers; case management and service as a liaison between the consumer, family, and agencies in order to monitor audiologic status and management and to make recommendations about educational and vocational programming;

7. Consultation with educators as members of interdisciplinary teams about communication management, educational implications of communication disorders, educational programming, classroom acoustics, and large-area amplification systems for children with hearing loss; consultation about accessibility for persons with hearing loss in public and private buildings, programs, and services;

8. Prevention of hearing loss and conservation of hearing function by designing, implementing and coordinating occupational, school, and community hearing conservation and identification programs;

9. Screening of speech-language, use of sign language, and other factors affecting communication function for the purposes of an audiological evaluation and/or initial identification of individuals with other communication disorders; and

10. Assessment and nonmedical management of tinnitus using biofeedback, masking, education, and counseling.

New Rule, R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Former N.J.A.C. 13:44C-7.1, Business interest of unlicensed persons, was recodified to N.J.A.C. 13:44C-7.3.

13:44C-7.2 Scope of practice—speech-language pathology

(a) The practice of speech-language pathology includes, but is not restricted to, the following functions:

1. Providing screening, identification, assessment, diagnosis, treatment, intervention (that is, prevention, restoration, amelioration, compensation), consultation, counseling, and follow-up services for disorders of:

- i. Speech which includes articulation, fluency, and voice (including respiration, phonation, and resonance);
- ii. Language which includes disorders of receptive and expressive communication in oral, written, graphic, and manual modalities;
- iii. Oropharyngeal and related functions (that is, dysphagia, orofacial myofunctional disorders);
- iv. Cognitive aspects of communication which includes communication disability and other functional disabilities associated with cognitive impairment; and
- v. Pragmatic aspects of communication;

2. Training and supporting family members and other communication partners of individuals with speech, voice, language, other communication, and swallowing disabilities;

3. Developing and establishing effective augmentative and alternative communication techniques and strategies, including selecting, prescribing, and dispensing of aids and devices and training individuals, their families, and other communication partners in their use;

4. Selecting, fitting, and establishing effective use of appropriate prosthetic/adaptive devices for speaking and swallowing (that is, tracheoesophageal valves, electrolarynges, speaking valves);

5. Providing aural rehabilitation and related counseling services to individuals with hearing loss and central auditory processing dysfunction and to their families;

6. Conducting pure-tone air conduction hearing screening and noninvasive screening tympanometry for the purpose of initial identification and/or referral of individuals with other communication disorders or possible middle ear pathology;

7. Enhancing speech and language proficiency and communication effectiveness, including, but not limited to, accent reduction, collaboration with teachers of English as a second language, and improvement of voice, performance, and singing; and

8. Consulting with educators as members of interdisciplinary team about communication management, educational implications of communication disorders, educational programming, and classroom accommodations for children with communication disorders.

Amended by R.1990 d.272, effective May 21, 1990.

See: 21 N.J.R. 2702(a), 22 N.J.R. 327(a), 22 N.J.R. 1615(a).

In (a)4: added phrase “or its successor title, speech-language specialist” to first sentence regarding certified individuals.

Amended by R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

New Rule, R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Former N.J.A.C. 13:44C-7.2, Exemptions, was recodified to N.J.A.C. 13:44C-7.4.

13:44C-7.3 Business interest of unlicensed persons

(a) An unlicensed individual may have a business interest in a corporation, partnership, trust, association or other like organization that provides audiology or speech-language pathology services or both, if the provision of direct clinical services is done by licensed audiologists or speech-language pathologists, as appropriate. Nothing in this section shall be construed to mean that such unlicensed person may provide direct clinical services.

(b) Such unlicensed person shall file a statement with the director on a form approved by the director.

Recodified from N.J.A.C. 13:44C-7.1 by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

13:44C-7.4 Exemptions

(a) The following are exempt from the provisions of this chapter, pursuant to N.J.S.A. 45:3B-17:

1. Any person currently licensed to practice medicine and surgery by this State, provided such a person is not referred to as an audiologist or speech-language pathologist or other similar title.

2. Persons employed by and under the direct supervision of a physician, provided such person is not referred to as an audiologist or speech-language pathologist or other similar title.

3. Persons employed part-time or full-time by the United States government or any agency thereof where the terms and conditions of employment, the standards and

practice of audiology or speech-language pathology or the everyday operations and decision-making of the agency are established, supervised and funded by the federal government.

i. The fact that all or part of an agency's funding is derived from federal sources shall not suffice in and of itself to make an agency a "federal agency" for purposes of this exemption.

ii. This exemption applies provided that audiology or speech-language pathology services are being performed as part of the duties of the person's office or position with that agency.

