

STATE OF NEBRASKA

Statutes, Rules and Regulations

Relating to:

**AUDIOLOGY AND SPEECH-LANGUAGE
PATHOLOGY ASSISTANTS**

TITLE 172 NAC 24



**Division of Public Health
Licensure Unit**

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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

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TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 24 REGISTRATION OF AUDIOLOGY AND SPEECH- LANGUAGE PATHOLOGY ASSISTANTS

24-001 SCOPE AND AUTHORITY: These regulations apply to registration requirements for an audiology or speech-language pathology assistant and the certification requirements to supervise an audiology or speech-language pathology assistant as defined by Neb. Rev. Stat. §§ 38-501 to 38-527, and the Uniform Credentialing Act (UCA). Additional licensure information regarding audiology and speech-language pathology requirements may be found in 172 NAC 23.

24-002 DEFINITIONS:

Accredited Training Program means a postsecondary school accredited by a regional accrediting institution recognized by the U.S. Department of Education (for example, North Central Association of Colleges and Schools (Higher Learning Commission), Southern Association of Colleges and Schools (Commission on Colleges).

Act means Neb. Rev. Stat. §§ 38-501 to 38-527 known as the Audiology and Speech-Language Pathology Practice Act.

Alternate Supervisor means a licensed audiologist or speech-language pathologist who provides coverage due to absences of the supervisor not to exceed three months.

Attest or Attestation means that the individual declares that all statements on the application are true and complete.

Audiologist means an individual who practices audiology and who presents him/herself to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, or any similar title or description of services.

Audiology or speech-language pathology assistant or any individual who presents him/herself to the public by any title or description with the same duties means any person who, following specified training and receiving specified supervision, provides specified limited structured communication or swallowing services, which are developed and supervised by a licensed audiologist or licensed speech-language pathologist, in the areas in which the supervisor holds license(s).

Board means the Board of Audiology and Speech-Language Pathology.

Confidential information means information protected as privileged under applicable law.

Complete Application means an application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and all required documentation.

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Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere or non vult contendere made to a formal criminal charge, or a judicial finding of guilt irrespective of the pronouncement of judgment or the suspension thereof, and includes instances in which the imposition or the execution of sentence is suspended following a judicial finding of guilt and the defendant is placed on probation.

Credential means a license, certificate, or registration.

Credential holder means a person that holds a license, certificate or registration to practice a profession/occupation.

Department means the Division of Public Health of the Department of Health and Human Services.

Direct Onsite Supervision means the direction given by a licensed audiologist or speech-language pathologist who:

1. Is present in the room in which clinical services are being given; or
2. Observes the clinical setting either by use of an observation window or by closed circuit television with amplification from the clinical setting.

Director means the Director of Public Health of the Division of Public Health or his/her designee.

Dysphagia means disorders of swallowing.

Hour means 60 minutes.

Military service means full-time duty in the active military service of the United States, a National Guard call to active service for more than 30 consecutive days, or active service as a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. Military service may also include any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed on January 1, 2007.)

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 24.

Official means issued by and under the original seal of the educational institution.

Practice of Audiology means the application of evidence-based practice in clinical decision making for the prevention, assessment, habilitation, rehabilitation, and maintenance of persons with hearing, auditory function, and vestibular function impairments and related impairments including:

1. Cerumen removal from the cartilaginous outer one-third portion of the external auditory canal when the presence of cerumen may affect the accuracy evaluations or impressions of the ear canal for amplification devices; and

2. Evaluation, selection, fitting, and dispensing of hearing instruments, external processors of implantable hearing instruments, and assistive technology devices as part of a comprehensive audiological rehabilitation program.

Practice of audiology does not include the practice of medical diagnosis, medical treatment, or surgery.

Practice of Speech-Language Pathology means the application of principles and methods associated with the development and disorders of human communication skills and with dysphagia, in which principles and methods include screening, assessment, evaluation, treatment, prevention, consultation, and restorative modalities for speech, voice, language, language-based learning, hearing, swallowing, or other upper aero-digestive functions for the purpose of improving quality of life by reducing impairments of body functions and structures, activity limitations, participation restrictions, and environmental barriers.

