



# Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised August 2023

<b>1. General Information</b>			
a. Agency/Board Name* Examiners of Speech-Language Pathology and Audiology			
b. Agency/Board Address 2001 Capitol Ave, Rm 127		c. City Cheyenne	d. Zip Code 82001
e. Name of Agency Liaison Greg Searls		f. Agency Liaison Telephone Number 307-777-7788	
g. Agency Liaison Email Address greg.searls@wyo.gov			
h. Date of Public Notice 9/11/2023		i. Comment Period End Date 10/29/2023	
j. Public Comment URL or Email Address: greg.searls@wyo.gov			
k. Program Examiners of Speech-Language Pathology and Audiology			
Amended Program Name (if applicable):			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
<b>2. Legislative Enactment</b>			
For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.			
a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Number and Year Enacted:		Chapter:	Year:
<b>3. Rule Type and Information</b>			
For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number: 1	Chapter Name: General Provisions	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 2	Chapter Name: Licensure and Renewal Requirements and Application Procedures	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 5	Chapter Name: Speech-Language Pathology Aides and Audiometric Technicians	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 9	Chapter Name: Practice and Procedures for Disciplinary Application and Licensure Matters	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 11	Chapter Name: Practice of Speech-Language Pathology and Audiology	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 12	Chapter Name: Speech-Language Pathology Assistant	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

#### **4. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  **No.**  **Yes. Please complete the boxes below.**

Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

#### **5. Federal Law Requirements**

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements.  **No.**  **Yes. Please complete the boxes below.**

Applicable Federal Law or Regulation Citation:

Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

#### **6. State Statutory Requirements**

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b.  The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_

(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_

(Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

**8. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	Greg Searls
<i>Title of Authorized Individual</i>	Executive Director
<i>Date of Authorization</i>	9/8/2023



## Additional Rule Information

Revised June 2020

Include this page only if needed.

<b><u>1. General Information</u></b>			
a. Agency/Board Name* <b>Examiners of Speech-Language Pathology and Audiology, Board of</b>			
b. Agency/Board Address <b>2001 Capitol Ave, Rm 127</b>	c. City <b>Cheyenne</b>	d. Zip Code <b>82001</b>	
e. Name of Agency Liaison <b>Greg Searls</b>	f. Agency Liaison Telephone Number <b>307-777-7788</b>		
g. Agency Liaison Email Address <b>greg.searls@wyo.gov</b>			
h. Program <b>Examiners of Speech-Language Pathology and Audiology</b>			
Amended Program Name (if applicable):			

<b><u>2. Rule Type and Information, Cont.</u></b>			
a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.			
Chapter Number: 14	Chapter Name: <b>Practice and Procedures for Applications</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 15	Chapter Name: <b>Practice and Procedures for Discipline Matters</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
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Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

**WYOMING BOARD OF EXAMINERS OF  
SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY**

2001 Capitol Avenue, Emerson Building, Room 105 ♦ Cheyenne WY 82002 ♦ (307) 777-3628 ♦ Fax: (307) 777-3508  
<http://speech.wyo.gov>

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**STATEMENT OF REASONS  
FOR ADOPTION OF RULES**

Pursuant to authority granted under the Board of Examiners of Speech-Language Pathology and Audiology Practice Act, Wyo. Stat. Ann §§ 33-33-101 through -402, the Wyoming State Board of Examiners of Speech-Language Pathology and Audiology proposes the following rule changes.

These rules are intended to implement the Board's authority to protect the public by regulating the qualifications and establishing standards of performance of persons licensed as Speech-Language Pathologist and Audiologist and certified as a Speech-Language Pathology Assistant.

All Amended Chapters

- Changes were made to correct typographical and grammar errors.
- Removed the statement of purpose language in amended chapters because it is not required.

Chapter 1 – General Provisions - **Amended**

- Section 3. Deleted the definition of disciplinary committee. New Chapter 15 provides updated language based upon the model chapters from the Attorney General's Office
- Clarified the language on verifications to make it understood that anyone can request a verification of a license, including credentialing agencies and insurance companies.

Chapter 2 – Licensure and Renewal Requirements and Application Procedures - **Amended**

- Section 3. Deleted this section as it is now found in Chapter 14 of the Rules.
- Renumbered the sections due to the deletion.
- Section 5. Reduced the requirement for necessary documentation to only include licenses currently held from any license in the last 15 years.
- Section 7. Reduced the burden of documentation for renewal by no longer requiring documentation of all continuing education to be provided for all renewal application.
- Section 7. Reduced the number of hours of continuing education units from 12 per year to 10 per year. This aligns better with the national accrediting body and their requirements.
- Section 7. Added the ability to obtain continuing education unit (CEU) credit by providing supervision to students earning their degree or supervising an SLPA. Defined the requirements for the type of CEU.
- Section 8. Established the rules and procedures for the audit process in lieu of everyone submitting the documentation of their CEUs.
- Section 9. Clarified why a person could be disciplined after allowing their license to expire by failing to file a timely and complete renewal application.
- Section 9. Adjusted the required number of CEUs to align with the change to 10 CEUs per year.
- Section 10. Reduced the number of hours of continuing education from 12 per year to 10 per year. This aligns better with the national accrediting body and its requirements.



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- Section 11. Changed the language to provide when an applicant would seek reinstatement. The deleted language is in the new chapter 15 when the applicant would seek removal of restrictions on an existing license.

**Chapter 5 - Speech-Language Pathology Aides and Audiometric Technicians - Amended**

- Section 2 and 3. Changed the GED language to high school equivalency certificate as there are multiple programs that offer this certification.

**Chapter 9 - Practice and Procedures for Disciplinary Application and Licensure Matters – Repealed**

- This chapter is repealed and the language has been moved to the new Chapter 14 and 15 as appropriate.

**Chapter 11 – Practice of Speech-Language Pathology and Audiology – Amended**

- Section 3. Clarified that an audiologist can prescribe, order and dispense hearing aid devices. This is based upon the new language from the federal government regarding prescription versus over-the-counter hearing aid devices.

**Chapter 12 – Speech-Language Pathology Assistant – Amended**

- Section 2. Removed the date language for requiring fingerprints as part of the application process and clarified they are now needed for all applications.
- Section 2. Removed the language regarding identifying themselves as an SLPA as it is in the statute.
- Section 5. Reduced the burden of documentation for renewal by no longer requiring documentation of all continuing education to be provided for all renewal application.
- Section 5. Reduced the number of hours of continuing education units from 12 per year to 10 per year.
- Section 6. Added language to clarify the requirement is only after initial certification and not a requirement if the person changes supervisors.
- Section 8. Reduced the number of hours of continuing education from 12 per year to 10 per year.
- Section 9. Establish the procedures for audit of CEUs.

**Chapter 14 – Practice and Procedures for Applications - New**

- This chapter used model language prepared by the Wyoming Attorney General’s Office to outline the procedures for application and licensure matters. The model chapter is designed to establish uniform procedures for all regulatory boards.

**Chapter 15 – Practice and Procedures for Discipline Matters - New**

- This chapter used model language prepared by the Wyoming Attorney General’s Office to outline the procedures disciplinary matters. The model chapter is designed to establish uniform procedures for all regulatory boards.



## Chapter 1

### General Provisions

**Section 1. Authority.** The Board is authorized under the Act and the WAPA to promulgate rules and regulations related to the licensure and discipline of speech-language pathologists and audiologists and regulation of the practice of speech-language pathology and audiology in Wyoming.

**Section 2. Statement of Purpose.** These Board Rules are adopted to implement the Board's authority to establish administrative procedures.

**Section 3. Definitions.**

- (a) "AAA" means American Academy of Audiology.
- (b) "ABA" means American Board of Audiology.
- (c) "Act" means the Practice Act for Speech-Language Pathologists and Audiologists, Wyoming Statute 33-33-101 through 402.
- (d) "ARC" means Application Review Committee.
- (e) "ASHA" means the American Speech-Language-Hearing Association.
- (f) "Board Rules" means the administrative rules and regulations promulgated by the Board.
- (g) "CEU" means continuing education units.
- (h) "Direct Supervision" means in-view observation and guidance by an SLP or Audiologist while an assigned activity is performed by support personnel. This must be either through synchronous telepractice or onsite. Direct Supervision requires the presence of the supervisor at all times when a SLPA, aide or audiometric technician is assisting with testing or treatment.
- (i) "FERPA" means the Family Educational Rights and Privacy Act
- (j) "HIPAA" means the Health Insurance Portability and Accountability Act
- (k) "Indirect Supervision" means the supervising SLP or Audiologist is not at the same facility or in close proximity to the support personnel, but is available to provide supervision by electronic means. Indirect supervision activities performed by the supervisor

may include, but are not limited to, demonstration, record review and evaluation of audio or asynchronous videotaped session, and interactive television and supervisory conferences that may be conducted by telephone, email, or live webcam.

(l) “Licensee” means a speech-language pathologist or audiologist licensed in Wyoming.

(m) “Praxis” means the National Examination in Speech-Language Pathology or the National Examination in Audiology administered by the Educational Testing Service or its successor.

(n) “SLP” means a person licensed by the Board as a Speech-Language Pathologist

(o) “SLPA” means a person certified by the Board as Speech-Language Pathology Assistant

(p) “Speech-language pathology aide” means an individual who meets minimum qualifications established by board rule for speech-language pathology assistants and who works under the direct supervision of a licensed speech-language pathologist.

(q) “WAPA” means the Wyoming Administrative Procedure Act, W.S. 16-3-101 through -115.

**Section 4. Board Office.** The Board Office shall be located at 2001 Capitol Avenue, Cheyenne, Wyoming.

**Section 5. Board Meetings.** The Board shall set its regular meetings by resolution.

**Section 6. Reference by Incorporation.**

(a) For any rule incorporated by reference in these Board Rules:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and

(iii) The incorporated rule is maintained at Board Office and is available for public inspection and copying at cost at the same location.

(b) Each rule incorporated by reference is further identified as follows:



(i) Referenced in Chapter 9, Section 9 is Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at: <http://speech.wyo.gov>.

(ii) Referenced in Chapter 11, Section 3 is Code of Ethics, adopted by AAA and effective in October 2011, found at: <http://speech.wyo.gov>.

(iii) Referenced in Chapter 11, Section 3 is Code of Ethics, adopted by ABA and effective in 1999, found at: <http://speech.wyo.gov>.

(iv) Referenced in Chapter 11, Section 3 is Code of Ethics, adopted by ASHA and effective in March 2016, found at: <http://speech.wyo.gov>.

(v) Referenced in this Chapter, Section 7 is the Uniform Procedures, Fees, Costs and Charges for Inspecting, Copying and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at <http://speech.wyo.gov>.

#### **Section 7. Public Records Inspection.**

(a) All public records requests are subject to the Uniform Procedures, Fees, Costs and Charges for Inspecting, Copying and Producing Public Records adopted by the Department of Administration and Information

(b) Public records inspection shall take place under the following conditions:

(i) An appointment shall be made to review the records between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding state holidays, at the Board Office; and

(ii) Records inspection shall take place in the presence of Board staff.

**Section 8. Change of Name, Address, or Telephone Number.** Each applicant and licensee shall notify the Board in writing of any change to their legal name, home address, business address, e-mail address, or telephone number within thirty (30) days of the change.

**Section 9. Requests for Rosters.** The information is found on the Board website at [speech.wyo.gov](http://speech.wyo.gov).

**Section 10. Duplicate Pocket Card and Wall Certificate.** A licensee may request a duplicate pocket card and/or wall certificate by submitting a form and payment of the fee.

**Section 11. License Verification.** Any person may request an official verification of a Wyoming license by submitting a form and payment of the fee.

## Chapter 2

### Licensure and Renewal Requirements and Application Procedures

**Section 1. Authority.** These Board Rules are adopted to implement the Board's authority granted by Wyoming Statute 33-33-105(a), -202(b), and -306(d).

#### **Section 2. Application Status.**

(a) For those applicants seeking licensure, all requirements shall be met during the timeframe identified immediately prior to submitting a completed application.

(b) Applications shall be deemed "complete" when all necessary documentation has been received by the Board office.

(c) Applications shall expire one (1) year after submission. If an application expires, an applicant shall submit a new application, including payment of fee.

#### **Section 3. Speech-Language Pathology Provisional Licensure.**

(a) Eligibility. An applicant may seek a provisional license if the applicant has not completed a clinical fellowship year and has not practiced in another jurisdiction.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fees;

(ii) Submit transcripts complying with W. S. 33-33-105(a)(i) directly from the college, university, or institution;

(iii) Successfully pass Praxis;

(iv) Submit executed supervisory agreement; and

(v) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii).

(c) Board Approval of Supervisory Agreement. The Board shall approve supervisory agreements that meet the qualifications identified in Chapter 11, Section 4.

(d) Provisional licenses shall be valid for one (1) year.

(e) Renewal. Provisional licenses may be renewed one (1) time.

#### **Section 4. Speech-Language Pathology Initial Licensure by Completing**

**Provisional.**

(a) Eligibility. An applicant may seek initial licensure if the applicant completes their clinical fellowship year and meets the requirements for initial licensure.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fees;

(ii) Submit the supervisor verification documenting completion of the clinical fellowship year.

**Section 5. Initial Licensure.**

(a) Eligibility. An applicant may seek initial licensure if the applicant is not licensed to practice in another jurisdiction, or that jurisdiction's licensure requirements are not as stringent as Wyoming, or those that fail to meet other licensure methods.

(b) Application Requirements.

(i) Speech-Language Pathology License Applicants shall:

(A) Submit a completed application along with appropriate fee;

(B) Submit evidence of clinical competency by:

(I) Verifying current ASHA certification; or

(II) Complete the following:

(1) Clinical fellowship

(2) Education requirements identified in Section

4(b)(ii) of this chapter; and

(3) Successful passage of the Praxis within the previous

five (5) years; and

(C) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii).

