



LAWS AND REGULATIONS RELATING TO

Licensure as a Speech -Language Pathologist or Audiologist



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The statutes and regulations provided in this booklet are an **unofficial** version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

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KENTUCKY REVISED STATUTES

334A.010 Legislative purpose declared.

It is hereby declared to be a policy of the Commonwealth of Kentucky that, in order to safeguard the public health, safety, and welfare, and to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons, and to protect the public from unprofessional conduct by qualified speech-language pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

Effective: July 15, 1986

History: Amended 1986 Ky. Acts ch. 483, sec. 1, effective July 15, 1986. -- Created 1972 Ky. Acts ch. 236, sec. 1.

334A.020 Definitions for chapter.

As used in this chapter, unless the context otherwise requires:

- (1) "Assisting in the practice of speech pathology" means the provision of certain specific components of a speech or language service program provided by a speech-language pathology assistant under the supervision and direction of an appropriately qualified supervisor;
- (2) "Audiologist" means one who is licensed to practice audiology. An audiologist may describe himself or herself to the public by any title or description of services incorporating the words "audiologist," "audiology," "audiological," "hearing center," "hearing clinic," "hearing clinician," "hearing therapist," "audiometry," "audiometrist," "audiometrics," "otometry," "otometrist," "aural rehabilitationist," or "hearing conservationist";
- (3) "Board" means the Kentucky Board of Speech-Language Pathology and Audiology;
- (4) "Continuing professional education" in speech-language pathology and audiology consists of planned learning experiences beyond a basic educational program leading to a degree. These experiences are designed to promote knowledge, skills, and attitudes of speech-language pathology and audiology practitioners to enable them to provide professional services in their areas of training that are based on current research and best practices;
- (5) "Interim license" means a license issued by the board pursuant to KRS 334A.035 to a person for the purpose of completing the supervised postgraduate professional experience required under that section prior to an application for licensure as a speech-language pathologist or a speech-language pathology assistant;
- (6) "Person" means any individual, organization, or corporate body, except that only individuals can be licensed under this chapter;
- (7) "Practice of audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to hearing and disorders of hearing for the purpose of modifying communicative disorders involving speech, language, auditory behavior, or other aberrant behavior related to hearing loss; planning, directing, conducting, or participating in identification and hearing conservation programs; and habilitative and rehabilitative programs, including hearing aid recommendations and evaluation, prescribing, ordering the use of, selling and fitting hearing instruments, including the selling and fitting of both prescription hearing aids and over-the-counter hearing aids, auditory training, or speech reading;

(8) "Practice of speech pathology" means the application of principles, methods, and procedures for the measurement, testing, audiometric screening, identification, appraisal, determination of prognosis, evaluation, consultation, remediation, counseling, instruction, and research related to the development and disorders of speech, voice, verbal and written language, cognition/communication, or oral and pharyngeal sensorimotor competencies for the purpose of designing and implementing programs for the amelioration of these disorders and conditions. Any representation to the public by title or by description of services, methods, or procedures for the evaluation, counseling, remediation, consultation, measurement, testing, audiometric screening, identification, appraisal, instruction, and research of persons diagnosed with conditions or disorders affecting speech, voice, verbal, and written language, cognition/communication, or oral and pharyngeal sensorimotor competencies shall be considered to be the practice of speech-language pathology;

(9) "Speech-language pathologist" means one who practices speech-language pathology. A speech-language pathologist may describe himself or herself to the public by any title or description of services incorporating the words "speech-language pathologist," "speech-language pathology," "speech-language therapy," "speech-language correction," "speech-language correctionist," "speech-language therapist," "speech clinic," "speech clinician," "speech pathologist," "language pathologist," "language pathology," "language therapist," "logopedics," "logopedist," "communicology," "communicologist," "aphasiologist," "voice therapy," "voice therapist," "voice pathology," "voice pathologist," "phoniatriest," "communication disorders," or "verbal therapist";

(10) "Speech-language pathology assistant" means one who assists in the practice of speech-language pathology only under the supervision and direction of an appropriately qualified supervisor and only within the public school system in the Commonwealth. Any speech-language pathology services provided without appropriate supervision or outside the public school system shall be deemed to be the unlicensed practice of speech-language pathology and shall subject the offending party to penalties established in KRS 334A.990;

(11) "Supervisor" means a person who holds a Kentucky license as a speech-language pathologist or who holds Education Professional Standards Board master's level certification as a teacher of exceptional children in the areas of speech and communication disorders as established by administrative regulation; and

(12) "Temporary license" means a license that may be issued by the board administrator pursuant to KRS 334A.181 to any applicant who has met all the requirements for permanent licensure in accordance with that section.

Effective: June 29, 2023

History: Repealed and reenacted 2023 Ky. Acts ch. 53, sec. 3, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 46, sec. 3, effective July 14, 2022. -- Amended 2008 Ky. Acts ch. 165, sec. 1, effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 375, sec. 4, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 32, sec. 1, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 483, sec. 2, effective July 15, 1986. -- Created 1972 Ky. Acts ch. 236, sec. 2.

334A.030 License required for speech-language pathology or audiology.

(1) Licensure shall be granted as a speech-language pathologist, speech-language pathology assistant, or audiologist independently. A person may be licensed in more than one (1) area if he meets the respective qualifications.

(2) No person shall practice or represent himself as a speech-language pathologist, speech-language pathology assistant, or audiologist in this state unless he is licensed in accordance with the provisions of this law.

(3) A licensed speech-language pathology assistant employed by a public school shall receive the same salary and benefits available to certified teachers with Rank III and the corresponding years of experience.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 32, sec. 2, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 483, sec. 3, effective July 15, 1986. -- Created 1972 Ky. Acts ch. 236, sec. 3.

334A.033 License for speech-language pathology assistant -- Requirements for licensure -- Supervision requirements.

(1) The board may issue a license to practice as a speech-language pathology assistant under the following conditions:

(a) The practice shall be limited to the public schools and shall be under the supervision of an appropriately qualified supervisor;

(b) The requirements for supervision shall be set forth in administrative regulations promulgated by the board and shall include requirements that:

1. A person holding an interim license as a speech-language pathology assistant shall receive no less than three (3) hours per week of documented direct supervision and three (3) hours per week of indirect supervision from an appropriate supervisor as determined by the board;

2. A person holding a license as a speech-language pathology assistant with less than three (3) years of full-time experience shall receive no less than two (2) hours per week of documented direct supervision and two (2) hours per week of indirect supervision from an appropriate supervisor as determined by the board;

3. A person holding a license as a speech-language pathology assistant with three (3) or more years of full-time experience shall receive no less than one (1) hour per week of documented direct supervision and one (1) hour per week of indirect supervision, unless, in the professional judgment of the supervisor, the ability of the speech-language pathology assistant requires a higher level of supervision in order to avoid compromising the quality of services provided to students; and

4. Supervision shall be adjusted proportionally for less than full-time employment;

(c) An individual shall not supervise or be listed as the supervisor for more than two (2) speech-language pathology assistants; and

(d) The supervisor shall delegate to the assistant the appropriate tasks pursuant to KRS 334A.020 and the supervisor and assistant shall work together to provide the appropriate services to all assigned pupils taking into account the severity and complexity of the needs of individual students and the respective workloads of the supervisor and assistant. The maximum number of pupils served by each speech-language pathology assistant shall not exceed the direct service caseload of the speech-language pathologist as established in KRS 334A.190.