Practice of speech-language pathology does not include the practice of medical diagnosis, medical treatment, or surgery.

Speech-Language Pathologist means an individual who presents him/herself to the public by any title or description of services incorporating the words speech-language pathologist, speech therapist, speech correctionist, speech clinician, language pathologist, language therapist, language clinician, logopedist, communicologist, aphasiologist, aphasia therapist, voice pathologist, voice therapist, voice clinician, phoniatriest, or any similar title, term, or description of services.

For additional definitions that apply see 172 NAC 23-002.

24-003 INITIAL CREDENTIAL

24-003.01 Qualifications: To receive a credential to practice as an audiology or speech-language pathology assistant, an individual must meet the following qualifications.

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to employment as a credential holder in the United States;
3. Education:
 - a. Hold a bachelor's degree from an accredited training program in communication disorders; or
 - b. Hold an associate's degree from an accredited training program in communication disorders; or
 - c. Have completed professional education that is equivalent to an associate's degree or a bachelor's degree. The equivalent coursework meets the requirements outlined in Neb. Rev. Stat. § 38-521 and consists of the following:

- (1) A minimum of 30 semester credit hours in general education that includes, but is not limited to the following areas:
 - (a) Oral and written communication: Course work may include grammar and usage, composition, public speaking, or business writing; and
 - (b) Mathematics: Course work may include general mathematics, business mathematics, accounting, algebra, or higher level mathematics; or
 - (c) Computer applications: Course work may include computer basics, computer literacy, word processing, software applications, web-based applications; or
 - (d) Social and natural sciences: Course work may include psychology, sociology, biology, anatomy, or physiology of speech and hearing mechanisms; and
- (2) A minimum of 40 semester credit hours in technical knowledge that includes the following areas:
 - (a) Overview of normal processes of communication across the life span: Course work must include normal speech, language, communication, hearing development and swallowing physiology; and phonetics;
 - (b) Overview of communication disorders including dysphagia. Course work must include speech, language, and hearing disorders, and dysphagia;
 - (c) Overview of the practice of audiology and speech-language pathology; and
 - (d) Instruction in assistant-level service delivery practices. Course work must include technical procedures and legal and professional issues and ethics for audiology and speech-language pathology assistants, assisting the audiologist and speech-language pathologist in service delivery, and audiology and speech-language pathology assistant technical skills in speech, language and hearing disorders, behavior management and modification;
 - (e) Instruction in workplace behaviors: Course work must include workplace behaviors of the audiology or speech-language pathology assistant and must include relating to clients or patients in a supportive and professional manner, observing and recording patient progress, following supervisor's instructions, maintaining confidentiality, communicating in oral and written formats, following health and safety precautions, and appropriate recordkeeping; and

- (f) Cultural and linguistic factors in communication: Course work may include language and culture, nonverbal communications, sign language and other manually coded systems, bilingualism, or multicultural issues; or
- 4. Practical Experience: Have been registered and practiced as a communication assistant. In order to meet this requirement an individual must have:
 - a. Practiced as a communication assistant between the period of June 1, 2005 and June 1, 2007;
 - b. Practiced for at least 30 hours per week for a minimum of nine months per year; and
 - c. Applied for registration within six months after the effective date of these regulations.
- 5. Additional Training Requirements: If the audiology or speech-language pathology assistant will provide aural rehabilitation programs, the audiology or speech-language pathology assistant must complete additional training to include:
 - a. Information concerning the nature of hearing loss;
 - b. Purposes and principles of auditory and visual training;
 - c. Maintenance, and use of amplification devices;
 - d. Communication options for individuals with hearing loss, (for example, sign language and use of assistive technology).

24-003.02 Application: To apply for a credential to practice as an audiology or speech-language pathology assistant, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department on a form provided by the Department and incorporated into these regulations as Attachment A or construct an application that must contain the following information:

- 1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Date of birth (month, day, and year);
 - (3) Place of birth (city and state or country if not born in the United States);
 - (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.