(ii) Audiology License Applicants shall:

(A) Submit a completed application along with appropriate fee;

(B) Submit evidence of clinical competency by verifying current ABA certification or ASHA Certification;

(C) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii); and

(iii) Submit license verification directly from every jurisdiction where the applicant currently holds a license, if applicable.

**Section 6. Licensure by Endorsement.**

(a) Eligibility. An applicant may seek licensure by endorsement if the applicant is actively licensed to practice in another jurisdiction with licensure requirements as stringent as Wyoming.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fees;

(ii) Meet requirements identified in Section 4(b) (ii);

(iii) Submit license verification directly from every jurisdiction where the applicant currently holds a license; and

(iv) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii).

**Section 7. Annual Licensure Renewal.**

(a) Licensure Expiration. Licenses shall expire December 31st of the year following the year of issue. After the initial licensure, licenses shall expire December 31st of each year. Licensees shall renew their license on or before December 31st. Licensees that fail to timely renew shall forfeit the right to practice.

(b) Renewal Procedure. A licensee seeking renewal shall:

(i) Submit a completed renewal application and payment of fee;

(ii) Attest to completion of ten (10) CEU that complies with subsection (c);

(iii) Submit annual competency evaluation for any aides practicing under licensee's supervision;

(iv) Submit proof of supervision as specified in Chapter 12 for any SLPA under the licensee's supervision; and

(v) Submit fingerprints and other information necessary for a criminal history record background check as required by W. S. 33-33-306(e).

(c) CEU Requirements.

(i) All licensees shall maintain CEU requirements.

(ii) CEU shall be calculated as follows:

(A) One (1) semester credit equals fifteen (15) CEU;

(B) One (1) quarter credit equals ten (10) CEU; and

(C) One (1) contact hour equals one (1) CEU.

(iii) CEU shall be obtained January 1 to December 31 of the year of expiration.

(iv) CEU shall be directly related to the scopes of practice defined in W.S. 33-33-102.

(v) The Board shall accept CEU that is directly related to the scope of practice sponsored by national, regional, or state professional associations, such as AAA, ABA, ASHA, or Wyoming Speech-Language-Hearing Association;

(vi) CEU may be earned through:

(A) College or university courses taken for credit or through official audit;

(B) Online courses;

(C) Scientific and educational lectures, workshops, or seminars;

(D) Journals offered for CEU;

(E) Scientific and educational lectures, workshops, or seminars presented by the licensee (a maximum of three (3) CEU); and

(F) Articles published by the licensee in a nationally or state refereed journal if the article falls within the licensee's area of licensure (a maximum of three (3) CEU).

(G) Providing clinical supervision to a student as part of an accredited college or university training program for Speech-Language Pathology Assistants, Speech-Language Pathology or Audiology.

(1) A maximum of six (6) CEU can be earned through the provision of supervision. One CEU is granted for every thirty (30) hours of supervision.

(2) Documentation CEU under this subsection shall include the assessment required by the educational program and a log of hours that:

- (I) Is signed by both the supervisor and supervisee; and
- (II) A description of services provided under supervision.

(vii) If a licensee takes the same course more than once in a renewal period, the CEUs from that course will only be counted towards the required hours once.

(viii) Acceptable CEU documentation shall include, but is not limited to, transcripts and certificates of completion.

(d) Waiver. The Board may grant a waiver for CEU requirements for licensees who have petitioned and demonstrated just cause based on extenuating circumstances.

### **Section 8. Audits.**

(a) CEUs may be audited by the Board for verification of compliance with these requirements.

(b) If the Board disallows any CEUs, the licensee shall have thirty (30) days from notice of such disallowance to:

(i) Provide evidence that the disallowed CEUs meet the criteria established by these rules;

(ii) Provide documentation of having acquired additional CEUs during the required time frame; or

(iii) Cure the disallowance by acquiring the required number of CEUs.

(A) Any CEU activity completed past the renewal date to cure a disallowance may not be reported on subsequent applications for license renewal.

(B) If a licensee fails to complete the required number of CEUs, the licensee shall be subject to disciplinary action.

(c) Every year, ten percent (10%) of current licensees will be selected by February 15 following the renewal at random and required to submit verification of the CEU hours for Audit.

### **Section 9. Failure to Timely Renew.**

(a) Unlicensed Practice. Failure to timely renew may subject the licensee to disciplinary action for unlicensed practice, if the licensee continues to practice after the license

expires. Licensees shall not practice until the Board approves their license.

(b) Administrative Grace Period.

(i) Licensees that failed to timely renew may apply for renewal during the administrative grace period. The administrative grace period shall be up to three (3) years after the expiration of the license.

(ii) Licensees shall meet the renewal requirements under Section 7(b) including payment of a late renewal fee.

(iii) Licensees that failed to timely renew shall submit ten (10) hours of CEU for each calendar year or portion thereof that the license has been expired up to a maximum of one hundred (100) CEUs.

(c) Lapsed Licensed. Any license not renewed within the administrative grace period shall lapse. If a license lapses, the applicant shall apply for relicensure.

**Section 10. Relicensure.**

(a) Eligibility. An applicant may seek relicensure if their license has lapsed.

(b) Lapsed License Relicensure Requirements. An applicant shall:

(i) Submit a completed relicensure application and payment of fee;

(ii) Submit evidence of clinical competency by:

(A) Verifying current ASHA or ABA certification; or

(B) Successful completion of:

(I) The Praxis within five (5) years; and

(II) Completion of ten (10) CEUs for each year or portion thereof that the license was lapsed up to a maximum of one hundred (100) CEUs; and

(iii) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii).

**Section 11. Reinstatement of Licensure.**

(a) Eligibility. An applicant may seek reinstatement of their license if that license has been revoked, surrendered, or suspended. For a license that has been revoked or surrendered, an applicant must wait a minimum of twelve (12) months before applying for reinstatement.



- (b) Application Reinstatement Requirements. The applicant shall:
- (i) Submit a completed reinstatement application and payment of fee;
  - (ii) Submit evidence of complying with the requirements of a previous Board order;
  - (iii) Submit evidence of applicant's ability to safely and competently practice;
  - (iv) Submit evidence demonstrating just cause for reinstatement; and
  - (v) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii).

## Chapter 5

### Speech-Language Pathology Aides and Audiometric Technicians

**Section 1. Authority.** These Board Rules are adopted to implement the Board's authority granted by Wyoming Statutes 33-33-102(a) (vii) and (viii), and -202(b).

**Section 2. Speech-Language Pathology Aides Registration.**

(a) An applicant may seek registration as a speech-language pathology aide to practices under the direct supervision of a licensee.

(b) Education requirement. An applicant must have a high school diploma or a high school equivalency certificate.

(c) Application Packet for Speech-Language Pathology Aide Registration. The applicant shall submit the following documentation to the Board for approval:

(i) Completed application and payment of fees;

(ii) Direct Supervision agreement executed by the applicant and the supervising licensee; and

(iii) A training plan establishing competency for the applicant submitted by the supervising licensee, which includes:

(A) Twenty-five (25) hours of direct supervised client contact; and

(B) Twenty-five (25) hours of direct observational training in the following:

(I) Overview of speech and/or language disorders relative to client-related care or hearing and balance relative to client-related assessment, disorders, and care;

(II) Ethical and legal responsibilities;

(III) Observing and data collection specific to site population;

and

(IV) Record keeping.

(d) Aide Registration. Upon Board approval, the supervising licensee may implement the training plan. Verification of completion shall be sent to the Board within six (6) months of approval, otherwise the application shall expire. After completion, the applicant may identify

themselves as an “aide.”

(e) Aide Continued Practice. An aide's registration shall remain valid if the supervising licensee provides the required evaluation form with their annual renewal.

### **Section 3. Audiometric Technician Registration**

(a) An applicant may seek registration as an audiometric technician to practice under the direct supervision of a licensee.

(b) Education requirement. An applicant shall have a high school diploma or high school equivalency certificate.

(c) Application Packet. The applicant shall submit the following documentation to the Board for approval:

(i) Completed application and payment of fees;

(ii) Direct Supervision agreement executed by the applicant and the supervising licensee; and

(iii) A training plan establishing competency for an audiometric technician submitted by the supervising licensee, which includes:

(A) Twenty-five (25) hours of direct supervised client contact; and

(B) Twenty-five (25) hours of direct observational training in:

(I) Overview of hearing and hearing disorders relative to client-related assessments, disorders, and care;

(II) Basic training in screening for hearing, including audiometry, tympanometry, and otoacoustic emissions, as needed;

(III) Ethical and legal responsibilities;

(IV) Observing and data collection specific to site population;

and

(V) Record keeping.

(d) Audiometric Technician Registration. Upon Board approval, the supervising licensee may implement the training plan. Verification of completion shall be sent to the Board, using the Board approved form, within six (6) months of approval, otherwise the application shall expire. After completion, the applicant may identify themselves as an “audiometric technician.”

(e) Audiometric Technician Continued Practice. An aide's registration shall remain valid if the supervising licensee provides the required evaluation form with their annual renewal.

**Section 4. Notice of Transfer or Termination of Supervision.**

(a) An aide or audiometric technician may change supervisors after the Board reviews and approves an executed supervision agreement form.

(b) The supervising licensee may terminate supervision of an aide or audiometric technician. The supervising licensee shall notify the Board in writing of termination within thirty (30) days.

## **Chapter 9**

### **Practice and Procedures for Disciplinary, Application, and Licensure Matters**

These rules have been repealed.

## Chapter 11

### Practice of Speech-Language Pathology and Audiology

**Section 1. Authority.** These Board Rules are adopted to implement the Board's authority to regulate the practice of speech-language pathology and audiology in Wyoming granted by Wyoming Statute § 33-33-202(b).

#### **Section 2. Dual Licensure.**

(a) To practice in both areas of licensure, speech-language pathology and audiology, a licensee shall obtain licensure as a speech-language pathologist and audiologist.

(b) A speech-language pathologist may perform non-diagnostic audiometric screening either for the purposes of performing a speech and language evaluation or for initial identification of individuals with other communicative disorders.

(c) An audiologist may perform non-diagnostic speech and language screening either for purposes of performing an audiologic evaluation or for initial identification of individuals with other communicative disorders.

(d) Any licensee may provide aural habilitation, aural rehabilitation services, and auditory processing services, for which they have been properly trained.

#### **Section 3. Practice of Speech-Language Pathology and Audiology.**

(a) Each licensee shall comply with the provisions of AAA, ABA, and ASHA's Codes of Ethics as referenced in Chapter 1.

(b) For a speech-language pathologist, the development and disorders of speech, voice, language or swallowing includes, but is not limited to:

(i) Screening, identifying, assessing and interpreting, diagnosing, habilitating, rehabilitating, and preventing disorders of speech such as

(A) Articulation;

(B) Pragmatics;

(C) Literacy;

(D) Phonology;

(E) Fluency;

- (F) Voice, resonance and nasal airflow;
  - (G) Oral motor speech and orofacial myofunctional function;
  - (H) Oral-pharyngeal function, such as swallowing/dysphagia and related disorders;
  - (I) Language to include verbal and written and related non-oral/nonverbal forms;
  - (J) Cognitive/communication disorders;
  - (K) Memory and comprehension; and
  - (L) Auditory processing.
- (ii) Assessing, selecting and developing augmentative and alternative communication systems and providing training in their use;
  - (iii) Providing aural habilitation or rehabilitation and related training and instructional services;
  - (iv) Enhancing speech-language proficiency and communication effectiveness, such as accent reduction; and
  - (v) Screening of hearing and other factors for the purpose of speech-language evaluation or the initial identification of individuals with other communication disorders.
- (c) For an audiologist, practice includes, but is not limited to,
    - (i) Facilitating where applicable the conservation of auditory system function;
    - (ii) Developing and implementing environmental and occupational hearing conservation programs;
    - (iii) Cerumen management;
    - (iv) Screening, identifying, assessing and interpreting, diagnosing, preventing, and rehabilitating peripheral and central auditory system dysfunction;
    - (v) Providing and interpreting behavioral and electro-physiological measurements of auditory and vestibular functions, such as:
      - (A) Auditory evoked potential assessment;
      - (B) Neurophysiologic intraoperative monitoring; or

(C) Balance system assessment.

(vi) Providing aural habilitation or rehabilitation and related training and instructional services to individuals with hearing loss and their families; and

(vii) Screening of speech-language and other factors affecting communication function for the purposes of an audiologic evaluation and/or the identification of individuals with other communication disorders.

(viii) Prescribing, ordering, and dispensing of hearing aid devices.

(d) The practice of speech-language pathology and audiology occurs where the patient is located or receives services.

(e) All licensees shall report to the Board known or suspected violations of the laws and regulations governing the practice of speech-language pathology and audiology.

**Section 4. Principles of Supervision of Provisional License Holders, Audiometric Technicians and Aides.**

(a) Eligibility for Supervision.

(i) A licensee who has practiced for three (3) years may supervise audiometric technicians or speech-language pathology aides within the same professional setting.

(ii) A licensee who has practiced for three (3) years may supervise a provisional license holder.

(b) Accountability. The licensee shall be responsible for the activities of the provisional license holder, audiometric technicians and speech-language pathology aides under their supervision. Licensee may be subject to disciplinary action for failure to adequately supervise provisional license holder, speech-language pathology, and audiometric technicians.

**Section 5. Supervision of Aides and Audiometric Technicians.**

(a) Limitation on Number of Supervisees. A licensee shall not supervise more than three (3) audiometric technicians or speech-language pathology aides combined, at one time. The licensee may apply for an exception to this requirement by submitting a written request to the Board demonstrating just cause for the exception.

(b) Renewal of Aides and Audiometric Technicians. In order to renew the aide's or audiometric technician's registration, the supervising licensee shall submit an annual competency evaluation for any speech-language pathology aides or audiometric technicians practicing under the licensee's supervision.