(2) To be eligible for licensure by the board as a speech-language pathology assistant, the applicant shall meet the following requirements:

(a) A baccalaureate degree in the area of speech-language pathology as defined by administrative regulation; (b) Completion of postgraduate professional experience deemed appropriate by the board by administrative regulation; and (c) List on the application the name of the appropriately qualified supervisor who has agreed to provide supervision as set forth by the board by administrative regulation.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 375, sec. 7, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 219, sec. 1, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 32, sec. 4, effective July 15, 1994.

334A.035 Interim license requirement -- Exemption for public school speech-language pathologists with teacher certification in communication disorders.

(1) (a) A person who has a Master's degree in the area of speech-language pathology or communication disorders, or is currently enrolled in a doctoral degree program with emphasis in speech-language pathology or communication disorders, or has substantive equivalent course work as defined by the board's administrative regulations and who has completed supervised direct clinical practicum with individuals presenting a variety of disorders of communication and swallowing, the experience being obtained with a training institution or in one (1) of its cooperating programs, shall apply for an interim license during the time that person is completing postgraduate professional experience deemed necessary by the board. The postgraduate professional experience shall be completed under the supervision of a speech-language pathologist who holds a Kentucky license or certification by other accrediting bodies, at the discretion of the board.

(b) A person with interim licensure shall make every effort to take and pass a national examination in speech-language pathology approved by the board at the time of the application for licensure. If unsuccessful with the examination, the licensee shall submit documentation of the applicant's preparation to take the national examination and continue to practice under supervision in accordance with this section. The board shall promulgate an administrative regulation in accordance with KRS Chapter 13A to establish the documentation required under this paragraph.

(c) Upon completion of postgraduate professional experience deemed necessary by the board, the speech-language pathologist shall make an application to the board within thirty (30) days for permanent licensure, if all requirements have been completed satisfactorily, or for renewal of the interim license at the discretion of the board. Failure to do so shall result in forfeiture of the interim license.

(d) An interim license shall not exceed a period of twenty-four (24) months without board approval.

(2) (a) A person who has a baccalaureate degree in the area of speech-language pathology or communication disorders as defined by administrative regulation shall apply for an interim license as a speech-language pathology assistant during the time that person is completing his or her professional experience as established by the board by administrative regulation. The postgraduate professional experience shall be completed under the supervision of an appropriately qualified supervisor.

(b) Upon completion of the postgraduate professional experience, the speech-language pathology assistant shall make immediate application to the board within thirty (30) days for permanent licensure if all requirements have been completed satisfactorily, or for renewal of the interim license at the discretion of the board. Failure to do so shall result in forfeiture of the interim license.

(c) An interim license shall not exceed a period of twenty-four (24) months without board approval.

(3) (a) A speech-language pathologist employed solely by the public schools in a certified position who holds a teacher certification in communication disorders issued by the Education Professional Standards Board shall be exempt from holding a license issued by the board.

(b) A speech-language pathologist in a classified position who does not hold a teacher certification in communication disorders issued by the Education Professional Standards Board shall apply for and maintain appropriate licensure.

(c) The public school speech-language pathologist shall determine from the local school board how his or her position is categorized.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 165, sec. 2, effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 375, sec. 5, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 32, sec. 3, effective July 15, 1994. -- Created 1988 Ky. Acts ch. 152, sec. 1, effective March 31, 1988.

334A.040 Exemptions from application of chapter.

- (1) Nothing in this chapter shall be construed to prevent a qualified person licensed in this state under any other law from engaging in the profession for which the person is licensed.
- (2) Nothing in this chapter shall be construed to prevent qualified hearing aid dispensers from engaging in those practices and procedures used solely for the fitting and selling of hearing aids.
- (3) Nothing in this chapter shall be construed as restricting or preventing activities of a speech-language pathology or audiology nature or the use of the official title of the position for which they were employed on the part of the following persons:
 - (a) Speech-language pathologists or audiologists employed by the federal government, if they are performing such activities solely within the confines or under the jurisdiction of the organization in which they are employed and do not offer to render speech-language pathology or audiology services as defined in subsections (4) and (6) of KRS 334A.020 to the public outside of the institutions or organizations in which they are employed. However, such persons may, without obtaining a license under this chapter, consult or disseminate their research findings and scientific information to other such accredited academic institutions or governmental agencies. They also may offer lectures to the public for a fee, monetary or otherwise, without being licensed under this chapter; or
 - (b) Registered and practical nurses or others trained to perform audiometric testing under the direct supervision of a licensed physician or surgeon.
- (4) Nothing in this chapter shall be construed as restricting the activities and services of a student or speech-language pathology intern pursuing a course of study leading to a degree in speech-language pathology at an accredited or approved college or university or an approved clinical training facility, if these activities and services constitute a part of the planned course of study and if such persons are designated by such title as "speech-language pathology intern," "speech-language pathology trainee," or other such title clearly indicating the training status appropriate to his or her level of training under the supervision of a licensed speech-language pathologist.
- (5) Nothing in this chapter shall be construed as restricting the activities and services of a student or audiology intern pursuing a course of study leading to a degree in audiology at an accredited or approved college or university or an approved clinical training facility, if these activities and services constitute a part of the planned course of study and if such persons are designated by such title as "audiology intern," "audiology trainee," or other such title clearly indicating the training status appropriate to his or her level of training, under supervision of a licensed audiologist.
- (6) Nothing in this chapter shall be construed as restricting a speech-language pathologist or audiologist from another state from offering his or her speech-language pathology or audiology services in this state if the services are performed for no more than five (5) days in any calendar year and if that person meets the qualifications and requirements stated in the section on qualifications, except that such person need not apply for licensure under this chapter.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 165, sec. 8, effective July 15, 2008. -- Amended 1988 Ky. Acts ch. 152, sec. 2, effective March 31, 1988. -- Amended 1986 Ky. Acts ch. 483, sec. 4, effective July 15, 1986. -- Created 1972 Ky. Acts ch. 236, sec. 4

334A.050 Qualifications of applicant for license.