4. Any person certified as a speech correctionist or its successor title, speech-language specialist, by the State Department of Education. However, such person is not exempt under this section for that portion of his or her time spent as a private practitioner or providing services for which a fee may be paid by a recipient of the service.

5. Students and trainees in audiology or speech-language pathology matriculated in an accredited college or university, provided that their services constitute part of their course of study and on-site supervision by a licensee is provided in the appropriate professional field.

6. Persons whose services and activities constitute part of an occupation for which they are regulated by their own State registration, certification or license, and who do not refer to themselves as audiologists or speech-language pathologists.

7. Persons licensed by this State as a hearing aid dispenser pursuant to P.L. 1973, c. 19 (N.J.S.A. 45:9A-1 et seq.) who are engaged in activities and services within the scope of practice of a hearing aid dispenser, provided that such person does not refer to himself or herself as an audiologist or speech-language pathologist.

Amended by R.1990 d.272, effective May 21, 1990.

See: 21 N.J.R. 2702(a), 22 N.J.R. 327(a), 22 N.J.R. 1615(a).

In (a)4: added phrase "or its successor title, speech-language specialist" to first sentence regarding certified individuals.

Amended by R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Recodified from N.J.A.C. 13:44C-7.2 by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

SUBCHAPTER 8. UNPROFESSIONAL CONDUCT

13:44C-8.1 Business practices

(a) The following acts or business practices shall be deemed to be unprofessional conduct:

1. Patient records: Failure to maintain written, contemporaneous patient records for seven years from date of last entry for patients who have attained the age of majority, and for patients who are minors, for two years beyond the patient's attainment of the age of majority. The records shall include:

i. Findings upon initial examination including the patient's significant past history and results of appropriate tests and measures.

ii. A written plan of care indicating the goals of the treatment program, the type of treatment, and the frequency and expected duration of treatment for audiology and speech-language pathology services.

iii. Dated and signed documentation of each treatment rendered.

iv. Dated and signed progress notes.

v. Documentation of any changes in the treatment program.

vi. Documentation of any contact with other health professionals relative to the patient's care.

vii. A discharge summary which includes the reason for discharge and the outcome of services rendered.

viii. Any pertinent legal document such as patient release forms or chart access sheets.

2. Recordkeeping—calibration log: Failure to document that all audiometric test equipment is calibrated on a timely basis and meets nationally recognized standards (ANSI, 1969 and all subsequent revisions).

3. Record release: Failure to provide, without charge, copies of a patient's record of testing or treatment within 15 days of a written request by the patient or any person whom the patient has designated to receive such records. However, nothing herein should be construed to prohibit a licensed speech-language pathologist or audiologist from charging a reasonable fee to the patient for the cost of reproduction of a record.

4. Preparation of written reports: Failure to prepare within 30 days, upon written request by the patient or any person whom the patient has designated to receive such, a written report embodying information set forth in (a)i-vii above, except that nothing herein shall preclude a licensee from charging a reasonable fee for the preparation of a written report.

5. Preparation of insurance forms: Requiring a patient or a third party payor to pay a separate fee for the preparation of an insurance claim form.

6. Charges for interest on unpaid accounts: Requiring a patient or a third party payor to pay interest on an unpaid account unless the patient has been notified of this policy in writing prior to the initiation of audiology or speech-language pathology services.

7. Charges for unkept appointments: Requiring a patient or a third party payor to pay a full or partial fee for unkept appointments unless the patient has been notified of this policy in writing prior to the initiation of audiology or speech-language pathology services.

8. Charges for unrecorded services: Requiring a patient or a third party payor to pay for any evaluation, testing, treatment or other services not documented in a patient chart.

9. Disclosure of fees: Failure to make available a written fee schedule which describes charges for each service offered to any interested person upon request.