(c) Delegable Duties. An aide may assume the following duties under direct supervision of the licensee:

- (i) Carry out prescriptive programming for individuals and groups;
- (ii) Provide direct treatment assistance to a caseload of identified clients as prescribed by the licensee;
- (iii) Assist with informal documentation such as tallying notes, preparing materials, and assisting with other clerical duties;
- (iv) Chart and graph clients' progress, record progress, and sign documents only that have been reviewed and co-signed by the licensee;
- (v) Keep daily log of specific problems;
- (vi) Perform simple checks and maintenance of equipment;
- (vii) Participate with the licensee in research projects, in-service training and public relations programs; and
- (viii) Speech-language pathology aides may conduct speech-language screenings (without interpretation) following specified screening protocols developed by the licensee.

(d) Audiometric Technicians may:

- (i) Conduct fixed intensity air conduction hearing screening, without interpretation following specified screening protocols developed by the licensee;
- (ii) Perform automatic type tympanometry screening procedures following the specified screening protocols developed by the licensee. The audiometric technician may not interpret tympanometry results;
- (iii) Carry out prescriptive aural habilitation and rehabilitation programming;
- (iv) Perform checks on hearing aids and other assistive listening devices. Conduct routine trouble-shooting activities designed to assist the licensee in the determination and resolution of malfunctions with hearing aids and assistive listening devices;
- (v) Clean hearing aids;
- (vi) Instruct clients in the use of assistive listening devices; and
- (vii) Assist the licensee in taking earmold impressions.

(e) Non-delegable Duties. The aide or audiometric technician shall not perform any of the following actions:

(i) Any activity that violates AAA, ABA, or ASHA's Codes of Ethics as referenced in Chapter 1;

(ii) Participate in parent conferences, case conferences, or any interdisciplinary team without the presence of the licensee;

(iii) Client or family counseling;

(iv) Write, develop or modify a client's treatment plan in any way without the recommendation, guidance and approval of the licensee;

(v) Select clients for or discharge clients from services;

(vi) Make referrals for additional services; or

(vii) Disclose clinical or confidential information either orally or in writing to anyone not designated by the licensee;

(f) Speech-language pathology aides shall not:

(i) Administer tests, interpret test results or perform diagnostic speech-language evaluations. An aide may serve as a translator when working with clients with limited English proficiency and may assist the licensee during test administration; or

(ii) Conduct hearing screenings unless specially trained.

(g) Audiometric Technicians shall not:

(i) Administer tests, interpret test results or perform diagnostic auditory or vestibular evaluations. An audiometric technician may serve as a translator when working with clients with limited English proficiency and may assist the licensee during test administration;

(ii) Conduct speech-language screenings unless specially trained;

(iii) Discuss confidential information or test results, with the exception of indicating the data simply reveals normal or less than normal hearing sensitivity; or

(iv) Select, recommend, or dispense a hearing aid or other assistive listening device.

## Chapter 12

### Speech-Language Pathology Assistant

**Section 1. Authority.** These Board Rules are adopted to implement the Board's authority granted by Wyoming Statutes 33-33-102(a)(ix) and -202(b).

#### **Section 2. Requirements for Initial Certification**

(a) An applicant for initial certification must:

(i) Have an Associate's Degree as a Speech-Language Pathology Assistant from an accredited college or university; or

(ii) Have a Bachelor's Degree in Communication Disorders or Speech-Language Pathology or equivalent, from an accredited college or university and one of the following:

(A) Completion of a SPLA training certificate program through an accredited college or university;

(B) Completion of ASHA SLPA requirements; or

(C) Equivalent training as determined by the Board.

(ii) Successfully complete a minimum of one hundred (100) hours of supervised clinical field work or its equivalent clinical practicum. Supervised clinical field work shall include a minimum of:

(A) 80 hours of direct patient/client/student services under the supervision of a SLP; and

(B) 20 hours of indirect patient/client/student services under the supervision of a SLP.

(b) Application. An applicant must submit the following:

(i) Completed application packet and payment of appropriate fees;

(ii) Official transcripts if applying under Section 1(a)(i);

(iii) Documentation of completion of supervised field experience; ~~and~~

(iv) Signed supervision agreement; and

(v) Fingerprints and other information necessary for a criminal history record

background check as required by W.S. 7-19-201(a)(xxviii).

**Section 3. SLPA Responsibilities.**

(a) Service Delivery. A SLPA may perform the following tasks based upon his or her training and competency:

(i) Assist the SLP with speech, language, and hearing screenings without clinical interpretation;

(ii) Assist the SLP with other tasks as directed;

(iii) Assist the SLP with the bilingual translation or interpretation during screening and assessment activities exclusive of data interpretation;

(iv) Follow documented treatment plans or protocols developed by the supervising SLP;

(v) Document student, patient and client performance and report this information to the supervising SLP; and

(vi) Program and provide instruction in the use of augmentative and alternative communication devices developed and directed by the SLP.

(b) Administrative Support. A SLPA may perform the following tasks based upon his or her training and competency:

(i) Assist with clerical duties and departmental operations such as preparing materials and scheduling activities, as directed by the SLP; and

(ii) Perform checks and maintenance of equipment.

(c) Prevention and Advocacy. A SLPA may perform the following tasks based upon his or her training and competency:

(i) Provide information to emergency response agencies for individuals who have communication or swallowing disorders; and

(ii) Support the supervising SLP in research projects, in-service trainings, public relation programs, and marketing programs.

**Section 4. SLPA Limitations.** SLPAs shall not:

- (a) Represent himself or herself as an SLP (nor allow others to presume his or her standing as an SLP);
- (b) Perform standardized or non-standardized diagnostic tests, formal or informal evaluations, or swallowing screenings/checklists;
- (c) Perform procedures that require a high level of clinical acumen and technical skill (e.g., vocal tract prosthesis shaping or fitting, vocal tract imaging and oral pharyngeal swallow therapy with bolus material);
- (d) Tabulate or interpret results and observations of feeding and swallowing evaluations performed by SLPs;
- (e) Participate in formal parent conferences, case conferences, or any interdisciplinary team without the presence of the supervising SLP or other designated SLP;
- (f) Provide interpretative information to the student/patient/client, family, or others regarding the patient/client status or service;
- (g) Write, develop, or modify a student's, patient's, or client's treatment plan in any way;
- (h) Assist with students, patients, or clients without following the individualized treatment plan prepared by the certified SLP and/or without access to supervision;
- (i) Sign any formal documents (e.g., treatment plans, reimbursement forms, or reports; the SLPA should sign or initial informal treatment notes for review and co-sign with the supervising SLP as requested);
- (j) Select students, patients, or clients for service;
- (k) Discharge a student, patient, or client from services;
- (l) Make referrals for additional service;
- (m) Disclose clinical or confidential information either orally or in writing to anyone other than the supervising SLP (the SLPA must comply with current HIPPA and FERPA guidelines) unless mandated by law;
- (n) Develop or determine the swallowing strategies or precautions for patients, family, or staff;
- (o) Treat medically fragile students/patients/clients independently; or

- (p) Design or select augmentative and alternative communication systems or device.

**Section 5. Annual Certification Renewal**

(a) Certification Expiration. Initial certifications shall expire December 31st of the year following the year of issue. After the initial certification, certificates shall expire December 31st of each year. Certificate holders shall renew their certificate on or before December 31st. Certificate holders that fail to timely renew shall forfeit the right to practice.

(b) Renewal for certificates issued under Section 1(a)(1) of this chapter. A certificate holder seeking renewal shall:

- (i) Submit a completed renewal application and payment of fee;
- (ii) Submit documentation of hourly supervision by the supervising SLP;
- (iii) Attest to completion of ten (10) CEU that complies with subsection Chapter 2 Section 8(c), and

(A) Acceptable CEU documentation shall include, but is not limited to, transcripts and certificates of completion.

(B) Waiver. The Board may grant a waiver for CEU requirements for certificate holders who have petitioned and demonstrated just cause based on extenuating circumstances.

(iv) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 33-33-306(e).

(c) Renewal for certificates issued through experience under Section 1(a)(ii) of this chapter.

- (i) Procedure.

(A) A certificate holder shall comply with the requirements in Section 4(b) above;

(B) Submit documentation of continued enrollment in a program to obtain the educational requirements in Section 1(a)(i), and

(C) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 33-33-306(e).

(ii) Certification under this subsection shall not be renewed more than four (4) times.

(iii) When an applicant completes the education required in Section 1(a)(i) above, the applicant shall apply for renewal in accordance with Section 5(b) and the special experience designation of the license number will be changed to reflect the completion of the educational requirements.

(iv) If a certificate holder under Section 1(a)(ii) does not complete the education required in Section 1(a)(i) after renewing under this section four (4) times, his or her certificate shall lapse and may not be renewed under this subsection.

## **Section 6. Supervision**

(a) Each SLPA must be supervised by an SLP licensed in Wyoming. A written Supervision Agreement approved by the Board must be in place to include a record of all supervision, both direct and indirect. The agreement must be signed by both parties with agreement as to responsibility for this documentation. Information to be included using the following supervision schedule:

(i) First ninety (90) days from initial certification – minimum of thirty (30) percent weekly supervision shall be provided with at least twenty (20) percent being direct contact supervision of client, student, or individual and ten (10) percent of indirect contact. Weekly supervision should be arranged so that every client, student, or individual is observed at least once every two weeks. Direct contact means face to face, either through tele practice or onsite supervision.

(ii) After successful completion of first ninety (90) days, minimum of one hour of direct supervision each week shall be provided. In addition, direct supervision shall include direct contact supervision of every client, student, or individual every sixty (60) days with as much indirect supervision as needed.

(iii) Indirect supervision may include review of data, lesson plans, schedules, and any other issues related to the individual clients, students, and individuals.

(iv) Supervising SLP – Requirements for supervising SLP.

(A) Must have been licensed SLP practicing for a minimum of three (3) years;

(B) Hold a Speech-Language Pathology license in good standing from the Board;

(D) Must have completed at least a minimum of two (2) hours of continuing education hours in supervision prior to beginning supervision. These will count towards CEUs for licensure renewal; and

(E) Cannot supervise more than three (3) SLPAs.

- (b) Each supervising SLP shall uphold the ethics and professionalism of ASHA.

**Section 7. Failure to Timely Renew.** A certificate holder who fails to timely renew may apply for renewal during the administrative grace period detailed in Chapter 2, Section 9.

**Section 8. Certificate Re-issuance**

- (a) Eligibility. An applicant may seek re-issuance if his or her certificate has lapsed.
- (b) Lapsed Certificate Re-issuance Requirements. An applicant shall:
  - (i) Submit a completed re-issuance application and pay the required fee; and
  - (ii) Submit evidence of clinical competency by submitting proof of completion of ten (10) CEUs for each year or portion thereof that the certificate was lapsed up to a maximum of one hundred (100) CEUs.

**Section 9. Audits.**

(a) CEUs may be audited by the Board for verification of compliance with these requirements.

(b) If the Board disallows any CEUs, the licensee shall have thirty (30) days from notice of such disallowance to:

- (i) Provide evidence that the disallowed CEUs meet the criteria established by these rules;
- (ii) Provide documentation of having acquired additional CEUs during the required time frame; or
- (iii) Cure the disallowance by acquiring the required number of CEUs.

(A) Any CEU activity completed past the renewal date to cure a disallowance may not be reported on subsequent applications for license renewal.

(B) If a licensee fails to complete the required number of CEUs, the licensee shall be subject to disciplinary action.

(c) Every year, ten percent (10%) of current certificate holders will be selected by February 15 following the renewal at random and required to submit verification of the CEU hours for audit.



## Chapter 14

### Practice and Procedures for Applications

**Section 1. Authority.** The Board promulgates these rules according to authority granted by Wyoming Statute 33-33-305 (a) and 16-3-103(j)(i).

**Section 2. Application Action.** The Board may deny, refuse to renew, impose probationary conditions upon a license for any of the following:

- (a) Unprofessional conduct as defined in W.S. 33-33-305;
- (b) Violating or conspiring to violate or aiding or abetting any person in violating the provision(s) of the Act or any provision of the Board rules and regulations;
- (c) Committing a dishonest or fraudulent act related to practice;
- (d) Being incompetent or negligent in the practice of Speech-Language Pathology or Audiology which has endangered or is likely to endanger the health, welfare, or safety of the public;
- (e) Attempting to procure a license by bribery, fraudulent misrepresentation, or through an error in information provided to the Board;
- (f) Making or filing a report or record signed as a Speech-Language Pathologist or Audiologist which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such a filing, or inducing another person to impede or obstruct such a filing;
- (g) Improperly supervising an aide, audiometric technician, or a SLPA;
- (h) Violating a lawful order of the Board entered in a disciplinary matter, or failing to comply with a lawfully issued subpoena of the Board;
- (i) Practicing while a license is revoked, suspended, or expired;
- (j) Exercising influence on a client in such a manner as to exploit the client for financial gain of the Licensee or of a third party;
- (k) Failing to comply with the Board's request for production of documents not otherwise protected by law;

- (l) Failing to adequately refer or transfer care; and
- (m) Abandoning a client.

**Section 3. Application Review.**

- (a) Assigning Application Review Committee (ARC).
  - (i) Board staff shall review all applications for a license.
  - (ii) When Board staff determines that there may be grounds to deny a license or approve a license subject to discipline or restrictions, Board staff shall refer the application to an ARC.
- (b) The ARC shall investigate the application, which may include requesting additional information, meeting with the applicant, or any other action the ARC deems appropriate.
- (c) The ARC may recommend that the Board:
  - (i) Issue, renew, relicense, or reinstate a license;
  - (ii) Issue, renew, relicense, or reinstate a license subject to reprimand, conditions, restrictions, or other disciplinary action;
  - (iii) Approve a settlement agreement; or
  - (iv) Deny the application.
- (d) Notice of Intent.
  - (i) If the ARC intends to recommend that the Board deny an application or issue a license subject to other disciplinary action, the ARC shall notify the applicant of its recommendation.
  - (ii) The Notice of Intent shall contain:
    - (A) A brief description of the facts or conduct that the ARC alleges warrant denying the license or issuing the license subject to disciplinary action;
    - (B) Citations to the applicable statutory provisions or Board rules that the ARC alleges the applicant violated; and

(C) Notice that an applicant may request a hearing before the Board in writing within thirty (30) days from the date of mailing.