To be eligible for licensure by the board as a speech-language pathologist or audiologist, the applicant must:

- (1) Be a citizen of the United States or have declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make application shall be sufficient proof of compliance with this subsection;
- (2) Show evidence of meeting the following professionally accepted academic and practicum standards:

- (a) Master's degree in the area of speech-language pathology or audiology or substantive equivalent. The specific course work for this requirement is to be determined by the board and delineated in the administrative regulations;
 - (b) Completion of supervised direct clinical practicum with individuals presenting a variety of disorders of communication, the experience being obtained with the training institution or in one (1) of its cooperating programs; and
 - (c) Completion of postgraduate professional experience as deemed necessary by the board; and
- (3) Pass the national examinations in speech-language pathology or audiology which are approved by the American Speech and Hearing Association and in effect at the time of application for licensure. Written examinations may be supplemented by such oral examinations as the board shall determine. An applicant who fails his examination may be reexamined at a subsequent examination upon payment of another licensing fee.

Effective: March 31, 1988

History: Amended 1988 Ky. Acts ch. 152, sec. 3, effective March 31, 1988. -- Amended 1986 Ky. Acts ch. 483, sec. 5, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 384, sec. 109, effective June 17, 1978. -- Created 1972 Ky. Acts ch. 236, sec.

334A.060 Licensure without examination.

- (1) The board may waive the examination and grant a license to applicants who present proof of current licensure in a state which has standards that are at least equivalent to those of this state. (2) The board may waive the examination and grant a license to those who hold the Certificate of Clinical Competence of the American Speech and Hearing Association in the area for which they are applying for licensure.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 375, sec. 6, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 32, sec. 5, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 152, sec. 4, effective March 31, 1988. -- Amended 1986 Ky. Acts ch. 483, sec. 6, effective July 15, 1986. -- Created 1972 Ky. Acts ch. 236, sec. 6.

334A.070 Board of Speech-Language Pathology and Audiology -- Meetings.

- (1) There is hereby created a Board of Speech-Language Pathology and Audiology which shall consist of eight (8) members to be appointed by the Governor. Three (3) members shall be audiologists, three (3) members shall be speech-language pathologists, one (1) shall be an otolaryngologist and one (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. The audiologists and speech-language pathologists members shall hold a Kentucky license from the board of speech-language pathology and audiology and shall practice in Kentucky. One (1) of the speech-language pathologist members shall be employed in the public schools of the Commonwealth. The members of the board shall serve until the expiration of the term for which they have been appointed or until their successors are qualified. All appointments made shall be for a term of three (3) years except for appointments to fill vacancies caused by a reason other than the expiration of a member's term which shall be filled for the remaining portion of the member's term. No person shall be appointed to serve more than two (2) consecutive terms.

- (2) The board shall reorganize annually and select a chairman. Four (4) members of the board shall constitute a quorum to do business. The board shall hold at least one (1) regular meeting each year. Additional meetings may be held upon call of the chairman or at the written request of any two (2) members of the board. All meetings of the board shall be open and public.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 165, sec. 9, effective July 15, 2008. -- Amended 1988 Ky. Acts ch. 152, sec. 5, effective March 31, 1988. -- Amended 1986 Ky. Acts ch. 483, sec. 7, effective July 15, 1986. -- Amended 1976 Ky. Acts ch. 206, sec. 27. -- Created 1972 Ky. Acts ch. 236, sec. 7.

334A.080 Powers and duties of the board.

(1) The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications of applicants, supervise the examination of applicants, and may issue subpoenas, examine witnesses, and administer oaths, and shall investigate persons engaging in practices which violate the provisions of this chapter.

(2) The board shall conduct administrative hearings in accordance with KRS Chapter 13B. Any person aggrieved by a final order of the board may appeal to Franklin Circuit Court.

(3) The board shall keep records and minutes as necessary and shall promulgate responsible administrative regulations, including but not limited to, administrative regulations which delineate qualifications for licensure and renewal of licensure and which establish ethical standards of practice, and may amend or repeal the same.

(4) Every person who holds a license to practice speech-language pathology or audiology in this state shall be governed and controlled by the rules of professional conduct adopted by the board.

(5) The conferral or enumeration of specific powers elsewhere in this chapter shall not be construed as a limitation of the general powers conferred by this section.

(6) The board shall fix appropriate and reasonable fees for licensing, and shall periodically review and modify these fees as necessary.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 318, sec. 307, effective July 15, 1996. -- Amended 1986 Ky. Acts ch. 483, sec. 8, effective July 15, 1986. -- Created 1972 Ky. Acts ch. 236, sec. 8.

334A.100 Board members -- Expenses.

The board members shall receive no compensation for their services, but may receive per diem and traveling expenses to the extent authorized by board policy.

History: Created 1972 Ky. Acts ch. 236, sec. 10.

334A.110 Board to employ necessary personnel.

The board shall employ, and at its pleasure discharge, a secretary and such attorneys, inspectors, clerks, and any other employees as shall be deemed necessary, and shall outline their duties and fix their compensation. The amount of per diem and mileage and expense money paid to employees shall be provided by board policy.

History: Created 1972 Ky. Acts ch. 236, sec. 11.

334A.120 Revolving fund for board.

All moneys received by the board under this chapter shall be paid to the secretary of the board. All money shall be deposited in the State Treasury into a separate trust fund for the board. The board shall be financed solely and individually from income accruing to it from fees, licenses, and other charges collected by the board and all such moneys are hereby appropriated to the board. All salaries and expenses shall be paid as budgeted after budgets have been approved by the State Budget Commission or within the limitations of any appropriation for that purpose which may be included in the executive branch budget bill.

Effective: July 13, 1990

History: Amended 1990 Ky. Acts ch. 507, sec. 25, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 450, sec. 77, effective July 1, 1983. -- Created 1972 Ky. Acts ch. 236, sec. 12.

334A.122 Immunity from civil or criminal liability -- Actions to restrain or enjoin violations of chapter -- Representation of board by state and local prosecutors.

- (1) Members of the board and its agents and employees shall be immune from personal liability in any action, civil or criminal, which is based on any official act or acts performed in good faith.
- (2) Notwithstanding any other civil or criminal remedy, the board may institute and maintain actions to restrain or enjoin any violation of this chapter, related administrative regulations promulgated by the board pursuant to KRS Chapter 13A, or order of the board.
- (3) The surrender of a license shall not serve to deprive the board of jurisdiction to proceed with disciplinary action pursuant to this chapter.
- (4) The city, county, or Commonwealth's attorney and the Attorney General shall, within their jurisdictions and within their legal discretion, represent the board and its agents and employees in the enforcement of the provisions of this chapter and related administrative regulations.