- (6) The applicant's telephone number including area code (optional);
 - (7) The applicant's e-mail address (optional);
 - (8) The applicant's fax number (optional);
 - (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to employment as a credential holder in the United States;
- b. Practice Before Application: The applicant must state:
- (1) That s/he has not practiced as an audiology or speech-language pathology assistant in Nebraska before submitting the application; or
 - (2) If s/he has practiced as an audiology or speech-language pathology assistant in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the name and location of practice; and
- c. Attestation: The applicant must attest that:
- (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete;
 - (3) S/he is of good character;
 - (4) S/he has not committed any act that would be grounds for denial under 172 NAC 23-006 or if an act(s) was committed, provide an explanation of such act; and
 - (5) For the purpose of complying with Neb. Rev. Stat. §§ 4-108 to 4-114, s/he is a citizen of the United States or a qualified alien under the federal Immigration and Nationality Act. The applicant must provide his/her immigration status and alien number, and agree to provide a copy of his/her United States Citizenship and Immigration Services (USCIS) documentation upon request.
2. Documentation: The applicant must submit the following documentation with the application:
- a. Evidence of age, such as:
 - (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;

- (6) Military identification; or
- (7) Other similar documentation;
- b. Evidence of good character, including:
 - (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the name of the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed. The applicant must have the licensing agency submit to the Department a certification of his/her credential;
 - (2) Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial;
 - (4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (f) Any other information as requested by the Board/Department;
- c. Evidence that the applicant is:
 - (1) A citizen;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry or application for visa for entry, is related to employment as a credential holder in the United States;
- d. Evidence of citizenship, lawful permanent residence, and/or

immigration status may include a copy of:

- (1) A U.S. Passport (unexpired or expired);
 - (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);
 - (4) A Certificate of Naturalization (N-550 or N-570);
 - (5) A Certificate of Citizenship (N-560 or N-561);
 - (6) Certification of Report of Birth (DS-1350);
 - (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
 - (8) Certification of Birth Abroad (FS-545 or DS-1350);
 - (9) A United States Citizen Identification Card (I-197 or I-179);
 - (10) A Northern Mariana Card (I-873);
 - (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (13) A document showing an Alien Registration Number ("A#") with visa status; or
 - (14) A Form I-94 (Arrival-Departure Record) with visa status;
 - e. Documentation of education, including:
 - (1) Name and date of diploma/degree awarded; and
 - (2) Name of school, college or university that awarded the diploma/degree.
 - f. Documentation that the applicant:
 - (1) Requested that an official transcript of an associate's degree or a bachelor's degree, or the equivalent of an associate's degree or bachelor's degree be sent to the Department; or
 - (2) Had been registered and practiced as a communication assistant;
 - g. Documentation of aural rehabilitation training by the supervising audiologist or speech-language pathologist if applicable, must be documented on Attachment A1, which is incorporated into these regulations.
3. Fee: The applicant must submit the required license fee along with the application and all required documentation.

24-003.03 Prorated Fee: When a credential will expire within 180 days after its initial issuance date and the initial credentialing fee is \$25 or more, the Department will collect \$25 or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential, and the credential will be valid until the next subsequent renewal date.

24-003.04 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

24-003.05 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential, the Department will deny issuance of a credential. If the applicant is found to have committed any act which would be grounds for denial of a credential as listed in 172 NAC 23-006, the Department may deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

23-003.06 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

24-003.07 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 23-009 or such other action as provided in the statutes and regulations governing the credential.

24-003.08 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

24-003.09 Address Information: Each credential holder must notify the Department of any change to the address of record.

24-003.10 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

24-004 CONTINUING COMPETENCY REQUIREMENTS: Each person holding an active credential within the state must, on or before the date of expiration of the credential, comply with the continuing competency requirements for his/her profession, unless the requirements are waived in accordance with 172 NAC 24-005.03 and 23-005.04.