(e) The applicant shall have thirty (30) days from the date the ARC mailed the Notice of Intent to respond. The applicant may:

- (i) Request that the Board hold a hearing on the ARC's recommendation;
- (ii) Request that the Board table consideration of the application; or
- (iii) Withdraw the application.

(f) If an applicant fails to timely respond to the Notice of Intent, the Board may accept the ARC's recommendation.

(g) There shall be a presumption of lawful service of any communication required by these rules if sent by U.S. mail to the address stated on the application or, if applicable, an updated address later provided by the applicant.

#### **Section 4. Hearing Procedure.**

(a) Upon receiving a written request for a hearing from an applicant, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing on the applicant at least 30 days before the hearing. The Notice of Hearing shall contain:

(i) A brief statement of the matters asserted, including:

(A) The ARC's recommendation;

(B) The facts upon which the recommendation is based; and

(C) The statutory provisions or Board rules the applicant is alleged to have violated or failed to meet to qualify for licensure.

(ii) The time, place, and nature of the hearing;

(iii) The legal authority and jurisdiction of the Board; and

(iv) Notice of the burden and standard of proof.

(b) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative

Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(c) The applicant shall bear the burden to prove by a preponderance of the evidence that he or she meets the qualifications for licensure. The burden of production shall shift to the ARC to prove by clear and convincing evidence that the applicant should not be granted an unrestricted license or license subject to discipline. The burden of production then shifts to the applicant to demonstrate that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient and that the applicant is entitled to licensure.

(d) The Board may resolve an application matter by:

(i) Adopting the ARC's recommendation without a hearing if the applicant did not request a hearing;

(ii) Resolving a dispositive motion in either party's favor;

(iii) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may:

(A) Issue, renew, relicense, or reinstate a license;

(B) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, re-entry, or reinstatement;

(e) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the applicant and the applicant's attorney or representative, if any.

(i) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(ii) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

## Chapter 15

### Practice and Procedures for Discipline Matters

**Section 1. Authority.** The Board promulgates these rules according to authority granted by Wyoming Statute 33-33-305 and 16-3-103(j)(i).

**Section 2. Disciplinary Action.** The Board may take disciplinary action for the following:

- (a) Violating the Board's practice act or rules;
- (b) Violating a Board order;
- (c) Unprofessional conduct as defined in W.S. 33-33-305(a);
- (d) Violating the Code of Ethics as found in Chapter 1, Section 6 of these Rules;
- (e) Violating or conspiring to violate or aiding or abetting any person in violating the provision(s) of the Act or any provision of the Board rules and regulations;
- (f) Committing a dishonest or fraudulent act related to practice;
- (g) Being incompetent or negligent in the practice of Speech-Language Pathology or Audiology which has endangered or is likely to endanger the health, welfare, or safety of the public;
- (h) Attempting to procure a license by bribery, fraudulent misrepresentation, or through an error in information provided to the Board;
- (i) Making or filing a report or record signed as a Speech-Language Pathologist or Audiologist which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such a filing, or inducing another person to impede or obstruct such a filing;
- (j) Improperly supervising an aide, audiometric technician, or a SLPA;
- (k) Violating a lawful order of the Board entered in a disciplinary matter, or failing to comply with a lawfully issued subpoena of the Board;
- (l) Practicing while a license is revoked, suspended, or expired;
- (m) Exercising influence on a client in such a manner as to exploit the client for financial gain of the Licensee or of a third party;

(n) Failing to comply with the Board's request for production of documents not otherwise protected by law;

(o) Failing to adequately refer or transfer care; or

(p) Abandoning a client.

**Section 3. Complaint Review and Disciplinary Investigation.**

(a) Complaints that a licensee has violated the Board's practice act or the Board's rules shall be submitted to the Board's office. Board staff may initiate complaints.

(b) After receiving a complaint or initiating a complaint, Board staff shall assign the complaint to an Investigation Committee (IC) for investigation.

(c) After reviewing and investigating the complaint, the IC may recommend that the Board:

(i) Dismiss the complaint;

(ii) Summarily suspend a license;

(iii) Approve a settlement agreement;

(iv) Discipline the licensee, including:

(A) Suspend a license;

(B) Revoke a license; or

(C) Impose probationary conditions.

**Section 4. Summary Suspension.**

(a) An IC may recommend that the Board summarily suspend a license at any time when the IC or Board staff believes that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(b) The IC shall notify the licensee of its intent to recommend summary suspension. The Notice of Intent shall contain:

(i) A copy of the complaint, if any;

and (ii) A description of the grounds for the summary suspension recommendation;

(iii) Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled.

(c) When the date and time of the summary suspension hearing is set, the Board staff shall notify the licensee of the date and time of the proceeding by mailing written notice and emailing electronic notice to the licensee's mailing and email addresses.

(d) The scope of the expedited summary suspension proceeding shall be limited to a presentation of the information the IC believes warrants summary suspension and any information the licensee may present on his or her behalf.

(e) Hearing Format.

(i) The IC shall describe the allegations that it believes warrant emergency action against the licensee.

(ii) The IC shall present information that demonstrates probable cause that the allegations are true.

(iii) The IC shall explain why the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(iv) The licensee, if present, may present any information demonstrating that the allegations are not true or that, even if the allegations are true, the licensee's continued practice does not imperatively require emergency action to protect the public health, safety, or welfare.

(f) The Board may order summary suspension if it concludes that probable cause exists that the allegations are true and that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare. The Board shall incorporate a finding to that effect in its order granting summary suspension.

(g) No summary suspension shall be effective until the Board has adopted a written order incorporating the reasons justifying its decision.

(h) The Board shall enter a written order granting or denying summary suspension at the summary suspension proceeding or within seven days after the proceeding. The Board shall send the order to the licensee by U.S. mail and by email.

(i) Post-Deprivation Hearing.

(i) A licensee may request a post-deprivation hearing within ten days from the date the summary suspension order is entered.

(ii) If a licensee requests a post-deprivation hearing, the Board shall conduct it within 30 days of the licensee's request and notify the licensee of the date, time, and location of the hearing.

(iii) Post-deprivation hearings shall be conducted in the same manner as summary suspension proceedings as articulated in Section 4(e) of this chapter. The sole issue before the Board at a post-deprivation hearing shall be whether the IC's allegations imperatively require emergency action to protect the public health, safety, and welfare. The Board shall affirm its decision to summarily suspend a license, and issue a written order to that effect, if it concludes that the IC has proven the allegations by a preponderance of the evidence and that the allegations imperatively require emergency action to protect the public health, safety, or welfare.

(j) Unless earlier terminated by the Board or a petition for discipline is filed under Section 6 of this chapter, summary suspensions shall lapse 180 days after the written order granting summary suspension is entered under subsection (h) of this section.

#### **Section 5. Surrender in Lieu of Discipline and Licenses Issued in Error.**

(a) A licensee may petition the Board, in writing, to voluntarily surrender a license in lieu of discipline.

(i) The IC shall recommend that the Board approve or deny the petition.

(ii) The Board may approve or deny the petition.

(b) If Board staff has reason to believe that a license has been issued despite an applicant not meeting licensure requirements and:

(i) If Board Staff has issued the license and the Board has not ratified its issuance, the license shall be rescinded and the matter shall be referred to an ARC.

(ii) If Board Staff has issued the license and the Board has ratified its issuance, the matter shall be referred to an IC.

(A) The IC may petition the Board to revoke the license or impose practice restrictions according to the procedures outlined in Section 6 of this chapter and may seek summary suspension.



(B) A revocation solely for the reasons specified this subsection shall not be considered license discipline. Nothing in this subsection prohibits discipline or application denial for a licensee's conduct.

(C) A licensee may surrender the license at issue under this provision in lieu of a hearing before the Board without Board approval.

## **Section 6. Hearing Procedure.**

(a) There shall be a presumption of lawful service of a Notice of Intent, Petition, Notice of Hearing, or any other communication required by these rules if sent by U.S. mail to the address the licensee most recently supplied to the Board.

(b) The IC shall notify the licensee of its intent to file a petition for disciplinary action. The Notice of Intent shall:

(i) Include a brief description of the facts or conduct that warrant the intended action;

(ii) Include a description of the nature of the discipline the IC intends to seek; and

(iii) Provide the Licensee no less than 30 days to show that the licensee has complied with all lawful license requirements.

(c) The IC shall initiate proceedings for disciplinary action by filing a Petition with the Board office and serving a copy upon the licensee to the last known address of the licensee by regular U.S. mail.

(d) A licensee may respond to the Petition by filing an Answer admitting or denying the allegations in the Petition or by filing a dispositive motion.

(e) A licensee shall respond to a Petition within (20) days from the date the Petition is filed with the Board office or, if the licensee files a dispositive motion, from the date the dispositive motion is decided by entry of a written order. Failure to respond to the Petition within this time may result in a default judgment.

(f) When a petition for disciplinary action is filed, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing, with the Petition attached, on the applicant at least 30 days before the hearing. The notice of hearing shall contain:

(i) The legal authority for the Petition and statement of the Board's jurisdiction;

- (ii) The facts justifying the disciplinary action sought;
- (iii) The statutory provisions or Board rules the licensee is alleged to have violated;
- (iv) The time, place, and nature of the hearing; and
- (v) Notice of the burden and standard of proof.

(g) If a licensee fails to timely answer the allegations in a Petition or appear at a noticed hearing, and upon the IC's motion, the Board may enter default against the licensee. In entering default, the Board may:

- (i) Order that the factual allegations in the Petition are to be taken as true for the purposes of the hearing;
- (ii) Order that the licensee may not present evidence on some or all issues in the matter; or
- (iii) Any other relief the Board determines is just.

(h) The Board may set aside an entry of default for good cause.

(i) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(j) The IC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Board's practice act or the Board's rules.

(k) The Board may resolve a discipline matter by:

- (i) Resolving a dispositive motion in either party's favor;
- (ii) Accepting a settlement agreed on by both parties;
- (iii) Granting a licensee's petition for voluntary surrender in lieu of discipline under Section 5(a) of this Chapter;
- (iv) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may, as applicable:

(A) Find no violation of the Board's practice act or rules and therefore:

- (1) Impose no discipline on the licensee;
- (2) Issue an Advisory Letter; or
- (3) Issue a Letter of Warning

(B) Find that the licensee has violated the Board's practice act or rules and impose the following discipline:

- (1) Impose probationary conditions;
- (2) Suspend a license; or
- (3) Revoke a license.

(l) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the licensee and the licensee's attorney or representative, if any.

(m) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(n) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

#### **Section 7. Petition for Modifying Conditions or Restrictions.**

(a) A licensee may petition the Board to modify any conditions or restrictions on his or her license. The licensee shall submit a written petition for modification to the Board office. The petition for modification shall include evidence demonstrating:

- (i) Compliance with all previously entered Board orders;
- (ii) That the modification is consistent with any treatment plan or medical orders, if applicable; and
- (iii) That the modification will ensure the public is adequately protected.

(b) The IC assigned the matter shall review the petition and shall recommend that the Board either grant or deny the petition within 30 days of the Board office receiving the petition.

(c) Board Consideration.

(i) The Board shall consider the petition and the IC's recommendation at its earliest convenience.

(ii) The Board may approve or deny the petition for modification.

## Chapter 1

### General Provisions

**Section 1. Authority.** The Board is authorized under the Act and the WAPA to promulgate rules and regulations related to the licensure and discipline of speech-language pathologists and audiologists and regulation of the practice of speech-language pathology and audiology in Wyoming.

**Section 2. Statement of Purpose.** These Board Rules are adopted to implement the Board's authority to establish administrative procedures.

**Section 3. Definitions.**

- (a) "AAA" means American Academy of Audiology.
- (b) "ABA" means American Board of Audiology.
- (c) "Act" means the Practice Act for Speech-Language Pathologists and Audiologists, Wyoming Statute 33-33-101 through 402.
- (d) "ARC" means Application Review Committee.
- (e) "ASHA" means the American Speech-Language-Hearing Association.
- (f) "Board Rules" means the administrative rules and regulations promulgated by the Board.
- (g) "CEU" means continuing education units.
- ~~(h) "DC" means Disciplinary Committee which may be comprised of at least one (1) Board member or the Executive Director.~~

~~(h)~~(h) "Direct Supervision" means in-view observation and guidance by an SLP or Audiologist while an assigned activity is performed by support personnel. This must be either through synchronous telepractice or onsite. Direct Supervision requires the presence of the supervisor at all times when a SLPA, aide or audiometric technician is assisting with testing or treatment.

~~(i)~~(i) "FERPA" means the Family Educational Rights and Privacy Act

~~(k)~~(j) "HIPAA" means the Health Insurance Portability and Accountability Act

~~(k)~~(k) “Indirect Supervision” means the supervising SLP or Audiologist is not at the same facility or in close proximity to the support personnel, but is available to provide supervision by electronic means. Indirect supervision activities performed by the supervisor may include, but are not limited to, demonstration, record review and evaluation of audio or asynchronous videotaped session, and interactive television and supervisory conferences that may be conducted by telephone, email, or live webcam.

~~(l)~~(l) “Licensee” means a speech-language pathologist or audiologist licensed in Wyoming.

~~(m)~~(m) “Praxis” means the National Examination in Speech-Language Pathology or the National Examination in Audiology administered by the Educational Testing Service or its successor.

~~(n)~~(n) “SLP” means a person licensed by the Board as a Speech-Language Pathologist

~~(o)~~(o) “SLPA” means a person certified by the Board as Speech-Language Pathology Assistant

~~(p)~~(p) “Speech-language pathology aide” means an individual who meets minimum qualifications established by board rule for speech-language pathology assistants and who works under the direct supervision of a licensed speech-language pathologist.