Effective: July 15, 2008

History: Created 2008 Ky. Acts ch. 165, sec. 13, effective July 15, 2008.

Legislative Research Commission Note (7/15/2008). 2008 Ky. Acts ch. 165, sec. 13, provided that this statute be created as a new section of KRS Chapter 344A. However, since there is currently no KRS Chapter 344A, and since all other newly created statutes in this Act are to be placed in KRS Chapter 334A, the Reviser of Statutes has sited this statute in KRS Chapter 334A, under the authority of KRS 7.136(1)(a).

Legislative Research Commission Note (7/15/2008). Two manifest clerical or typographical errors have been corrected in this statute during codification under the authority of KRS 7.136(1)(h).

334A.130 License application -- Form -- Fee.

- (1) Each person desiring to obtain a license from the board shall make application to the board. The application shall be made upon a form and in such a manner as the board prescribes in regulations duly adopted under this chapter.
- (2) The application shall be accompanied by the application fee as determined by the board and set forth by regulations. This fee shall not be refunded by the board.

Effective: July 15, 1986

History: Amended 1986 Ky. Acts ch. 483, sec. 9, effective July 15, 1986. -- Created 1972 Ky. Acts ch. 236, sec. 13.

334A.150 License -- Board to issue -- When.

The board shall issue a license to all applicants who meet the requirements of this chapter and who pay to the board the initial license fee provided in KRS 334A.160 as prescribed by board regulations.

Effective: July 15, 1986

History: Amended 1986 Ky. Acts ch. 483, sec. 10, effective July 15, 1986. -- Created 1972 Ky. Acts ch. 236, sec. 15.

334A.160 Maximum fees prescribed for licenses.

The amount of fees prescribed in connection with a license as a speech-language pathologist, speech-language pathology assistant, or audiologist shall be as follows:

- (1) The initial license fee for licensure as a speech-language pathologist or an audiologist shall not exceed two hundred dollars (\$200);
- (2) The delinquency fee for all credentials shall not exceed forty dollars (\$40);
- (3) The application fee for all credentials shall not exceed fifty dollars (\$50);
- (4) The initial and renewal fees for an inactive license shall not exceed twenty dollars (\$20);
- (5) The speech-language pathology assistant license fee shall not exceed one hundred fifty dollars (\$150); and
- (6) The interim license fee shall not exceed one hundred fifty dollars (\$150).

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 165, sec. 10, effective July 15, 2008. -- Amended 1994 Ky. Acts ch. 32, sec. 6, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 152, sec. 6, effective March 31, 1988. -- Amended 1986 Ky. Acts ch. 483, sec. 11, effective July 15, 1986. -- Created 1972 Ky. Acts ch. 236, sec. 16

334A.170 Renewal of licenses -- Fees.

(1) Each licensed speech-language pathologist, speech-language pathology assistant, or audiologist shall biennially, on or before January 31, pay to the board a renewal fee not to exceed one hundred fifty dollars (\$150) for a renewal of his or her license. A thirty (30) day grace period shall be allowed after January 31, during which time licenses may be renewed on payment of a renewal fee plus grace period fee which combined shall not exceed one hundred eighty dollars (\$180). After expiration of the grace period, the board may renew each license upon payment of a renewal fee plus a delinquency fee which combined shall not exceed two hundred fifty dollars (\$250). No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal, if the renewal application is made within five (5) years from the date of expiration.

(2) A suspended license is subject to expiration and shall be renewed as provided in this chapter, but the renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order of judgment by which the license was suspended. A license revoked on disciplinary grounds shall be subject to expiration as provided in this chapter, but it shall not be renewed. If it is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

(3) A person who fails to renew his or her license within the five (5) years after its expiration may not renew it, and it shall not be restored, reissued, or reinstated thereafter. The person may apply for and obtain a new license if the person meets the requirements of this chapter.

(4) A person applying for renewal of licensure shall show evidence of completion of continuing professional education in speech-language pathology or audiology as prescribed by the board by administrative regulation.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 165, sec. 11, effective July 15, 2008. -- Amended 1994 Ky. Acts ch. 32, sec. 7, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 152, sec. 7, effective March 31, 1988. -- Amended 1986 Ky. Acts ch. 423, sec. 192, effective July 1, 1987. -- Amended 1980 Ky. Acts ch. 280, sec. 15, effective July 1, 1982. -- Created 1976 Ky. Acts ch. 305, sec. 7

334A.180 Licenses, causes for revocation, suspension or denial.

(1) The board may refuse to issue a license, suspend or revoke the license of any licensee, or fine a licensee an amount agreed upon by a two-thirds (2/3) vote of the board in an amount not to exceed one thousand dollars (\$1,000), and the board may take action against a license and fine a licensee if he or she has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct may include: (a) Obtained the license by means of fraud, misrepresentation, or concealment of material facts; (b) Has been guilty of unprofessional conduct as defined by the rules established by the board, or has violated the code of ethics adopted and published by the board; (c) Has violated any lawful order, rule, or regulation rendered or adopted by the board; (d) Has represented that the professional services or advice of a physician has been used, or has used the words "doctor," "clinic," or similar words, abbreviations, or symbols while failing to affix the word, term, or initials pertaining to "audiology," "audiologic," "audiologist," "doctor of audiology," "speech-language pathologist," "speech-language pathology," "Au.D.," "Ph.D.," or "Sc.D."; (e) Has failed to affix the word, term, or initials specified in paragraph (d) of this subsection in any sign, written communication, or advertising media in

which the term "doctor" or the abbreviation "Dr." is used in relation to the audiologist or speech-language pathologist holding a doctoral degree; or (f) Has violated any provisions of this chapter.

(2) The board shall deny an application for, or suspend or revoke, or impose probationary conditions upon, a license as ordered by the board in any decision made after hearing as provided in this chapter. One (1) year from the date of revocation of a license under this chapter, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement.

(3) A person applying for reinstatement of licensure shall provide evidence of completion of continuing professional education in speech-language pathology or audiology as prescribed by the board.

(4) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony is deemed to be a conviction within the meaning of this chapter. At the direction of the board, if in accordance with KRS Chapter 335B, the license shall be suspended or revoked, or shall decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order under the provisions of the penal code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the acquisition, information or indictment.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 158, sec. 81, effective June 29, 2017. -- Amended 2008 Ky. Acts ch. 165, sec. 12, effective July 15, 2008. -- Created 1972 Ky. Acts ch. 236, sec. 18.

Legislative Research Commission Note (7/15/2008). Two manifest clerical or typographical errors have been corrected in this statute during codification under the authority of KRS 7.136(1)(h).

334A.181 Temporary licenses for speech-language pathologist, speech-language pathology assistant, and audiologist.