24-004.01 On or before the date of expiration, each Nebraska registered audiology or speech-language pathology assistant in active practice within the State of Nebraska must meet the continuing competency requirement of ten hours of in-service training per registration period. The inservice training may be formal or informal and must be directly related to the particular services provided by the audiology or speech-language pathology assistant.

24-005 RENEWAL: An individual who wants to renew his/her audiology or speech-language pathology assistant credential must request renewal as specified in 172 NAC 24-005.02. All

audiology and speech-language pathology assistant credentials issued by the Department will expire one year from date of issuance.

24-005.01 Renewal Notice: At least 30 days before the expiration of a credential, the Department will notify each credential holder at the last known address of record. The renewal notice will include:

1. The type of credential;
2. The credential number;
3. The expiration date;
4. Continuing competency requirements for renewal;
5. The amount of the renewal fee; and
6. Information on how to request renewal and how to place a credential on inactive status.

24-005.02 Renewal Procedures: The request for renewal may be submitted in person or by mail or Internet, and must include all required documentation and the renewal fee, which must be paid no later than the expiration date. The applicant may obtain an application from the Department or construct an application.

1. Application: The applicant must attest that all information in the application is truthful and complete, and the applicant, in his/her application:
 - a. Must provide the following information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (3) The applicant's:
 - (a) Social Security Number (SSN); or
 - (b) Alien Registration Number (A#) or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both;
 - b. Must state that s/he is one of the following:
 - (1) A citizen of the United States;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to employment as a credential holder in the United States;
 - c. May provide the following information about him/herself:
 - (1) The applicant's telephone number including area code;
 - (2) The applicant's e-mail address; and
 - (3) The applicant's fax number;

- d. Must indicate that s/he:
 - (1) Is of good character;
 - (2) Has met the continuing competency requirements specified in 172 NAC 24-004 or has requested a waiver if s/he meets the requirements of 172 NAC 24-005.03 and/or 24-005.04;
 - (3) Has not, since the last renewal of the credential, committed any act which would be grounds for action against a credential as specified in 172 NAC 23-006.01, or if an act(s) was committed, provide an explanation of all such acts; and
 - (4) Is a citizen of the United States or a qualified alien under the federal Immigration and Nationality Act, for the purpose of complying with Neb. Rev. Stat. §§ 4-108 to 4-114. The applicant must provide his/her immigration status and alien number, and agree to provide a copy of his/her USCIS documentation upon request.

- 2. Documentation: The applicant must submit the following documentation with the application:
 - a. Alien or Non-Immigrant: Evidence of lawful permanent residence, and/or immigration status may include a copy of:
 - (1) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (2) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (3) A document showing an Alien Registration Number ("A#") with visa status; or
 - (4) A Form I-94 (Arrival-Departure Record) with visa status;
 - b. Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed;
 - c. Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - d. Denial: If the applicant was denied a credential or denied the right to take a credentialing examination, an explanation of the basis for the denial;
 - e. Conviction Information: If the applicant has been convicted of a felony or misdemeanor, since his/her last renewal or during the time period since initial credentialing if such occurred within the previous year the applicant must submit to the Department:
 - (1) A list of any misdemeanor or felony convictions;

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- (2) A copy of the court record, which includes charges and disposition;
 - (3) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (6) Any other information as requested by the Board/Department; and
3. The renewal fee according to 172 NAC 2.

24-005.03 Waivers for Military Service: A credential holder who has served in the regular armed forces of the United States during part of the credentialing period immediately preceding the renewal date, or is actively engaged in military service as defined in 172 NAC 24-002, is not required to pay the renewal fee or to meet the continuing competency requirements if acceptable documentation is submitted to the Department. The individual must document his/her military service by submitting to the Department:

1. Military identification proving that s/he is in active service;
2. Military orders; or
3. A letter from his/her Commanding Officer indicating that s/he is on active duty.

Upon receipt of acceptable documentation, the Department will waive the fee and the continuing competency requirements and renew the credential. The credential will remain active until the next renewal period.

24-005.04 Waiver of Continuing Competency Requirements: The Department waives continuing competency requirements for individuals who were first credentialed within the 12 month period immediately preceding the renewal date.