~~(q)~~(q) “WAPA” means the Wyoming Administrative Procedure Act, W.S. 16-3-101 through -115.

**Section 4. Board Office.** The Board Office shall be located at 2001 Capitol Avenue, Cheyenne, Wyoming.

**Section 5. Board Meetings.** The Board shall set its regular meetings by resolution.

**Section 6. Reference by Incorporation.**

(a) For any rule incorporated by reference in these Board Rules:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and

(iii) The incorporated rule is maintained at Board Office and is available for

public inspection and copying at cost at the same location.

(b) Each rule incorporated by reference is further identified as follows:

(i) Referenced in Chapter 9, Section 9 is Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at: <http://speech.wyo.gov>.

(ii) Referenced in Chapter 11, Section 3 is Code of Ethics, adopted by AAA and effective in October 2011, found at: <http://speech.wyo.gov>.

(iii) Referenced in Chapter 11, Section 3 is Code of Ethics, adopted by ABA and effective in 1999, found at: <http://speech.wyo.gov>.

(iv) Referenced in Chapter 11, Section 3 is Code of Ethics, adopted by ASHA and effective in March 2016, found at: <http://speech.wyo.gov>.

(v) Referenced in this Chapter, Section 7 is the Uniform Procedures, Fees, Costs and Charges for Inspecting, Copying and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at <http://speech.wyo.gov>.

#### **Section 7. Public Records Inspection.**

(a) All public records requests are subject to the Uniform Procedures, Fees, Costs and Charges for Inspecting, Copying and Producing Public Records adopted by the Department of Administration and Information

(b) Public records inspection shall take place under the following conditions:

(i) An appointment shall be made to review the records between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding state holidays, at the Board Office; and

(ii) Records inspection shall take place in the presence of Board staff.

**Section 8. Change of Name, Address, or Telephone Number.** Each applicant and licensee shall notify the Board in writing of any change to their legal name, home address, business address, e-mail address, or telephone number within thirty (30) days of the change.

**Section 9. Requests for Rosters.** The information is found on the Board website at [speech.wyo.gov](http://speech.wyo.gov).

**Section 10. Duplicate Pocket Card and Wall Certificate.** A licensee may request a duplicate pocket card and/or wall certificate by submitting a form and payment of the fee.

**Section 11. License Verification.** ~~A licensee~~ Any person may request an official verification of ~~their~~ a Wyoming license by submitting a form and payment of the fee.



## Chapter 2

### Licensure and Renewal Requirements and Application Procedures

**Section 1. Authority and Statement of Purpose.** These Board Rules are adopted to implement the Board's authority ~~to establish the requirements and procedures for licensure and annual license renewal~~ granted by Wyoming Statute 33-33-105(a), -202(b), and -306(d).

#### **Section 2. Application Status.**

(a) For those applicants seeking licensure, all requirements shall be met during the timeframe identified immediately prior to submitting a completed application.

(b) Applications shall be deemed "complete" when all necessary documentation has been received by the Board office.

(c) Applications shall expire one (1) year after submission. If an application expires, an applicant shall submit a new application, including payment of fee.

#### **Section 3. ~~Application Review Committee.~~**

~~(a) Every application shall be reviewed by the ARC.~~

~~(b) An applicant for licensure shall have committed no acts that are grounds for disciplinary action, or if the act was committed, the ARC has found after investigation that sufficient restitution has been made and the applicant no longer presents a threat to the public safety.~~

~~(c) If the ARC is unable to ascertain from documents submitted by the applicant that the applicant is eligible for licensure, the ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.~~

#### **Section 43. Speech-Language Pathology Provisional Licensure.**

(a) Eligibility. An applicant may seek a provisional license if the applicant has not completed a clinical fellowship year and has not practiced in another jurisdiction.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fees;

(ii) Submit transcripts complying with W. S. 33-33-105(a)(i) directly from the college, university, or institution;

(iii) Successfully pass Praxis;

- (iv) Submit executed supervisory agreement; and
- (v) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii).
- (c) Board Approval of Supervisory Agreement. The Board shall approve supervisory agreements that meet the qualifications identified in Chapter 11, Section 4.
- (d) Provisional licenses shall be valid for one (1) year.
- (e) Renewal. Provisional licenses may be renewed one (1) time.

**Section 54. Speech-Language Pathology Initial Licensure by Completing Provisional.**

- (a) Eligibility. An applicant may seek initial licensure if the applicant completes their clinical fellowship year and meets the requirements for initial licensure.
- (b) Application Requirements. Applicant shall:
  - (i) Submit a completed application and payment of fees;
  - (ii) Submit the supervisor verification documenting completion of the clinical fellowship year.

**Section 65. Initial Licensure.**

- (a) Eligibility. An applicant may seek initial licensure if the applicant is not licensed to practice in another jurisdiction, or that jurisdiction's licensure requirements are not as stringent as Wyoming, or those that fail to meet other licensure methods.
- (b) Application Requirements.
  - (i) Speech-Language Pathology License Applicants shall:
    - (A) Submit a completed application along with appropriate fee;
    - (B) Submit evidence of clinical competency by:
      - (I) Verifying current ASHA certification; or
      - (II) Complete the following:
        - (1) Clinical fellowship

4(b)(ii) of this chapter; and  
five (5) years; and

(2) Education requirements identified in Section

(3) Successful passage of the Praxis within the previous

(C) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii).

(ii) Audiology License Applicants shall:

(A) Submit a completed application along with appropriate fee;

(B) Submit evidence of clinical competency by verifying current ABA certification or ASHA Certification;

(C) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii); and

(iii) Submit license verification directly from every jurisdiction where the applicant currently holds a license ~~held a license in the last fifteen (15) years~~, if applicable.

#### **Section 76. Licensure by Endorsement.**

(a) Eligibility. An applicant may seek licensure by endorsement if the applicant is actively licensed to practice in another jurisdiction with licensure requirements as stringent as Wyoming.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fees;

(ii) Meet requirements identified in Section 4(b) (ii);

(iii) Submit license verification directly from every jurisdiction where the applicant currently holds a license ~~held a license in the last fifteen (15) years~~; and

(iv) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii).

#### **Section 87. Annual Licensure Renewal.**

(a) Licensure Expiration. Licenses shall expire December 31st of the year following the year of issue. After the initial licensure, licenses shall expire December 31st of each year. Licensees shall renew their license on or before December 31st. Licensees that fail to timely renew shall forfeit the right to practice.

- (b) Renewal Procedure. A licensee seeking renewal shall:
  - (i) Submit a completed renewal application and payment of fee;
  - (ii) Attest to ~~Submit evidence of~~ completion of ten (10) ~~twelve (12)~~ CEU that complies with subsection (c);
  - (iii) Submit annual competency evaluation for any aides practicing under licensee's supervision;
  - (iv) Submit proof of supervision as ~~S~~specified in Chapter 12 for any SLPA under the licensee's supervision; and
  - (v) Submit fingerprints and other information necessary for a criminal history record background check as required by W. S. 33-33-306(e).
- (c) CEU Requirements.
  - (i) All licensees shall maintain CEU requirements.
  - (ii) CEU shall be calculated as follows:
    - (A) One (1) semester credit equals fifteen (15) CEU;
    - (B) One (1) quarter credit equals ten (10) CEU; and
    - (C) One (1) contact hour equals one (1) CEU.
  - (iii) CEU shall be obtained January 1 to December 31 of the year of expiration.
  - (iv) CEU shall be directly related to the scopes of practice defined in W.S. 33-33-102.
  - (v) The Board shall accept CEU that is directly related to the scope of practice sponsored by national, regional, or state professional associations, such as AAA, ABA, ASHA, or Wyoming Speech-Language-Hearing Association;
  - (vi) CEU may be earned through:
    - (A) College or university courses taken for credit or through official audit;
    - (B) Online courses;
    - (C) Scientific and educational lectures, workshops, or seminars;

(D) Journals offered for CEU;

(E) Scientific and educational lectures, workshops, or seminars presented by the licensee (a maximum of three (3) CEU); and

(F) Articles published by the licensee in a nationally or state refereed journal if the article falls within the licensee's area of licensure (a maximum of three (3) CEU).

(G) Providing clinical supervision to a student as part of an accredited college or university training program for Speech-Language Pathology Assistants, Speech-Language Pathology or Audiology.

(1) A maximum of six (6) CEU can be earned through the provision of supervision. One CEU is granted for every thirty (30) hours of supervision.

(2) Documentation CEU under this subsection shall include the assessment required by the educational program and a log of hours that:

(I) Is signed by both the supervisor and supervisee; and

(II) A description of services provided under supervision.

(vii) If a licensee takes the same course more than once in a renewal period, the CEUs from that course will only be counted towards the required hours once.

(viii) Acceptable CEU documentation shall include, but is not limited to, transcripts and certificates of completion.

(d) Waiver. The Board may grant a waiver for CEU requirements for licensees who have petitioned and demonstrated just cause based on extenuating circumstances.

### **Section 8. Audits.**

(a) CEUs may be audited by the Board for verification of compliance with these requirements.

(b) If the Board disallows any CEUs, the licensee shall have thirty (30) days from notice of such disallowance to:

(i) Provide evidence that the disallowed CEUs meet the criteria established by these rules;

(ii) Provide documentation of having acquired additional CEUs during the required time frame; or

(iii) Cure the disallowance by acquiring the required number of CEUs.

- (A) Any CEU activity completed past the renewal date to cure a disallowance may not be reported on subsequent applications for license renewal.

- (B) If a licensee fails to complete the required number of CEUs, the licensee shall be subject to disciplinary action.

(c) Every year, ten percent (10%) of current licensees will be selected by February 15 following the renewal at random and required to submit verification of the CEU hours for Audit.

### **Section 9. Failure to Timely Renew.**

(a) Unlicensed Practice. Failure to timely renew may subject the licensee to disciplinary action for unlicensed practice, if the licensee continues to practice after the license expires. Licensees shall not practice until the Board approves their license.

(b) Administrative Grace Period.

(i) ~~The administrative grace period shall be up to three (3) years after the expiration of the license.~~ Licensees that failed to timely renew may apply for renewal during the administrative grace period. The administrative grace period shall be up to three (3) years after the expiration of the license.

(ii) Licensees shall meet the renewal requirements under Section §7(b) including payment of a late renewal fee.

(iii) Licensees that failed to timely renew shall submit ~~ten (10) twelve (12)~~ hours of CEU for each calendar year or portion thereof that the license has been expired up to a maximum of one hundred (100) CEUs.

(c) Lapsed Licensed. Any license not renewed within the administrative grace period shall lapse. If a license lapses, the applicant shall apply for relicensure.

### **Section 10. Relicensure.**

(a) Eligibility. An applicant may seek relicensure if their license has lapsed.

(b) Lapsed License Relicensure Requirements. An applicant shall:

(i) Submit a completed relicensure application and payment of fee;

(ii) Submit evidence of clinical competency by:

(A) Verifying current ASHA or ABA certification; or

(B) Successful completion of:

(I) The Praxis within five (5) years; and

(II) Completion of ten (10) ~~twelve (12)~~ CEUs for each year or portion thereof that the license was lapsed up to a maximum of one hundred (100) ~~and twenty- (20)~~ CEUs; and

(iii) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii).

### **Section 11. Reinstatement of Licensure.**

(a) Eligibility. An applicant may seek reinstatement of their license if that license has been ~~revoked, surrendered, or suspended, conditioned, restricted, or otherwise disciplined~~. For a license that has been revoked or surrendered, an applicant must wait a minimum of twelve (12) months before applying for reinstatement.

(b) Application Reinstatement Requirements. The applicant shall:

(i) Submit a completed reinstatement application and payment of fee;

(ii) Submit evidence of complying with the requirements of a previous Board order;

(iii) Submit evidence of applicant's ability to safely and competently practice;

(iv) Submit evidence demonstrating just cause for reinstatement; and

(v) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii).

## Chapter 5

### Speech-Language Pathology Aides and Audiometric Technicians

**Section 1. Authority and Statement of Purpose.** These Board Rules are adopted to implement the Board's authority ~~to establish the requirements and procedures for registration of aides and audiometric technicians~~ granted by Wyoming Statutes 33-33-102(a)(vii) and (viii), and -202(b).

#### **Section 2. Speech-Language Pathology Aides Registration.**

(a) An applicant may seek registration as a speech-language pathology aide to practices under the direct supervision of a licensee.

(b) Education requirement. An applicant must have a high school diploma or a ~~GED-equivalent~~ high school equivalency certificate.

(c) Application Packet for Speech-Language Pathology Aide Registration. The applicant shall submit the following documentation to the Board for approval:

(i) Completed application and payment of fees;

(ii) Direct Supervision agreement executed by the applicant and the supervising licensee; and

(iii) A training plan establishing competency for the applicant submitted by the supervising licensee, which includes:

(A) Twenty-five (25) hours of direct supervised client contact; and

(B) Twenty-five (25) hours of direct observational training in the following:

(I) Overview of speech and/or language disorders relative to client-related care or hearing and balance relative to client-related assessment, disorders, and care;

(II) Ethical and legal responsibilities;

(III) Observing and data collection specific to site population;

and

(IV) Record keeping.

(d) Aide Registration. Upon Board approval, the supervising licensee may implement



the training plan. Verification of completion shall be sent to the Board within six (6) months of approval, otherwise the application shall expire. After completion, the applicant may identify themselves as an “aide.”

(e) Aide Continued Practice. An aide's registration shall remain valid if the supervising licensee provides the required evaluation form with their annual renewal.

### **Section 3. Audiometric Technician Registration**

(a) An applicant may seek registration as an audiometric technician to practice under the direct supervision of a licensee.