(1) Pursuant to administrative regulation promulgated pursuant to KRS Chapter 13A, the board may issue a temporary license to any applicant who has met the requirements for licensure for the respective profession.

(2) A speech-language pathologist, speech-language pathology assistant, or audiologist may practice his or her respective profession under a temporary license until the next board meeting, at which time the full board shall either extend the temporary license, issue a license, renew a license, or deny a license. If a license is denied, the person with a temporary license shall immediately cease the practice granted under the temporary license upon notification by the board.

(3) A person may practice his or her respective profession under a temporary license for no longer than one hundred eighty (180) days.

Effective: July 15, 2008

History: Created 2008 Ky. Acts ch. 165, sec. 3, effective July 15, 2008.

334A.183 Licensure requirements for speech-language pathologist.

(1) To be eligible for initial interim licensure by the board as a speech-language pathologist, the applicant shall:

(a) Provide a certified university transcript conferring a master's degree or doctorate degree in the area of speech-language pathology or communication disorders, or substantive equivalent. The board shall promulgate administrative regulations to specify the required course work; or

(b) Provide documentation of completion of degree requirements, including a supervised direct clinical practicum with individuals presenting with a variety of disorders of communications and swallowing. The experience shall be obtained with a training institution or in one (1) of its cooperating programs.

(2) To be eligible for initial licensure by the board as a speech-language pathologist, the applicant shall:

- (a) Provide a certified university transcript conferring a master's degree or doctorate degree in the area of speech-language pathology or communication disorders, or substantive equivalent. The board shall promulgate administrative regulations to specify the required course work;
- (b) Provide documentation of completion of a postgraduate professional experience approved by the board pursuant to administrative regulations promulgated pursuant to this chapter; and
- (c) Pass a national examination approved by the board at the time of the application for licensure or provide documentation of national certification.

Effective: July 15, 2008

History: Created 2008 Ky. Acts ch. 165, sec. 4, effective July 15, 2008.

Legislative Research Commission Note (7/15/2008). Subsection (3) of this statute as it appeared in 2008 Ky. Acts ch. 165, sec. 4 has been renumbered as subsection (2)(c)

334A.185 Licensure requirements for audiologist.

- (1) To be eligible for initial licensure by the board as an audiologist, the applicant shall:
 - (a) Provide either a certified university transcript conferring a master's degree in audiology prior to January 1, 2007, and show evidence of completion of a postgraduate professional experience as set forth in administrative regulations promulgated pursuant to this chapter if the applicant has not held an interim license in audiology; or provide a certified university transcript conferring a doctorate degree in audiology from an accredited program, as determined by the board; and
 - (b) Pass a national examination approved by the board at the time of the application for licensure or provide documentation of national certification.
- (2) The board shall issue, on a case-by-case basis, an interim license to practice audiology to an applicant who has a doctorate degree other than an Au.D., who has completed all licensure requirements other than the supervised professional experience requirements. Application for an interim license shall be made within thirty (30) days of securing a supervisor. The supervised postgraduate professional experience shall be completed under the supervision of an appropriately qualified supervisor.

Effective: July 15, 2008

History: Created 2008 Ky. Acts ch. 165, sec. 5, effective July 15, 2008.

Legislative Research Commission Note (7/15/2008). A manifest clerical or typographical error has been corrected in this statute during codification under the authority of KRS 7.136(1)(h).

334A.187 Licensure reciprocity.

- (1) The board may grant a license to an applicant currently licensed in another state as a speech-language pathologist upon receipt of the following:
 - (a) A letter of good standing in that state;
 - (b) Documentation of national certification or a passing score on a national exam approved by the board; and
 - (c) A certified university transcript conferring at least a master's degree in communication disorders.
- (2) The board may grant a license to an applicant currently licensed in another state as an audiologist upon receipt of the following:
 - (a) A letter of good standing in that state;
 - (b) Documentation of national certification or a passing score on a national exam approved by the board; and
 - (c) A certified university transcript conferring a master's degree in audiology prior to January 1, 2007, or a doctorate degree in audiology.

Effective: July 15, 2008

History: Created 2008 Ky. Acts ch. 165, sec. 6, effective July 15, 2008.

Legislative Research Commission Note (7/15/2008). A manifest clerical or typographical error has been corrected in this statute during codification under the authority of KRS 7.136(1)(h).

334A.188 Audiology and Speech-Language Pathology Interstate Compact.

SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient/client/student is located at the time of the patient/client/student encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This Compact is designed to achieve the following objectives:

1. Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;
2. Enhance the states' ability to protect the public's health and safety;
3. Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;
4. Support spouses of relocating active duty military personnel;
5. Enhance the exchange of licensure, investigative and disciplinary information between member states;
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and
7. Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

SECTION 2: DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. secs. 1209 and 1211;

B. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

C. "Alternative program" means a non-disciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.

D. "Audiologist" means an individual who is licensed by a state to practice audiology.

E. "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.

F. "Audiology and Speech-Language Pathology Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.

G. "Audiology and speech-language pathology licensing board," "audiology licensing board," "speech-language pathology licensing board," or "licensing board" means the agency of a state that is responsible for the licensing and regulation of audiologists and/or speech-language pathologists.

H. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient/client/student is located at the time of the patient/client/student encounter.

I. "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the

audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

J. "Data system" means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege and adverse action.

K. "Encumbered license" means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB).

L. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

M. "Home state" means the member state that is the licensee's primary state of residence.

N. "Impaired practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

O. "Licensee" means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.

P. "Member state" means a state that has enacted the Compact.

Q. "Privilege to practice" means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.

R. "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

S. "Rule" means a regulation, principle or directive promulgated by the Commission that has the force of law.

T. "Single-state license" means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

U. "Speech-language pathologist" means an individual who is licensed by a state to practice speech-language pathology.

V. "Speech-language pathology" means the care and services provided by a licensed speech-language pathologist as set forth in the member state's statutes and rules.

W. "State" means any state, commonwealth, district or territory of the United States of America that regulates the practice of audiology and speech-language pathology.

X. "State practice laws" means a member state's laws, rules and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline.

Y. "Telehealth" means the application of telecommunication technologies that meets the applicable standard of care to deliver audiology or speech-language pathology services at a distance for assessment, intervention and/or consultation.

SECTION 3: STATE PARTICIPATION IN THE COMPACT

A. A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state.

B. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

1. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.

2. Communication between a member state, the Commission and among member states regarding the verification of eligibility for licensure through the Compact shall not include any

information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.

C. Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, whether any adverse action has been taken against any license or privilege to practice held by the applicant.

D. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as, all other applicable state laws.