10. Posting of license: Failure to post in a conspicuous place a copy of a licensee's biennial renewal certificate.

11. Advertising: Use or participation in the use of any form of public communication regarding professional services, via print, electronic media or in-person solicitation, which does not comply with the provisions of (b) below or which contains a false, fraudulent, misleading or deceptive statement or claim. A false, fraudulent, misleading or deceptive statement includes, but is not limited to, any statement or claim which:

- i. Contains a misrepresentation of fact;
- ii. Is likely to mislead or deceive because it fails to make full disclosure of relevant facts;
- iii. In the case of a testimonial containing an objective, verifiable statement of fact, cannot be verified by the advertiser;
- iv. Is intended or is likely to create a false or unjustified expectation of favorable results, for example, advertising percentages of success;
- v. Implies educational attainments or licensing recognition not supported in fact;
- vi. States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of audiology or speech-language pathology if this is not the case;
- vii. Represents that the professional services can or will be competently performed for a stated fee when this is not the case, or makes a representation with respect to fees for professional services that does not disclose all variables affecting the fees that will in fact be charged;
- viii. Uses techniques of communication which in light of the setting and circumstances appear to intimidate or exert undue influence or undue pressure over a prospective patient;
- ix. Contains offers of discounts for services without stating the advertiser's usual and customary fee on which the discount will be taken, or the availability of a

schedule of the licensee's usual and customary fees, and the period of time during which the offer can be accepted by a prospective patient. If no time limit is specified, such offer shall be deemed to apply for 30 days, or

x. Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to be misled or be deceived.

12. In-person solicitation: Engaging in uninvited in-person solicitation of actual or potential patients who, because of their particular circumstances, are vulnerable to undue influence. This paragraph shall not prohibit the offering of services by a licensee to any bona fide representative of prospective patients including, but not limited to, employers, labor union representatives or insurance carriers.

13. Excessive fees: Charging a fee to a patient or a third party payor which is excessive when considered in light of the following factors:

- i. The novelty and difficulty of the professional treatment;
- ii. The skill and equipment required to perform the treatment properly;
- iii. Any requirements or conditions imposed by the patient or by the circumstances;
- iv. The nature and length of the professional relationship with the patient;
- v. The experience, reputation and ability of the licensee performing the services; and
- vi. The nature and the circumstances under which the services were provided (for example, emergency; home visit).

14. Charges for unnecessary services: Charging a fee to a patient or a third party payor for audiology or speech-language pathology services which are unwarranted and unnecessary.

15. Failure to electronically calibrate audiometric test equipment at least annually.

(b) The following shall apply in connection with advertising:

- 1. All advertisements shall contain the license number of the licensee or the licensee in charge.
- 2. An advertisement may contain either a lay or an expert testimonial, provided that such testimonial is based upon personal knowledge or experience obtained from a provider relationship with the licensee or direct personal knowledge of the subject matter of the testimonial.
- 3. A lay person's testimonial shall not attest to any technical matter beyond the testimonial giver's competence to comment upon.

4. An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.

5. An advertiser shall be able to substantiate any objective, verifiable statement of fact appearing in a testimonial, and failure to do so, if required by the Advisory Committee, may be deemed professional misconduct.

6. Copies of all printed advertisements and video or audio tapes of every advertisement communicated by electronic media shall be retained by the licensee and made available for review by the Advisory Committee or its designee upon request for a period of three years. All advertisements in the licensee's possession shall indicate the accurate date and place of publication.

Correction: Deleted audiological from (a)2.

See: 20 N.J.R. 2069(b).

Amended by R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

13:44C-8.2 Professional practices

(a) Licensees shall engage in only those functions recognized in this chapter to be within the scope of practice of audiology or speech-language pathology that are within the scope of their competence considering their level of education, training, and experience.

(b) The following acts or professional practices shall be deemed to be unprofessional conduct:

1. Offering, agreeing to provide or providing any payment or any other form of remuneration to any person or entity authorized to direct the initiation of speech-language pathology or audiology services for a referral of any specific patient or any number of patients.

2. Accepting any payment or other form of remuneration from any person or entity authorized to direct the initiation of audiology or speech-language pathology services for the referral of any specific patient or any number of patients.

3. Receiving from any person, firm, partnership or corporation a fee, commission, salary, rebate, gift or other form of remuneration for the prescribing, recommending, ordering or promotion of the sale of a device, appliance or other item or service, unless such interest is made known in writing to the person for whom the device or appliance is being ordered, prescribed or recommended, except that nothing herein shall preclude a licensed speech-language pathologist or audiologist from accepting a product or commodity which can be used as a sample by patients, provided that the speech-language pathologist or audiologist does not charge patients for items so obtained.

4. Knowingly using audiometric test equipment that is not calibrated or has not been calibrated according to the nationally recognized standards (ANSI, 1969 and all subsequent revisions).