(b) Education requirement. An applicant shall have a high school diploma or ~~GED-equivalent~~ high school equivalency certificate.

(c) Application Packet. The applicant shall submit the following documentation to the Board for approval:

(i) Completed application and payment of fees;

(ii) Direct\_Supervision agreement executed by the applicant and the supervising licensee; and

(iii) A training plan establishing competency for an audiometric technician submitted by the supervising licensee, which includes:

(A) Twenty-five (25) hours of direct supervised client contact; and

(B) Twenty-five (25) hours of direct observational training in:

(I) Overview of hearing and hearing disorders relative to client-related assessments, disorders, and care;

(II) Basic training in screening for hearing, including audiometry, tympanometry, and otoacoustic emissions, as needed;

(III) Ethical and legal responsibilities;

(IV) Observing and data collection specific to site population;  
and

(V) Record keeping.

(d) Audiometric Technician Registration. Upon Board approval, the supervising licensee may implement the training plan. Verification of completion shall be sent to the Board, using the Board approved form, within six (6) months of approval, otherwise the application shall

expire. After completion, the applicant may identify themselves as an “audiometric technician.”

(e) Audiometric Technician Continued Practice. An aide’s registration shall remain valid if the supervising licensee provides the required evaluation form with their annual renewal.

**Section 4. Notice of Transfer or Termination of Supervision.**

(a) An aide or audiometric technician may change supervisors after the Board reviews and approves an executed supervision agreement form.

(b) The supervising licensee may terminate supervision of an aide or audiometric technician. The supervising licensee shall notify the Board in writing of termination within thirty (30) days.

## Chapter 9

### Practice and Procedures for Disciplinary, Application, and Licensure Matters

#### These rules have been repealed.

~~**Section 1. — Authority.** These rules are adopted under the Board's authority granted by Wyoming Statute § 33-35-101.~~

~~**Section 2. — Statement of Purpose.** These Board Rules are adopted to implement the Board's authority to:~~

- ~~(a) — Conduct investigations, hearings, and proceedings concerning:
  - ~~(i) — Actions relating to an application for a license including granting or denying; or~~
  - ~~(ii) — Alleged violations of the Act or the Board Rules.~~~~
- ~~(b) — Determine and administer appropriate disciplinary action against an applicant or licensee.~~

~~**Section 3. — Grounds for Discipline.** The Board may refuse to issue a license, certificate or registration to an applicant or may suspend, revoke, or otherwise discipline any licensee or certificate holder who has been guilty of unprofessional conduct within the meaning of W.S. 33-33-305(a). Unprofessional conduct includes, but is not limited to:~~

- ~~(a) — Violating or conspiring to violate or aiding or abetting any person in violating the provision(s) of the Act or any provision of the Board rules and regulations;~~
- ~~(b) — Committing a dishonest or fraudulent act related to practice;~~
- ~~(c) — Being incompetent or negligent in the practice of Speech-Language Pathology or Audiology which has endangered or is likely to endanger the health, welfare, or safety of the public;~~
- ~~(d) — Attempting to procure a license by bribery, fraudulent misrepresentation, or through an error in information provided to the Board;~~
- ~~(e) — Making or filing a report or record signed as a Speech-Language Pathologist or Audiologist which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such a filing, or inducing another person to impede or obstruct such a filing;~~
- ~~(f) — Improperly supervising an aide, audiometric technician, or a SLPA;~~

~~(g) — Violating a lawful order of the Board entered in a disciplinary matter, or failing to comply with a lawfully issued subpoena of the Board;~~

~~(h) — Practicing while a license is revoked, suspended, or expired;~~

~~(i) — Exercising influence on a client in such a manner as to exploit the client for financial gain of the Licensee or of a third party;~~

~~(j) — Failing to comply with the Board's request for production of documents not otherwise protected by law;~~

~~(k) — Failing to adequately refer or transfer care; or~~

~~(l) — Abandoning a client.~~

#### **Section 4. — Application Review and Investigation Process.**

~~(a) — Application Review. Every application for a license, certificate, or registration shall be subject to investigation to determine if the requirements set forth in the Act and Board Rules are satisfied. Every application that reveals information that merits further investigation shall be assigned to the ARC.~~

~~(b) — ARC Action. Following investigation, the ARC may recommend:~~

~~(i) — A license or certificate be issued, renewed, relicensed, or reinstated;~~

~~(ii) — A license or certificate be issued, renewed, reactivated or reinstated subject to conditions, restrictions, or other disciplinary action;~~

~~(iii) — Approval of a settlement agreement, which may include the issuance, renewal, reactivation or reinstatement of a license or certificate with the imposition of a reprimand, conditions, restrictions, suspension, other discipline or a combination thereof; or~~

~~(iv) — Denial of the application.~~

~~(c) — Notice of Intent. The ARC shall notify the applicant of its intent to recommend approval subject to conditions, restrictions, other disciplinary action or denial. Such notification shall contain:~~

~~(i) — A brief description of the facts or conduct that warrant the issuance of a license or certification subject to conditions, restrictions, or other disciplinary action or denial of a license or certificate;~~

~~(ii) — A statement of the nature of the actions that warrant the approval subject to conditions, restrictions, other disciplinary action, or denial, the facts upon which the action is based, the specific statutory provisions or the specific Board Rules involved; and~~

(iii) — Notice of the right to a hearing if a written request is received by the Board office within thirty (30) days of the date of mailing the notice of intent.

(d) — Applicant's Request for Hearing.

(i) — If the ARC recommends an issuance of a license or certificate subject to conditions, restrictions, other disciplinary action or denial, the applicant may request a contested case hearing in writing with thirty (30) days of the mailing of the notification.

#### **Section 5. — Complaint Review and Investigation Process.**

(a) — Complaint Review. Every complaint submitted to the Board or initiated on behalf of the Board shall be investigated by a DC.

(b) — Voluntary Surrender. A licensee may petition the Board, in writing, to surrender his or her license voluntarily. The Board shall hold an expedited meeting at its earliest convenience to consider the petition. The Board may accept or reject the petition for voluntary surrender and may consider whether the licensee is under investigation.

(c) — Disciplinary Committee Action. The DC may recommend:

(i) — Dismissal of a complaint;

(ii) — Issuance of an advisory letter;

(iii) — A settlement agreement which may include voluntary surrender, suspension, imposition of restrictions or conditions, reprimand or other discipline;

(iv) — Disciplinary action against the licensee including revocation, suspension, reprimand, restrictions or conditions, or other discipline; or

(v) — Summary suspension.

#### **Section 6. — Summary Suspension**

(a) — Recommendation. If the DC recommends summary suspension, the Board shall conduct an expedited proceeding to determine whether the public health, safety, or welfare imperatively requires emergency action.

(b) — Notice of Intent to Recommend Summary Suspension.

(i) — The DC shall notify the licensee of its intent to recommend summary suspension;

(ii) — The Notice of Intent shall contain:

(A) — Copy of the complaint; and

(B) — Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled;

(c) — Notice of Expedited Proceeding. Upon confirmation of the date and time of the expedited proceeding, the DC shall notify the licensee in writing of the date and time of the proceeding.

**Section 7. — Formal Proceedings for Disciplinary Action.**

(a) — Notice of Intent to Recommend Disciplinary Action.

(i) — The DC shall notify the licensee of its intent to recommend disciplinary action.

(ii) — The Notice of Intent shall:

(A) — Include a brief description of the facts or conduct that warrants the intended action; and

(B) — Provide the licensee an opportunity to show compliance or respond to the allegations for disciplinary action within fifteen (15) days of the date of the mailing.

(b) — Informal Conference. The licensee may request an informal conference with the DC to provide any additional information or to resolve an administrative complaint without a hearing.

**Section 8. — Petition.** The DC shall initiate formal proceedings for disciplinary action by serving a Petition to the last known address of the licensee by certified mail or by regular mail at least thirty (30) days prior to the date set for hearing.

**Section 9. — Notice of Hearing.** The Notice of Hearing shall contain:

(a) — The name and last known address of the applicant or licensee;

(b) — A brief statement of the matters asserted relating to:

(i) — The recommendation to deny the application, the facts upon which the recommendation to deny is based, the statutory provisions and/or the Board Rules the applicant is alleged to have violated; or

(ii) — The nature of the Petition, the facts upon which the Petition is based, the statutory provisions and/or the Board Rules the licensee is alleged to have violated;

(c) — The time, place, and nature of the hearing;

(d) — ~~The legal authority and jurisdiction; and~~

(e) — ~~A statement indicating:~~

(i) — ~~The applicant's failure to appear at a noticed hearing or pursue proceedings may result in a dismissal; or~~

(ii) — ~~The licensee's failure to answer the allegations contained in the Petition within twenty (20) days of the date of mailing and failure to appear at a noticed hearing may result in a default judgment.~~

**Section 10. — Lawful Service.** ~~There shall be a presumption of lawful service of a Petition, Notice of Hearing, or any other communication required by these Board Rules if sent to the last known address of the licensee or applicant by email, certified, or regular mail.~~

**Section 11. — Dismissal or Default.**

(a) — ~~Dismissal. The Board may enter an order of dismissal based on the allegations contained in the recommendation to deny in any case where the applicant or the applicant's representative has not appeared at a noticed hearing or pursued proceedings.~~

(b) — ~~Default. The Board may enter an order of default judgment based on the allegations contained in the Petition in any case where the licensee or the licensee's representative has not answered the allegations contained in the Petition and has not appeared at a noticed hearing.~~

**Section 12. — Contested Case Hearing.** ~~The hearing officer shall preside over the contested case hearing which shall be conducted pursuant to the WAPA and the Office of Administrative Hearings rules concerning contested case proceedings incorporated by reference in Chapter 1.~~

**Section 13. — Burden and Standard of Proof.**

(a) — ~~Application/Licensure Matters. The applicant shall bear the burden to prove by a preponderance of evidence that they meet the qualifications for licensure. The burden shall shift to the ARC or DC to prove by clear and convincing evidence that the Board should deny the applicant a license or certificate. The burden shall shift to the applicant to persuade the Board that the ARC or DC's grounds for denial are insufficient.~~

(b) — ~~Discipline Matters. The DC shall bear the burden to prove by clear and convincing evidence that a licensee violated the Act or the Board's Rules.~~

**Section 14. — Board Decision and Order.**

~~(a) — Board Action. The Board may resolve an application matter, complaint, or Petition by:~~

~~(i) — Approving the recommendations of the ARC or DC;~~

~~(ii) — Dismissing or issuing an advisory letter; or~~

~~(iii) — Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:~~

~~(A) — Issue, renew, relicense, or reinstate a license or certificate;~~

~~(B) — Issue, renew, relicense, or reinstate a license or certificate subject to conditions, restrictions, or other disciplinary action;~~

~~(C) — Deny a license, certificate, renewal, relicensure, or reinstatement;~~

~~(D) — Dismiss the complaint or Petition due to lack of clear and convincing evidence;~~

~~(E) — Issue an advisory letter; and/or~~

~~(F) — Impose a reprimand, conditions, restrictions, non-renewal, suspension, revocation, other discipline or a combination thereof.~~

~~(b) — Board Order. The Board shall issue a written decision and order. The decision and order shall be sent to the applicant, licensee, or their representative, or their attorneys by certified or regular mail.~~

#### **Section 15. — Judicial Review.**

~~(a) — Appeals from decisions of the Board are governed by the WAPA and Wyoming Rules of Appellate Procedure.~~

~~(b) — Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.~~



## Chapter 11

### Practice of Speech-Language Pathology and Audiology

**Section 1. ~~Authority~~Statement of Purpose.** These Board Rules are adopted to implement the Board's authority to regulate the practice of speech-language pathology and audiology in Wyoming granted by Wyoming Statute § 33-33-201(b).

#### **Section 2. Dual Licensure.**

(a) To practice in both areas of licensure, speech-language pathology and audiology, a licensee shall obtain licensure as a speech-language pathologist and audiologist.

(b) A speech-language pathologist may perform non-diagnostic audiometric screening either for the purposes of performing a speech and language evaluation or for initial identification of individuals with other communicative disorders.

(c) An audiologist may perform non-diagnostic speech and language screening either for purposes of performing an audiologic evaluation or for initial identification of individuals with other communicative disorders.

(d) Any licensee may provide aural habilitation, aural rehabilitation services, and auditory processing services, for which they have been properly trained.

#### **Section 3. Practice of Speech-Language Pathology and Audiology.**

(a) Each licensee shall comply with the provisions of AAA, ABA, and ASHA's Codes of Ethics as referenced in Chapter 1.

(b) For a speech-language pathologist, the development and disorders of speech, voice, language or swallowing includes, but is not limited to:

(i) Screening, identifying, assessing and interpreting, diagnosing, habilitating, rehabilitating, and preventing disorders of speech such as

(A) Articulation;

(B) Pragmatics;

(C) Literacy;

(D) Phonology;

(E) Fluency;

- (F) Voice, resonance and nasal airflow;
  - (G) Oral motor speech and orofacial myofunctional function;
  - (H) Oral-pharyngeal function, such as swallowing/dysphagia and related disorders;
  - (I) Language to include verbal and written and related non-oral/nonverbal forms;
  - (J) Cognitive/communication disorders;
  - (K) Memory and comprehension; and
  - (L) Auditory processing.
- (ii) Assessing, selecting and developing augmentative and alternative communication systems and providing training in their use;
  - (iii) Providing aural habilitation or rehabilitation and related training and instructional services;
  - (iv) Enhancing speech-language proficiency and communication effectiveness, such as accent reduction; and
  - (v) Screening of hearing and other factors for the purpose of speech-language evaluation or the initial identification of individuals with other communication disorders.
- (c) For an audiologist, practice includes, but is not limited to,
    - (i) Facilitating where applicable the conservation of auditory system function;
    - (ii) Developing and implementing environmental and occupational hearing conservation programs;
    - (iii) Cerumen management;
    - (iv) Screening, identifying, assessing and interpreting, diagnosing, preventing, and rehabilitating peripheral and central auditory system dysfunction;
    - (v) Providing and interpreting behavioral and electro-physiological measurements of auditory and vestibular functions, such as:
      - (A) Auditory evoked potential assessment;
      - (B) Neurophysiologic intraoperative monitoring; or

(C) Balance system assessment.