24-005.04A The Department may waive continuing competency requirements, in whole or in part, upon submission by a credential holder of documentation that circumstances beyond his/her control have prevented completion of these requirements. These circumstances may include proof that the credential holder was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the 12 months immediately preceding the license renewal date.

24-005.06 Department Review: The Department will act within 150 days upon all completed applications for renewal.

24-005.06A False Information: The Department may refuse to renew a credential for falsification of any information submitted for renewal of a credential. The refusal will be made according to 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

24-005.07 Address Information: Each credential holder must notify the Department of any change to the address of record.

24-005.08 Expiration of a Credential: A credential expires if a credential holder fails to:

1. Notify the Department that s/he wants to place his/her credential on inactive status upon its expiration;
2. Meet the requirements for renewal on or before the date of expiration of his/her credential; or
3. Otherwise fails to renew his/her credential.

24-005.08A Failure to Renew: A credential automatically expires without further notice or opportunity for hearing if a credential holder fails by the expiration date of the credential to either:

1. Submit documentation of continuing competency; or
2. Pay the required renewal fee.

24-005.08B Failure to Meet Continuing Competency Requirements: The Department will refuse to renew a credential, after notice and opportunity for hearing, if a credential holder fails to meet the continuing competency requirements for renewal by the expiration date of the credential.

24-005.08C Right to Practice: When an individual's credential expires, the right to represent him/herself as a credential holder and to practice as an audiology or speech-language pathology assistant terminates.

24-005.08D Practice After Expiration: An individual who practices after expiration of his/her credential is subject to assessment of an administrative penalty under 172 NAC 23-009 or such other action as provided in the statutes and regulations governing the credential.

24-005.08E Reinstatement of an Expired Credential: If a credential holder wants to resume the practice as an audiology or speech-language pathology assistant after failing to renew his/her credential by the expiration date, s/he must apply to the Department for reinstatement as specified in 172 NAC 23-008.

24-005.09 Inactive Status: When an individual wants to have his/her credential placed on inactive status, s/he must notify the Department in writing. There is no fee to have a credential placed on inactive status and continuing competency is not required.

24-005.09A Request for Inactive Status: When the Department has received notification that an individual wants to have his/her credential placed on inactive

status, the Department will notify the credential holder in writing of the acceptance or denial of the request.

24-005.09B Placement on Inactive Status: When an individual's credential is placed on inactive status, the credential holder must not engage in the practice of profession/occupation, but may represent him/herself as having an inactive credential.

24-005.09C Return to Active Status: A credential may remain on inactive status for an indefinite period of time. An individual who wants to have his/her credential returned to active status must apply to the Department for reinstatement and meet the requirements specified in 172 NAC 23-008.

24-006 ABILITY TO PRACTICE: In order to practice as a registered audiology or speech language pathology assistant, an individual must be supervised by a licensed audiologist or speech-language pathologist and the supervisor must obtain certification to supervise as specified in 172 NAC 24-007.

24-007 CERTIFICATION TO SUPERVISE REQUIREMENTS: The Department upon recommendation of the Board will approve an application that is submitted by a licensed audiologist or speech-language pathologist to supervise an assistant when the requirements for supervision are met in 172 NAC 24-007.01.

24-007.01 Certification Requirements: The Department, upon recommendation of the Board will approve an application submitted by a licensed audiologist or speech-language pathologist to supervise an assistant when the:

1. Audiology or speech language pathology assistant meets the requirements for registration as outlined in 172 NAC 24-003.01;
2. Audiology or speech-language pathologist has a valid Nebraska license;
3. Audiologist or speech-language pathologist is in active practice in Nebraska;
4. Audiologist or speech-language pathologist is able to:
 - a. Identify the settings in which the audiology or speech-language pathology assistant will be providing audiology or speech-language pathology services;
 - b. Describe the agreed upon functions the audiology or speech-language pathology assistant may perform; and
 - c. Describe the provision for supervision by an alternate audiologist or speech-language pathologist when necessary.
5. The audiologist or speech-language pathologist agrees to follow the requirements for supervision as specified in 172 NAC 24-007.03.
6. The audiologist or speech-language pathologist may only supervise two assistants.