5. Conducting a test in an environment that does not meet nationally recognized standards for maximal permissible background sound from the American National Standard Maximum Permissible Ambient Noise Levels for Audiometric Test Rooms (ANSI S3.1-1991, 1991), available from the Acoustical Society of America, 120 Wall Street, 32 Floor, New York, New York 10005-3993, which is incorporated herein by reference, as amended and supplemented. If a patient cannot, due to health problems, be moved to a testing environment that meets these standards the licensee shall test the patient within the available environment and the testing conditions shall be documented in the patient's record.

6. Undertaking to render treatment or to conduct testing which in light of the patient's history and findings is unwarranted and unnecessary.

(c) The representation of a speech-language pathologist or audiologist as a physician rendering medical opinion or medical services shall be deemed to be outside the scope of speech-language pathology and audiology and, upon proof that a licensee is engaging in such conduct, he or she may be subject to disciplinary action.

Amended by R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Subsection (b) was codified as 13:44C-8.3, Scope of practice.

Petition for Rulemaking.

See: 30 N.J.R. 2091(b), 31 N.J.R. 1826(a).

Amended by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Inserted a new (a); and recodified former (a) and (b) as (b) and (c).

Amended by R.2001 d.380, effective October 15, 2001.

See: 33 N.J.R. 1863(b), 33 N.J.R. 3650(a).

In (b), added a new 5 and recodified former 5 as 6.

SUBCHAPTER 9. UNLICENSED PRACTICE

13:44C-9.1 Acts amounting to unlicensed practice

(a) The following acts or practices shall be deemed to be the unlicensed practice of audiology or speech-language pathology and may warrant the director's initiation of an action in Superior Court for such appropriate injunctive relief as may be authorized by N.J.S.A. 45:3B-15:

1. Offering of any speech-language pathology or audiology services by any person who does not hold the applicable license as a speech-language pathologist or audiologist or is not exempt from licensure as defined in N.J.A.C. 13:44C-7.2;

2. The use of the words speech-language therapy, speech therapy, audiology, speech pathologist, audiologist or such similar words or their related abbreviations in connection with the offering of certain agents and measures which are utilized in the rendition of speech-language pathology and audiology services by any person who does not hold the appropriate license in speech-language pathology or audiology; or

3. Billing any patient or third party payor for “speech-language pathology evaluation” or “speech-language pathology therapy” or “audiologic evaluation” or “audiologic services” or services described by similar words if the individual providing the service does not hold the appropriate license to practice audiology or speech-language pathology or is not a licensed physician.

13:44C-9.2 Aiding and abetting unlicensed practice

It shall be unlawful for a licensee to aid or assist any person in engaging in any of the acts identified in N.J.A.C. 13:44C-9.1.



SUBCHAPTER 10. DISCIPLINARY ACTIONS

13:44C-10.1 Suspension and revocation of license

(a) The license of any person licensed under the provisions of this chapter may be suspended or revoked, or a civil penalty may be assessed or a reprimand may be issued by the director, upon a finding by the director that the licensee:

1. Has obtained a certificate, registration, license or authorization to sit for an examination, as the case may be, through fraud, deception, or misrepresentation;
2. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
3. Has engaged in gross negligence, gross malpractice or gross incompetence;
4. Has engaged in repeated acts of negligence, malpractice or incompetence;

5. Has engaged in professional or occupational misconduct as may be determined by the director;

6. Has been convicted of any crime involving moral turpitude or any crime relating adversely to the practice of audiology or speech-language pathology. For the purpose of this subsection a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;

7. Has had his authority to engage in the practice of audiology or speech-language pathology revoked or suspended by any other state, agency or authority for reasons consistent with this section;

8. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public’s health, safety and welfare;

9. Has violated or failed to comply with any of the provisions of N.J.S.A. 45:3B-1 et seq. or N.J.A.C. 13:44C-1.1 et seq.

(b) The Notice of Proposed Suspension or Revocation shall inform the licensed individual of the right to request a hearing within 10 days. The hearing shall be pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq.

Notice of correction: (b) should read “The hearing shall” instead of “The shall”.
See: 20 N.J.R. 3140(a).

13:44C-10.2 Reinstatement

The Director, in consultation with the Advisory Committee, may restore a license after one year from the date of its revocation following submission of a new application and a hearing before the Advisory Committee at which the applicant shall demonstrate fitness for reinstatement.