(vi) Providing aural habilitation or rehabilitation and related training and instructional services to individuals with hearing loss and their families; and

(vii) Screening of speech-language and other factors affecting communication function for the purposes of an audiologic evaluation and/or the identification of individuals with other communication disorders.

(viii) Prescribing, ordering, and dispensing of hearing aid devices.

(d) The practice of speech-language pathology and audiology occurs where the patient is located or receives services.

(e) All licensees shall report to the Board known or suspected violations of the laws and regulations governing the practice of speech-language pathology and audiology.

**Section 4. Principles of Supervision of Provisional License Holders, Audiometric Technicians and Aides.**

(a) Eligibility for Supervision.

(i) A licensee who has practiced for three (3) years may supervise audiometric technicians or speech-language pathology aides within the same professional setting.

(ii) A licensee who has practiced for three (3) years may supervise a provisional license holder.

(b) Accountability. The licensee shall be responsible for the activities of the provisional license holder, audiometric technicians and speech-language pathology aides under their supervision. Licensee may be subject to disciplinary action for failure to adequately supervise provisional license holder, speech-language pathology, and audiometric technicians.

**Section 5. Supervision of Aides and Audiometric Technicians.**

(a) Limitation on Number of Supervisees. A licensee shall not supervise more than three (3) audiometric technicians or speech-language pathology aides combined, at one time. The licensee may apply for an exception to this requirement by submitting a written request to the Board demonstrating just cause for the exception.

(b) Renewal of Aides and Audiometric Technicians. In order to renew the aide's or audiometric technician's registration, the supervising licensee shall submit an annual competency evaluation for any speech-language pathology aides or audiometric technicians practicing under the licensee's supervision.

(c) Delegable Duties. An aide may assume the following duties under direct supervision of the licensee:

- (i) Carry out prescriptive programming for individuals and groups;
- (ii) Provide direct treatment assistance to a caseload of identified clients as prescribed by the licensee;
- (iii) Assist with informal documentation such as tallying notes, preparing materials, and assisting with other clerical duties;
- (iv) Chart and graph clients' progress, record progress, and sign documents only that have been reviewed and co-signed by the licensee;
- (v) Keep daily log of specific problems;
- (vi) Perform simple checks and maintenance of equipment;
- (vii) Participate with the licensee in research projects, in-service training and public relations programs; and
- (viii) Speech-language pathology aides may conduct speech-language screenings (without interpretation) following specified screening protocols developed by the licensee.

(d) Audiometric Technicians may:

- (i) Conduct fixed intensity air conduction hearing screening, without interpretation following specified screening protocols developed by the licensee;
- (ii) Perform automatic type tympanometry screening procedures following the specified screening protocols developed by the licensee. The audiometric technician may not interpret tympanometry results;
- (iii) Carry out prescriptive aural habilitation and rehabilitation programming;
- (iv) Perform checks on hearing aids and other assistive listening devices. Conduct routine trouble-shooting activities designed to assist the licensee in the determination and resolution of malfunctions with hearing aids and assistive listening devices;
- (v) Clean hearing aids;
- (vi) Instruct clients in the use of assistive listening devices; and
- (vii) Assist the licensee in taking earmold impressions.

(e) Non-delegable Duties. The aide or audiometric technician shall not perform any of the following actions:

- (i) Any activity that violates AAA, ABA, or ASHA's Codes of Ethics as referenced in Chapter 1;
- (ii) Participate in parent conferences, case conferences, or any interdisciplinary team without the presence of the licensee;
- (iii) Client or family counseling;
- (iv) Write, develop or modify a client's treatment plan in any way without the recommendation, guidance and approval of the licensee;
- (v) Select clients for or discharge clients from services;
- (vi) Make referrals for additional services; or
- (vii) Disclose clinical or confidential information either orally or in writing to anyone not designated by the licensee;

(f) Speech-language pathology aides shall not:

- (i) Administer tests, interpret test results or perform diagnostic speech-language evaluations. An aide may serve as a translator when working with clients with limited English proficiency and may assist the licensee during test administration; or
- (ii) Conduct hearing screenings unless specially trained.

(g) Audiometric Technicians shall not:

- (i) Administer tests, interpret test results or perform diagnostic auditory or vestibular evaluations. An audiometric technician may serve as a translator when working with clients with limited English proficiency and may assist the licensee during test administration;
- (ii) Conduct speech-language screenings unless specially trained;
- (iii) Discuss confidential information or test results, with the exception of indicating the data simply reveals normal or less than normal hearing sensitivity; or
- (iv) Select, recommend, or dispense a hearing aid or other assistive listening device.

## Chapter 12

### Speech-Language Pathology Assistant

**Section 1. Authority and Statement of Purpose.** These Board Rules are adopted to implement the Board's authority ~~to establish the requirements and procedures for certification of speech-language pathology assistants~~ granted by Wyoming Statutes 33-33-102(a)(ix) and - 202(b).

#### Section 2. Requirements for Initial Certification

(a) An applicant for initial certification must:

(i) Have an Associate's Degree as a Speech-Language Pathology Assistant from an accredited college or university; or

(ii) Have a Bachelor's Degree in Communication Disorders or Speech-Language Pathology or equivalent, from an accredited college or university and one of the following:

(A) Completion of a SPLA training certificate program through an accredited college or university;

(B) Completion of ASHA SLPA requirements; or

(C) Equivalent training as determined by the Board.

(ii) Successfully complete a minimum of one hundred (100) hours of supervised clinical field work or its equivalent clinical practicum. Supervised clinical field work shall include a minimum of:

(A) 80 hours of direct patient/client/student services under the supervision of a SLP; and

(B) 20 hours of indirect patient/client/student services under the supervision of a SLP.

(b) Application. An applicant must submit the following:

(i) Completed application packet and payment of appropriate fees;

(ii) Official transcripts if applying under Section 1(a)(i);

(iii) Documentation of completion of supervised field experience; ~~and~~

(iv) Signed supervision agreement; ~~and~~

(v) ~~Any application submitted on or after July 1, 2020 shall include fingerprints~~ Fingerprints and other information necessary for a criminal history record background check as required by W.S. 7-19-201(a)(xxviii).

~~(c) Upon Board approval of the application for certification, the applicant may identify himself or herself as a "SLPA" within the same professional setting as the supervising licensee.~~

### **Section 3. SLPA Responsibilities.**

(a) Service Delivery. A SLPA may perform the following tasks based upon his or her training and competency:

(i) Assist the SLP with speech, language, and hearing screenings without clinical interpretation;

(ii) Assist the SLP with other tasks as directed;

(iii) Assist the SLP with the bilingual translation or interpretation during screening and assessment activities exclusive of data interpretation;

(iv) Follow documented treatment plans or protocols developed by the supervising SLP;

(v) Document student, patient and client performance and report this information to the supervising SLP; and

(vi) Program and provide instruction in the use of augmentative and alternative communication devices developed and directed by the SLP.

(b) Administrative Support. A SLPA may perform the following tasks based upon his or her training and competency:

(i) Assist with clerical duties and departmental operations such as preparing materials and scheduling activities, as directed by the SLP; and

(ii) Perform checks and maintenance of equipment.

(c) Prevention and Advocacy. A SLPA may perform the following tasks based upon his or her training and competency:

(i) Provide information to emergency response agencies for individuals who

have communication or swallowing disorders; and

(ii) Support the supervising SLP in research projects, in-service trainings, public relation programs, and marketing programs.

**Section 4. SLPA Limitations.** SLPAs shall not:

(a) Represent himself or herself as an SLP (nor allow others to presume his or her standing as an SLP);

(b) Perform standardized or non-standardized diagnostic tests, formal or informal evaluations, or swallowing screenings/checklists;

(c) Perform procedures that require a high level of clinical acumen and technical skill (e.g., vocal tract prosthesis shaping or fitting, vocal tract imaging and oral pharyngeal swallow therapy with bolus material);

(d) Tabulate or interpret results and observations of feeding and swallowing evaluations performed by SLPs;

(e) Participate in formal parent conferences, case conferences, or any interdisciplinary team without the presence of the supervising SLP or other designated SLP;

(f) Provide interpretative information to the student/patient/client, family, or others regarding the patient/client status or service;

(g) Write, develop, or modify a student's, patient's, or client's treatment plan in any way;

(h) Assist with students, patients, or clients without following the individualized treatment plan prepared by the certified SLP and/or without access to supervision;

(i) Sign any formal documents (e.g., treatment plans, reimbursement forms, or reports; the SLPA should sign or initial informal treatment notes for review and co-sign with the supervising SLP as requested);

(j) Select students, patients, or clients for service;

(k) Discharge a student, patient, or client from services;

(l) Make referrals for additional service;

(m) Disclose clinical or confidential information either orally or in writing to anyone



other than the supervising SLP (the SLPA must comply with current HIPPA and FERPA guidelines) unless mandated by law;

- (n) Develop or determine the swallowing strategies or precautions for patients, family, or staff;
- (o) Treat medically fragile students/patients/clients independently; or
- (p) Design or select augmentative and alternative communication systems or device.

### **Section 5. Annual Certification Renewal**

(a) **Certification Expiration.** Initial certifications shall expire December 31st of the year following the year of issue. After the initial certification, certificates shall expire December 31st of each year. Certificate holders shall renew their certificate on or before December 31st. Certificate holders that fail to timely renew shall forfeit the right to practice.

(b) **Renewal for certificates issued under Section 1(a)(1) of this chapter.** A certificate holder seeking renewal shall:

- (i) Submit a completed renewal application and payment of fee;
- (ii) Submit documentation of hourly supervision by the supervising SLP;
- (iii) ~~Attest to~~ ~~Submit evidence of~~ completion of ten (10) ~~twelve (12)~~ CEU that complies with subsection Chapter 2 Section 8(c), and
  - (A) Acceptable CEU documentation shall include, but is not limited to, transcripts and certificates of completion.
  - (B) Waiver. The Board may grant a waiver for CEU requirements for certificate holders who have petitioned and demonstrated just cause based on extenuating circumstances.
- (iv) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 33-33-306(e).

(c) **Renewal for certificates issued through experience under Section 1(a)(ii) of this chapter.**

- (i) Procedure.
  - (A) A certificate holder shall comply with the requirements in Section 4(b) above;
  - (B) Submit documentation of continued enrollment in a program to

obtain the educational requirements in Section 1(a)(i), and

(C) Submit fingerprints and other information necessary for a criminal history record background check as required by W.S. 33-33-306(e).

(ii) Certification under this subsection shall not be renewed more than four (4) times.

(iii) When an applicant completes the education required in Section 1(a)(i) above, the applicant shall apply for renewal in accordance with Section 5(b) and the special experience designation of the license number will be changed to reflect the completion of the educational requirements.

(iv) If a certificate holder under Section 1(a)(ii) does not complete the education required in Section 1(a)(i) after renewing under this section four (4) times, his or her certificate shall lapse and may not be renewed under this subsection.

## **Section 6. Supervision**

(a) Each SLPA must be supervised by an SLP licensed in Wyoming. A written Supervision Agreement approved by the Board must be in place to include a record of all supervision, both direct and indirect. The agreement must be signed by both parties with agreement as to responsibility for this documentation. Information to be included using the following supervision schedule:

(i) First ninety (90) days from initial certification – minimum of thirty (30) percent weekly supervision shall be provided with at least twenty (20) percent being direct contact supervision of client, student, or individual and ten (10) percent of indirect contact. Weekly supervision should be arranged so that every client, student, or individual is observed at least once every two weeks. Direct contact means face to face, either through tele practice or onsite supervision.

(ii) After successful completion of first ninety (90) days, minimum of one hour of direct supervision each week shall be provided. In addition, direct supervision shall include direct contact supervision of every client, student, or individual every sixty (60) days with as much indirect supervision as needed.

(iii) Indirect supervision may include review of data, lesson plans, schedules, and any other issues related to the individual clients, students, and individuals.

(iv) Supervising SLP – Requirements for supervising SLP.

(A) Must have been licensed SLP practicing for a minimum of three (3) years;

(B) Hold a Speech-Language Pathology license in good standing

from the Board;

(D) Must have completed at least a minimum of two (2) hours of continuing education hours in supervision prior to beginning supervision. These will count towards CEUs for licensure renewal; and

(E) Cannot supervise more than three (3) SLPAs.

(b) Each supervising SLP shall uphold the ethics and professionalism of ASHA.

**Section 7. Failure to Timely Renew.** A certificate holder who fails to timely renew may apply for renewal during the administrative grace period detailed in Chapter 2, Section 9.

**Section 8. Certificate Re-issuance**

(a) Eligibility. An applicant may seek re-issuance if his or her certificate has lapsed.

(b) Lapsed Certificate Re-issuance Requirements. An applicant shall:

(i) Submit a completed re-issuance application and pay the required fee; and

(ii) Submit evidence of clinical competency by submitting proof of completion of ten (10) ~~twelve (12)~~ CEUs for each year or portion thereof that the certificate was lapsed up to a maximum of one hundred and twenty (120) CEUs.

**Section 9. Audits**

(a) CEUs may be audited by the Board for verification of compliance with these requirements.

(b) If the Board disallows any CEUs, the licensee shall have thirty (30) days from notice of such disallowance to:

(i) Provide evidence that the disallowed CEUs meet the criteria established by these rules;

(ii) Provide documentation of having acquired additional CEUs during the required time frame; or

(iii) Cure the disallowance by acquiring the required number of CEUs.

- (A) Any CEU activity completed past the renewal date to cure a disallowance may not be reported on subsequent applications for license renewal.

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(B)     If a licensee fails to complete the required number of CEUs, the licensee shall be subject to disciplinary action.