E. For an audiologist:

1. Must meet one (1) of the following educational requirements:

a. On or before, December 31, 2007, has graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board;

b. On or after, January 1, 2008, has graduated with a Doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

c. Has graduated from an audiology program that is housed in an institution of higher education outside of the United States (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (b) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program;

2. Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the Commission;

3. Has successfully passed a national examination approved by the Commission;

4. Holds an active, unencumbered license;

5. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law; and

6. Has a valid United States Social Security or National Practitioner Identification number.

F. For a speech-language pathologist:

1. Must meet one (1) of the following educational requirements:

a. Has graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

b. Has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (b) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program;

2. Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the Commission;

3. Has completed a supervised postgraduate professional experience as required by the Commission;

4. Has successfully passed a national examination approved by the Commission;

5. Holds an active, unencumbered license;

6. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law; and

7. Has a valid United States Social Security or National Practitioner Identification number.

G. The privilege to practice is derived from the home state license.

H. An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts and the laws of the member state in which the client is located at the time service is provided.

I. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.

J. Member states may charge a fee for granting a compact privilege.

K. Member states must comply with the bylaws and rules and regulations of the Commission.

SECTION 4: COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the Compact, the audiologist or speech-language pathologist shall:

1. Hold an active license in the home state;
2. Have no encumbrance on any state license;
3. Be eligible for a compact privilege in any member state in accordance with Section 3;
4. Have not had any adverse action against any license or compact privilege within the

previous two (2) years from date of application;

5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the compact privilege; and

7. Report to the Commission adverse action taken by any non-member state

within thirty (30) days from the date the adverse action is taken.

B. For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one (1) home state license at a time.

C. Except as provided in Section 6, if an audiologist or speech-language pathologist changes primary state of residence by moving between two-member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the Commission.

D. The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

E. A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

F. If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a non-member state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state and the privilege to practice in any member state is deactivated in accordance with the rules promulgated by the Commission.

G. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of Section 4A to maintain the compact privilege in the remote state.

H. A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

I. A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens.

J. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and
2. Two (2) years have elapsed from the date of the adverse action.

K. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of Section 4A to obtain a compact privilege in any remote state.

L. Once the requirements of Section 4J have been met, the licensee must meet the requirements in Section 4A to obtain a compact privilege in a remote state.

SECTION 5: COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with Section 3 and under rules promulgated by the Commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the Compact and rules promulgated by the Commission. A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the state where the patient/client/student is located.

SECTION 6: ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

SECTION 7: ADVERSE ACTIONS

A. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

1. Take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.

3. Only the home state shall have the power to take adverse action against a audiologist's or speech-language pathologist's license issued by the home state.

B. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

C. The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action(s) and shall promptly report the

conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

D. If otherwise permitted by state law, the member state may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

E. The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state's own procedures for taking the adverse action.

F. Joint Investigations

1. In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

H. If a member state takes adverse action against a licensee, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state and any remote states in which the licensee has a privilege to practice of any adverse actions by the home state or remote states.

I. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

SECTION 8: ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

A. The Compact member states hereby create and establish a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission:

1. The Commission is an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting and Meetings

1. Each member state shall have two (2) delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One (1) shall be an audiologist and one (1) shall be a speech-language pathologist.

2. An additional five (5) delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the Executive Committee from a pool of nominees provided by the Commission at Large.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring on the Commission, within ninety (90) days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;
2. Establish bylaws;
3. Establish a Code of Ethics;
4. Maintain its financial records in accordance with the bylaws;
5. Meet and take actions as are consistent with the provisions of this Compact and the

bylaws;

6. Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states to the extent and in the manner provided for in the Compact;

7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

12. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

14. Establish a budget and make expenditures;

15. Borrow money;

16. Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this Compact and the bylaws;

17. Provide and receive information from, and cooperate with, law enforcement agencies;

18. Establish and elect an Executive Committee; and

19. Perform other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

D. The Commission shall have no authority to change or modify the laws of the member states which define the practice of audiology and speech-language pathology in the respective states.

E. The Executive Committee

The Executive Committee shall have the power to act on behalf of the Commission, within the powers of the Commission, according to the terms of this Compact:

1. The Executive Committee shall be composed of ten (10) members:

a. Seven (7) voting members who are elected by the Commission from the current membership of the Commission;

b. Two (2) ex officios, consisting of one (1) nonvoting member from a recognized national audiology professional association and one (1) nonvoting member from a recognized national speech-language pathology association; and

c. One (1) ex officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

F. The ex officio members shall be selected by their respective organizations.

1. The Commission may remove any member of the Executive Committee as provided in bylaws.

2. The Executive Committee shall meet at least annually.

3. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in rules or bylaws.

4. Meetings of the Commission or Executive Committee

All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10.

5. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a member state with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

7. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of meetings other than closed meetings shall be made available to members of the public upon request at the requesting person's expense. All minutes and documents of a closed meeting shall remain under

seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

8. Financing of the Commission

a. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

b. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

c. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

9. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

10. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 9: DATA SYSTEM

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or compact privilege;
4. Non-confidential information related to alternative program participation;
5. Any denial of application for licensure, and the reason(s) for denial; and
6. Other information that may facilitate the administration of this Compact, as determined

by the rules of the Commission.

C. Investigative information pertaining to a licensee in any member state shall only be available to other member states.

D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 10: RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule shall be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and
2. On the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to the adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings shall be recorded. A copy of the recording shall be made available to any person upon request and at the requesting person's expense.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

K. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or member state funds; or

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 11: OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Dispute Resolution

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

B. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and

damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 12: DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 13: CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 14: BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

B. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

C. All lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

D. All agreements between the Commission and the member states are binding in accordance with their terms.

E. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

SECTION 15: APPLICABILITY TO KENTUCKY STATE GOVERNMENT

In order to clarify the effect of certain provisions of this Compact and to ensure that the rights and responsibilities of the various branches of government are maintained, the following shall be in effect in this state:

A. By entering into this Compact, this state authorizes the licensing board as defined in Section 2.G. of this Compact and as created by KRS Chapter 334A to implement the provisions of this Compact.

B. Notwithstanding any provision of this Compact to the contrary:

1. When a rule is adopted pursuant to Section 10 of this Compact, the licensing board of this state as defined by Section 2.G. of this Compact shall have sixty (60) days to review the rule for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation, following the requirements of KRS Chapter 13A. Failure by the licensing board of this state as defined by Section 2.G. of this Compact to promulgate a rule adopted by the Audiology and Speech-Language Pathology Compact Commission as an administrative regulation pursuant to KRS Chapter 13A shall result in the initiation of the process for withdrawal as set forth in Section 12 of this Compact. Nothing in these provisions shall negate the applicability and effect of Section 10 of this Compact to this state.