24-007.02 Application: To apply for a credential to practice as an audiology or speech-language pathology assistant supervisor, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an

application from the Department on a form provided by the Department and incorporated into these regulations as Attachment B or construct an application that must contain the following information:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (3) The Nebraska license number of the audiologist or speech-language pathologist;
 - b. Audiology or speech-language pathology assistant information:
 - (1) Name of audiology or speech-language pathology assistant that you are supervising;
 - (2) The area in which the assistant will be working, audiology or speech-language pathology;
 - c. Practice site information:
 - (1) Name of facility;
 - (2) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (3) The applicant's telephone number including area code (optional);
 - d. Duties the audiology or speech-language pathology assistant will perform as defined in 172 NAC 24-002;
 - e. Affidavit: The applicant must certify that:
 - (1) S/he is the person referred to in the application
 - (2) All statements on the application are true and complete;
 - (3) Ensure that the audiologist or speech-language pathologist assistant named in the application will not perform functions listed in Neb. Rev. Stat. § 38-524 as follows:
 - (a) Evaluate or diagnose any type of communication disorder;
 - (b) Evaluate or diagnose any type of dysphagia;
 - (c) Interpret evaluation results or treatment progress;
 - (d) Consult or counsel, independent of the licensed audiologist or speech-language pathologist, with a patient, a patient's family, or staff regarding the nature or degree of communication disorders or dysphagia;
 - (e) Plan patient treatment programs;
 - (f) Represent himself or herself as an audiologist or speech-language pathologist or as a provider of speech, language, swallowing, or hearing treatment or assessment services;
 - (g) Independently initiate, modify, or terminate any

- treatment program; or
- (h) Fit or dispense hearing instruments.
- (4) The audiologist or speech-language pathologist assistant named in the application will not perform aural rehabilitation unless s/he has the additional training required by Neb. Rev. Stat. § 38-522;
 - (5) S/he will be responsible for supervising the audiology or speech-language pathology assistant;
 - (6) S/he agrees to provide an alternate supervisor when unable to supervise the audiology or speech-language pathology assistant;
- f. Additional information: The applicant must:
- (1) State whether or not s/he is supervising any other audiology or speech-language pathology assistants;
 - (2) List the names of the audiology or speech-language pathology assistants being supervised, if applicable;
 - (3) Describe the provision for supervision by an alternate audiologist or speech-language pathologist during the supervisor's absence;
2. Fee: The applicant must submit the required license fee along with the application and all required documentation.

24-007.03 Supervisor Duties: A licensed audiologist or speech-language pathologist supervisor must:

- 1. Provide and document direct onsite supervision for the first two treatment sessions of each patient;
- 2. Provide and document direct onsite supervision of at least 20% of all subsequent treatment sessions per quarter;
- 3. Provide and document at least ten hours in-service training each year, either formal or informal, which is directly related to the particular services provided by the audiology or speech-language pathology assistant;
- 4. Prepare semi annual performance evaluations of the audiology or speech-language pathology assistant to be reviewed with the audiology or speech-language pathology assistant on a one-to-one basis;
- 5. Prepare and provide annual reports to the Department with the audiology or speech-language pathology assistant's renewal verifying that evaluation, supervision and training have been completed pursuant to Neb. Rev. Stat. § 38-525; and
- 6. Be responsible for all aspects of patient treatment;
- 7. Supervise no more than two audiology or speech-language pathology assistants at one time;
- 8. Maintain the records listed in 172 NAC 24-007.03, items 1- 5 for five years from the date of the record.