          (c)     Every year, ten percent (10%) of current certificate holders will be selected by February 15 following the renewal at random and required to submit verification of the CEU hours for audit.

## Chapter 14

### Practice and Procedures for Applications

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-33-305 (a) and 16-3-103(j)(i).

Section 2. Application Action. The Board may deny, refuse to renew, impose probationary conditions upon a license for any of the following:

- (a) Unprofessional conduct as defined in W.S. 33-33-305;
- (b) Violating or conspiring to violate or aiding or abetting any person in violating the provision(s) of the Act or any provision of the Board rules and regulations;
- (c) Committing a dishonest or fraudulent act related to practice;
- (d) Being incompetent or negligent in the practice of Speech-Language Pathology or Audiology which has endangered or is likely to endanger the health, welfare, or safety of the public;
- (e) Attempting to procure a license by bribery, fraudulent misrepresentation, or through an error in information provided to the Board;
- (f) Making or filing a report or record signed as a Speech-Language Pathologist or Audiologist which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such a filing, or inducing another person to impede or obstruct such a filing;
- (g) Improperly supervising an aide, audiometric technician, or a SLPA;
- (h) Violating a lawful order of the Board entered in a disciplinary matter, or failing to comply with a lawfully issued subpoena of the Board;
- (i) Practicing while a license is revoked, suspended, or expired;
- (j) Exercising influence on a client in such a manner as to exploit the client for financial gain of the Licensee or of a third party;
- (k) Failing to comply with the Board's request for production of documents not otherwise protected by law;

(l) Failing to adequately refer or transfer care; and

(m) Abandoning a client.

**Section 3. Application Review.**

(a) Assigning Application Review Committee (ARC).

(i) Board staff shall review all applications for a license.

(ii) When Board staff determines that there may be grounds to deny a license or approve a license subject to discipline or restrictions, Board staff shall refer the application to an ARC.

(b) The ARC shall investigate the application, which may include requesting additional information, meeting with the applicant, or any other action the ARC deems appropriate.

(c) The ARC may recommend that the Board:

(i) Issue, renew, relicense, or reinstate a license;

(ii) Issue, renew, relicense, or reinstate a license subject to reprimand, conditions, restrictions, or other disciplinary action;

(iii) Approve a settlement agreement; or

(iv) Deny the application.

(d) Notice of Intent.

(i) If the ARC intends to recommend that the Board deny an application or issue a license subject to other disciplinary action, the ARC shall notify the applicant of its recommendation.

(ii) The Notice of Intent shall contain:

(A) A brief description of the facts or conduct that the ARC alleges warrant denying the license or issuing the license subject to disciplinary action;

(B) Citations to the applicable statutory provisions or Board rules that the ARC alleges the applicant violated; and

(C) Notice that an applicant may request a hearing before the Board in writing within thirty (30) days from the date of mailing.

(e) The applicant shall have thirty (30) days from the date the ARC mailed the Notice of Intent to respond. The applicant may:

(i) Request that the Board hold a hearing on the ARC's recommendation;

(ii) Request that the Board table consideration of the application; or

(iii) Withdraw the application.

(f) If an applicant fails to timely respond to the Notice of Intent, the Board may accept the ARC's recommendation.

(g) There shall be a presumption of lawful service of any communication required by these rules if sent by U.S. mail to the address stated on the application or, if applicable, an updated address later provided by the applicant.

#### **Section 4. Hearing Procedure.**

(a) Upon receiving a written request for a hearing from an applicant, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing on the applicant at least 30 days before the hearing. The Notice of Hearing shall contain:

(i) A brief statement of the matters asserted, including:

(A) The ARC's recommendation;

(B) The facts upon which the recommendation is based; and

(C) The statutory provisions or Board rules the applicant is alleged to have violated or failed to meet to qualify for licensure.

(ii) The time, place, and nature of the hearing;

(iii) The legal authority and jurisdiction of the Board; and

(iv) Notice of the burden and standard of proof.

(b) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative

Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(c) The applicant shall bear the burden to prove by a preponderance of the evidence that he or she meets the qualifications for licensure. The burden of production shall shift to the ARC to prove by clear and convincing evidence that the applicant should not be granted an unrestricted license or license subject to discipline. The burden of production then shifts to the applicant to demonstrate that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient and that the applicant is entitled to licensure.

(d) The Board may resolve an application matter by:

(i) Adopting the ARC's recommendation without a hearing if the applicant did not request a hearing;

(ii) Resolving a dispositive motion in either party's favor;

(iii) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may:

(A) Issue, renew, relicense, or reinstate a license;

(B) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, re-entry, or reinstatement;

(e) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the applicant and the applicant's attorney or representative, if any.

(i) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(ii) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.



## Chapter 15

### Practice and Procedures for Discipline Matters

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-33-305 and 16-3-103(j)(i).

Section 2. Disciplinary Action. The Board may take disciplinary action for the following:

- (a) Violating the Board's practice act or rules;
- (b) Violating a Board order;
- (c) Unprofessional conduct as defined in W.S. 33-33-305(a);
- (d) Violating the Code of Ethics as found in Chapter 1, Section 6 of these Rules;
- (e) Violating or conspiring to violate or aiding or abetting any person in violating the provision(s) of the Act or any provision of the Board rules and regulations;
- (f) Committing a dishonest or fraudulent act related to practice;
- (g) Being incompetent or negligent in the practice of Speech-Language Pathology or Audiology which has endangered or is likely to endanger the health, welfare, or safety of the public;
- (h) Attempting to procure a license by bribery, fraudulent misrepresentation, or through an error in information provided to the Board;
- (i) Making or filing a report or record signed as a Speech-Language Pathologist or Audiologist which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such a filing, or inducing another person to impede or obstruct such a filing;
- (j) Improperly supervising an aide, audiometric technician, or a SLPA;
- (k) Violating a lawful order of the Board entered in a disciplinary matter, or failing to comply with a lawfully issued subpoena of the Board;
- (l) Practicing while a license is revoked, suspended, or expired;
- (m) Exercising influence on a client in such a manner as to exploit the client for financial gain of the Licensee or of a third party;

(n) Failing to comply with the Board's request for production of documents not otherwise protected by law;

(o) Failing to adequately refer or transfer care; or

(p) Abandoning a client.

**Section 3. Complaint Review and Disciplinary Investigation.**

(a) Complaints that a licensee has violated the Board's practice act or the Board's rules shall be submitted to the Board's office. Board staff may initiate complaints.

(b) After receiving a complaint or initiating a complaint, Board staff shall assign the complaint to an Investigation Committee (IC) for investigation.

(c) After reviewing and investigating the complaint, the IC may recommend that the Board:

(i) Dismiss the complaint;

(ii) Summarily suspend a license;

(iii) Approve a settlement agreement;

(iv) Discipline the licensee, including:

(A) Suspend a license;

(B) Revoke a license; or

(C) Impose probationary conditions.

**Section 4. Summary Suspension.**

(a) An IC may recommend that the Board summarily suspend a license at any time when the IC or Board staff believes that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(b) The IC shall notify the licensee of its intent to recommend summary suspension. The Notice of Intent shall contain:

(i) A copy of the complaint, if any;

(ii) A description of the grounds for the summary suspension recommendation; and

(iii) Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled.

(c) When the date and time of the summary suspension hearing is set, the Board staff shall notify the licensee of the date and time of the proceeding by mailing written notice and emailing electronic notice to the licensee's mailing and email addresses.

(d) The scope of the expedited summary suspension proceeding shall be limited to a presentation of the information the IC believes warrants summary suspension and any information the licensee may present on his or her behalf.

(e) Hearing Format.

(i) The IC shall describe the allegations that it believes warrant emergency action against the licensee.

(ii) The IC shall present information that demonstrates probable cause that the allegations are true.

(iii) The IC shall explain why the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(iv) The licensee, if present, may present any information demonstrating that the allegations are not true or that, even if the allegations are true, the licensee's continued practice does not imperatively require emergency action to protect the public health, safety, or welfare.

(f) The Board may order summary suspension if it concludes that probable cause exists that the allegations are true and that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare. The Board shall incorporate a finding to that effect in its order granting summary suspension.

(g) No summary suspension shall be effective until the Board has adopted a written order incorporating the reasons justifying its decision.

(h) The Board shall enter a written order granting or denying summary suspension at the summary suspension proceeding or within seven days after the proceeding. The Board shall send the order to the licensee by U.S. mail and by email.

(i) Post-Deprivation Hearing.

(i) A licensee may request a post-deprivation hearing within ten days from the date the summary suspension order is entered.

(ii) If a licensee requests a post-deprivation hearing, the Board shall conduct it within 30 days of the licensee's request and notify the licensee of the date, time, and location of the hearing.

(iii) Post-deprivation hearings shall be conducted in the same manner as summary suspension proceedings as articulated in Section 4(e) of this chapter. The sole issue before the Board at a post-deprivation hearing shall be whether the IC's allegations imperatively require emergency action to protect the public health, safety, and welfare. The Board shall affirm its decision to summarily suspend a license, and issue a written order to that effect, if it concludes that the IC has proven the allegations by a preponderance of the evidence and that the allegations imperatively require emergency action to protect the public health, safety, or welfare.

(j) Unless earlier terminated by the Board or a petition for discipline is filed under Section 6 of this chapter, summary suspensions shall lapse 180 days after the written order granting summary suspension is entered under subsection (h) of this section.

#### **Section 5. Surrender in Lieu of Discipline and Licenses Issued in Error.**

(a) A licensee may petition the Board, in writing, to voluntarily surrender a license in lieu of discipline.

(i) The IC shall recommend that the Board approve or deny the petition.

(ii) The Board may approve or deny the petition.

(b) If Board staff has reason to believe that a license has been issued despite an applicant not meeting licensure requirements and:

(i) If Board Staff has issued the license and the Board has not ratified its issuance, the license shall be rescinded and the matter shall be referred to an ARC.

(ii) If Board Staff has issued the license and the Board has ratified its issuance, the matter shall be referred to an IC.

(A) The IC may petition the Board to revoke the license or impose practice restrictions according to the procedures outlined in Section 6 of this chapter and may seek summary suspension.

(B) A revocation solely for the reasons specified this subsection shall not be considered license discipline. Nothing in this subsection prohibits discipline or application denial for a licensee's conduct.

(C) A licensee may surrender the license at issue under this provision in lieu of a hearing before the Board without Board approval.

### **Section 6. Hearing Procedure.**

(a) There shall be a presumption of lawful service of a Notice of Intent, Petition, Notice of Hearing, or any other communication required by these rules if sent by U.S. mail to the address the licensee most recently supplied to the Board.

(b) The IC shall notify the licensee of its intent to file a petition for disciplinary action. The Notice of Intent shall:

(i) Include a brief description of the facts or conduct that warrant the intended action;

(ii) Include a description of the nature of the discipline the IC intends to seek; and

(iii) Provide the Licensee no less than 30 days to show that the licensee has complied with all lawful license requirements.

(c) The IC shall initiate proceedings for disciplinary action by filing a Petition with the Board office and serving a copy upon the licensee to the last known address of the licensee by regular U.S. mail.

(d) A licensee may respond to the Petition by filing an Answer admitting or denying the allegations in the Petition or by filing a dispositive motion.

(e) A licensee shall respond to a Petition within (20) days from the date the Petition is filed with the Board office or, if the licensee files a dispositive motion, from the date the dispositive motion is decided by entry of a written order. Failure to respond to the Petition within this time may result in a default judgment.

(f) When a petition for disciplinary action is filed, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing, with the Petition attached, on the applicant at least 30 days before the hearing. The notice of hearing shall contain:

(i) The legal authority for the Petition and statement of the Board's jurisdiction;

- (ii) The facts justifying the disciplinary action sought;
- (iii) The statutory provisions or Board rules the licensee is alleged to have violated;
- (iv) The time, place, and nature of the hearing; and
- (v) Notice of the burden and standard of proof.
- (g) If a licensee fails to timely answer the allegations in a Petition or appear at a noticed hearing, and upon the IC's motion, the Board may enter default against the licensee. In entering default, the Board may:
- (i) Order that the factual allegations in the Petition are to be taken as true for the purposes of the hearing;
- (ii) Order that the licensee may not present evidence on some or all issues in the matter; or
- (iii) Any other relief the Board determines is just.
- (h) The Board may set aside an entry of default for good cause.
- (i) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.
- (j) The IC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Board's practice act or the Board's rules.
- (k) The Board may resolve a discipline matter by:
- (i) Resolving a dispositive motion in either party's favor;
- (ii) Accepting a settlement agreed on by both parties;
- (iii) Granting a licensee's petition for voluntary surrender in lieu of discipline under Section 5(a) of this Chapter;
- (iv) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may, as applicable:

(A) Find no violation of the Board's practice act or rules and therefore:

- (1) Impose no discipline on the licensee;
- (2) Issue an Advisory Letter; or
- (3) Issue a Letter of Warning

(B) Find that the licensee has violated the Board's practice act or rules and impose the following discipline:

- (1) Impose probationary conditions;
- (2) Suspend a license; or
- (3) Revoke a license.

(l) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the licensee and the licensee's attorney or representative, if any.

(m) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(n) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

### **Section 7. Petition for Modifying Conditions or Restrictions.**

(a) A licensee may petition the Board to modify any conditions or restrictions on his or her license. The licensee shall submit a written petition for modification to the Board office. The petition for modification shall include evidence demonstrating:

- (i) Compliance with all previously entered Board orders;
- (ii) That the modification is consistent with any treatment plan or medical orders, if applicable; and
- (iii) That the modification will ensure the public is adequately protected.

(b) The IC assigned the matter shall review the petition and shall recommend that the Board either grant or deny the petition within 30 days of the Board office receiving the petition.

(c) Board Consideration.

(i) The Board shall consider the petition and the IC's recommendation at its earliest convenience.

(ii) The Board may approve or deny the petition for modification.