2. If the proposed administrative regulation is found deficient and the deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, the provisions of Section 11 of this Compact shall apply. If the procedures under Section 11 of this Compact fail to resolve an issue, the provisions of Section 12 of this Compact shall apply.

3. If the Audiology and Speech-Language Pathology Compact Commission created by Section 8 of this Compact exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Compact, or the powers granted under this Compact, then such an action by the commission shall be invalid and have no force or effect.

C. Section 8.F.8. of this Compact pertaining to the financing of the commission shall not be interpreted to obligate the general fund of this state. Any funds used to finance this Compact shall be from money collected pursuant to KRS 334A.120.

D. This Compact shall apply only to those audiologists or speech-language pathologists who practice or work under a compact privilege.

Effective: June 29, 2021

History: Created 2021 Ky. Acts ch. 45, sec. 1, effective June 29, 2021.

334A.189 Inactive licensure status.

(1) Any person with an active license may request that his or her license be placed on inactive status.

(2) An inactive license shall be renewed every other year by the last day of the month of the anniversary month granting the inactive license status.

(3) An inactive license may be renewed for up to six (6) years with documentation of required continuing education and approval of the board chair, board co-chair, or administrator of the board. The board shall promulgate administrative regulations to establish the requirements for renewals after six (6) years.

Effective: July 15, 2008

History: Created 2008 Ky. Acts ch. 165, sec. 7, effective July 15, 2008.

334A.190 Caseload limitations for speech-language pathologists in the public schools.

(1) The caseload limitations for speech-language pathologists in the public schools shall not exceed sixty-five (65) pupils.

(2) The total caseload of speech-language pathologists who supervise assistants may be increased by no more than one-half (1/2) of the amount set forth in subsection (1) of this section for each speech-language pathology assistant working under their supervision.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 375, sec. 8, effective July 14, 2000. -- Created 1996 Ky. Acts ch. 219, sec. 2, effective July 15, 1996.

334A.200 Duty of treating speech-language pathologist or audiologist utilizing telehealth to ensure patient's informed consent and maintain confidentiality -- Board to promulgate administrative regulations -- Definition of "telehealth".

(1) A treating speech-language pathologist or audiologist who provides or facilitates the use of telehealth shall ensure:

(a) That the informed consent of the patient, or another appropriate person with authority to make the health care treatment decision for the patient, is obtained before services are provided through telehealth; and

(b) That the confidentiality of the patient's medical information is maintained as required by this chapter and other applicable law. At a minimum, confidentiality shall be maintained through appropriate processes, practices, and technology as designated by the board and that conform to applicable federal law.

(2) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and as necessary to:

(a) Prevent abuse and fraud through the use of telehealth services;

(b) Prevent fee-splitting through the use of telehealth services; and

(c) Utilize telehealth in the provision of speech-language pathology or audiology services and in the provision of continuing education.

(3) For purposes of this section, "telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.

Effective: July 14, 2000

History: Created 2000 Ky. Acts ch. 376, sec. 22, effective July 14, 2000.

334A.205 Requirement of written agreement, offer to purchase, or receipt -- Contents -- Delivery statement -- Solicitation provisions.

(1) Any person who practices the sale or fitting of hearing instruments shall obtain from the buyer of a hearing instrument, at the time the buyer assumes any financial obligation regarding the purchase, the buyer's signature on a written and dated agreement, offer to purchase, or receipt. The written agreement, offer to purchase, or receipt shall contain the:

- (a) 1. Licensee's signature and printed name;
- 2. Licensee's business address; and
- 3. License number issued to the licensee by the board pursuant to this chapter;

(b) Make, model, and serial number of the hearing instrument;

(c) Notice and statement of the purchaser's thirty (30) day right to cancel pursuant to KRS 334A.207; and

(d) Immediately following the information required by paragraphs (a), (b), and (c) of this subsection, the statement, in all capital letters in no smaller type than the largest used in the body copy portion, that: "ANY COMPLAINTS CONCERNING THE SALE OR SERVICE OF THIS HEARING INSTRUMENT WHICH ARE NOT CORRECTED BY A LICENSED AUDIOLOGIST SHOULD BE DIRECTED TO: KENTUCKY BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, COMMONWEALTH OF KENTUCKY, FRANKFORT, KENTUCKY 40601."

(2) The written agreement, offer to purchase, or receipt shall bear in no smaller type than the largest used in the body copy portion the following statement: "The purchaser has been advised at the

outset of his or her relationship with an audiologist licensed under KRS Chapter 334A that any examination or representation is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and, therefore, shall not be regarded as medical opinion or advice."

- (3) Upon delivery of a hearing instrument, the client shall be furnished a delivery statement which shall include specifications as to the make, model, serial number, and delivery date, with full terms of the sale clearly stated. If a hearing instrument which is not new is offered for sale or is sold, that fact shall be clearly stated and conspicuously disclosed and read in the oral sales presentation before the buyer assumes any financial obligation regarding the purchase, and the receipt shall be clearly marked as "used," "reconditioned," or "not new," whatever is applicable, with terms of guarantee, if any.
- (4) No person who practices the selling or fitting of hearing instruments shall visit the home or place of business of a potential buyer for the purpose of soliciting or inducing a sale of a hearing instrument without having previously obtained the express written consent of the potential buyer to such a visit. The consent required by this subsection shall clearly and conspicuously state that the potential buyer is aware that the licensed audiologist may attempt to sell a hearing instrument during his or her visit.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 46, sec. 4, effective July 14, 2022.

334A.207 Client's right to cancel -- Procedure.

- (1) The client in a hearing instrument purchase has the right to cancel the purchase for any reason at any time prior to midnight of the thirtieth calendar day after actual receipt of the hearing instrument.
- (2) Cancellation occurs when the client gives written notice of cancellation to the seller at the address stated in the notice and statement of the client's right to cancel as provided in subsection (5) of this section.
- (3) Notice of cancellation, if given by mail, is given when it is deposited in the mail properly addressed and postage prepaid.
- (4) Notice of cancellation given by the client need not take a particular form and is sufficient if it indicates in writing the intention of the client not to be bound by the hearing instrument sale.
- (5) In the sale of a hearing instrument, the seller shall present to each client, at the time the client assumes any financial obligation regarding the purchase of a hearing instrument, a written notice and statement of the client's right to cancel which shall:
 - (a) Appear under the conspicuous caption, "CLIENT'S RIGHT TO CANCEL WITHIN 30 DAYS"; and
 - (b) Contain the following specific statement in all capital letters in no smaller type than the largest used in the body copy portion of the written agreement, offer to purchase, or receipt:

"THE CLIENT HAS THE RIGHT TO CANCEL THIS PURCHASE FOR ANY REASON AT ANY TIME PRIOR TO MIDNIGHT OF THE 30TH CALENDAR DAY AFTER ACTUAL RECEIPT OF THE HEARING INSTRUMENT(S). YOU MAY CANCEL THE PURCHASE BY NOTIFYING THE SELLER THAT YOU DO NOT WANT THE HEARING INSTRUMENT(S) BY MAILING A NOTICE BEFORE

a..... TO THE SELLER AT

..... UPON CANCELLATION, THE

b. SELLER MAY KEEP UP TO 10% OF THE SELLING PRICE."
- (6) The seller shall enter on the notice and statement presented under subsection (5) of this section the:
 - (a) Date which is thirty (30) calendar days after the client receives the hearing instrument.
 - (b) Seller's full name and address; and
 - (c) Cancellation charges allowed by this section.