24-007.04 Audiology or Speech-Language Pathology Assistant Duties and Activities:

An audiology or speech-language pathology assistant may, under the supervision of a licensed audiologist or speech-language pathologist, perform the following duties and activities:

1. Implement programs and procedures designed by a licensed audiologist or speech-language pathologist;
2. Maintain records of implemented procedures which document a patient's responses to treatment;
3. Provide input for interdisciplinary treatment planning, inservice training, and other activities directed by a licensed audiologist or speech-language pathologist;
4. Prepare instructional material to facilitate program implementation as directed by a licensed audiologist or speech-language pathologist;
5. Follow plans, developed by the licensed audiologist or speech-language pathologist, that provide specific sequences of treatment to individuals with communicative disorders or dysphagia;
6. Chart or log patient responses to the treatment plan; and
7. Provide aural rehabilitation if additional training listed in 172 NAC 24-003.01, item 5 was completed.

24-007.05 Audiology or Speech-Language Pathology Assistant; acts prohibited: An audiology or speech-language pathology assistant is not allowed to:

1. Evaluate or diagnose any type of communication disorder;
2. Evaluate or diagnose any type of dysphagia;
3. Interpret evaluation results or treatment progress;
4. Consult or counsel, independent of the licensed audiologist or speech-language pathologist, with a patient, a patient's family, or staff regarding the nature or degree of communication disorders or dysphagia;
5. Plan patient treatment programs;
6. Represent himself or herself as an audiologist or speech-language pathologist or as a provider of speech, language, swallowing, or hearing treatment or assessment services;
7. Independently initiate, modify, or terminate any treatment program; or
8. Fit or dispense hearing instruments.

24-007.06 Denial of Certification To Supervise: The Department may deny an audiologist or speech-language pathologist the right to supervise an audiology or speech-language pathology assistant upon evidence of any of the following:

1. The audiology or speech-language pathologist is not licensed to practice audiology or speech-language pathology in Nebraska;
2. The audiology or speech-language pathology assistant is not registered in Nebraska, or
3. The audiologist or speech-language pathologist proposes to permit the audiology or speech-language pathology assistant to perform duties beyond the scope of

practice of an audiology or speech-language pathology assistant. The duties include the following:

- a. Evaluating or diagnosing any type of communication disorder;
 - b. Interpreting evaluation results or treatment progress;
 - c. Consulting or counseling, independent of the licensed audiologist or speech-language pathologist, with a patient, a patient's family, or staff regarding the nature or degree of communication disorders;
 - d. Planning patient treatment programs;
 - e. Representing him/herself as an audiologist or speech-language pathologist or as a provider of speech, language, or hearing treatment or assessment services; or
 - f. Independently initiating, modifying, or terminating any treatment program; and
4. The audiologist or speech-language pathologist is supervising more than two audiology or speech-language pathology assistants.

24-007.07 Termination of Supervision: If the supervision of an audiology or speech-language pathology assistant is terminated by the audiologist or speech-language pathologist or the audiology or speech-language pathology assistant:

1. The audiologist or speech-language pathologist must notify the Department in writing, within 30 days of the termination and the date supervision ceased; and
2. The audiology or speech-language pathology assistant must cease providing any audiology or speech-language pathology services on the date the approved supervision is terminated.

24-007.08 Department Review: The Department will act within 150 days upon all completed applications for approval to supervise.

24-007.09 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential, the Department will deny issuance of a credential. If the applicant is found to have committed any act which would be grounds for denial of a credential as listed in 172 NAC 23-006, the Department may deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

24-007.10 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

24-007.11 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 23-009 or such other action as provided in the statutes and regulations governing the credential.

Effective Date
November 6, 2010

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 24

24-007.12 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

24-007.13 Address Information: Each credential holder must notify the Department of any change to the address of record.

24-007.14 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

24-008 DISCIPLINARY ACTION: Information on disciplinary actions may be found in 172 NAC 23-006.

24-009 REINSTATEMENT: Information on reinstatement may be found in 172 NAC 23-008.

24-010 ADMINISTRATIVE PENALTY: Information on administrative penalty may be found in 172 NAC 23-009.

24-011 FEES: Fees referred to in these regulations are set out in 172 NAC 2, unless otherwise specified.

Approved by Attorney General:	October 19, 2010
Approved by Governor:	November 1, 2010
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Forms may be obtained by contacting the Licensure Unit or by accessing the website at <http://www.hhss.ne.gov/crl/profindex1.htm>

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