- (7) Until the seller has complied with this section, the client may cancel the purchase by notifying the seller in any manner and by any means of his or her intention to cancel.
- (8) Within fifteen (15) days after the return of the hearing instrument and any other goods or property delivered by the seller pursuant to the sale by the client, the seller shall tender to the client any payments made by the client, less any amount retained by the seller to repair damage to the hearing instrument due to a lack of reasonable care of the hearing instrument purchased, and terminate all financial obligations created in connection with the purchase of the canceled hearing instrument or instruments by the client.
- (9) If payment by the client includes any goods or property traded in, the goods or property shall be tendered to the client in substantially as good condition as when they were received by the seller. If the seller fails to tender the goods or property as provided by this subsection, the client may elect to recover an amount equal to the trade-in allowance for the goods or property.
- (10) This section shall not apply to a sale of a hearing instrument that replaces a damaged or unworkable hearing instrument when the replacement hearing instrument is identical to the damaged or unworkable hearing instrument.
- (11) Until the seller has complied with this section, the client may retain possession of all goods or property delivered to him or her by the seller and has a lien on the goods or property in his or her possession or control for any recovery to which he or she is entitled.
- (12) The client shall take reasonable care of the goods, as defined by the board through the promulgation of administrative regulations, in his or her possession before cancellation and for a reasonable time thereafter until delivered to the seller.
- (13) Any waiver by the client of rights provided in this section shall be void and shall not operate to relieve the seller of any obligation placed upon him or her by this section.
- (14) Nothing in this section shall in any way limit the right to cancel home solicitation sales pursuant to KRS 367.410 to 367.460.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 46, sec. 6, effective July 14, 2022.

334A.209 Record retention requirement.

Any person licensed to sell hearing instruments under this chapter shall maintain for not less than three (3) years, in a file under the name of the person to whom a hearing instrument was sold:

- (1) A copy of the written approval for a hearing instrument;
- (2) Recommendation for or written waiver of a hearing instrument; and
- (3) An agreement, offer to purchase, or receipt given the person, pursuant to KRS 334A.205(1).

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 46, sec. 7, effective July 14, 2022.

334A.990 Penalty.

(1) Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000) or by both.

(2) When any person other than a licensed speech-language pathologist, speech-language pathology assistant, or audiologist has engaged in any act or practice which constitutes an offense against this chapter, the Franklin Circuit Court, on application of the board, may issue an injunction or other appropriate order restraining the conduct.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 32, sec. 8, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 483, sec. 13, effective July 15, 1986. -- Created 1972 Ky. Acts ch. 236, sec. 19.

KENTUCKY ADMINISTRATIVE REGULATIONS

201 KAR 17:011. Requirements for interim licensure as a speech language pathologist.

RELATES TO: KRS 334A.035, 334A.050

STATUTORY AUTHORITY: KRS 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080 requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.035 and 334A.050 require the board to promulgate administrative regulations concerning licensure as a speech-language pathologist, including a requirement that an applicant meet specified education and experience criteria as determined by the board. This administrative regulation establishes criteria for interim licensure for speech-language pathologists.

Section 1. Education and Experience. (1) In addition to the citizenship requirements of KRS 334A.050, each applicant for interim licensure in speech-language pathology in Kentucky shall provide a certified transcript confirming attainment of a master's degree in the area of speech-language pathology or communication disorders from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association, or possess equivalent education.

(2) An applicant shall have "equivalent" education if the applicant holds:

(a) A doctoral degree in speech-language pathology or communication disorders or a related area from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association; or

(b) A bachelor's degree from a regionally accredited college or university, and has completed all coursework and clinical practicum requirements leading to a doctorate or master's degree from a university program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association. A signed letter from the department chair or a director of graduate studies confirming all coursework and clinical hours have been met shall be provided if an official transcript is not yet available.

(3) The applicant shall submit to the board a written description verifying completion of the required academic coursework and supervised clinical experience on the Application for Interim License, with official transcript or letter from the university verifying satisfactory completion of degree requirements. Credit shall not be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. The applicant receiving academic

credit (semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the training institution shall constitute satisfactory completion.

(4) Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and shall be due within thirty (30) days after the professional postgraduate experience is begun.

(5) A written plan for the postgraduate professional experience shall be submitted with the application for interim licensure within thirty (30) days after initiating the postgraduate professional experience. The applicant shall proceed to obtain postgraduate professional experience under a supervisor who is a speech-language pathologist who holds a valid Kentucky speech language pathology license or Education Professional Standards Board Master's level certification as a teacher of exceptional children in the areas of speech and communication disorders. An applicant for interim licensure shall submit a completed Application for Interim Licensure to the board.

(6) Postgraduate professional experience.

(a) After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience.

(b) The experience shall consist of at least thirty-six (36) weeks of full-time professional experience to consist of a minimum of thirty-five (35) work hours per week or its part-time equivalent as follows:

1. At least eighty (80) percent of the major responsibilities during postgraduate professional experience shall be in direct contact with clients or patients, consultations, recordkeeping, and administrative duties.

2. The postgraduate professional experience shall not total less than 1,260 hours accumulated within twenty-four (24) months of the beginning date of the experience.

3. Professional experience of less than five hours per week shall not meet the requirement and shall not be counted toward the postgraduate professional experience.

4. Experience of more than thirty-five (35) hours per week shall not be used to reduce the postgraduate professional experience to less than thirty-six (36) weeks.

5. Once initiated, the postgraduate professional experience shall be completed within twenty-four (24) months.

6. Extension of the postgraduate professional experience may be granted in the event of:

a. Illness;

b. Change in employment status;

c. Family care issue; or

d. Other extraordinary occurrence impacting one's ability to complete the postgraduate experience.

(c) The experience shall be completed under the supervision of an individual who holds a valid Kentucky speech-language pathology license or Education Professional Standards Board Masters level certification as a teacher of exceptional children in the areas of speech and communication disorders.

1. The postgraduate professional experience supervisor shall not engage in fewer than thirty-six (36) supervisory activities during the postgraduate professional experience.

2. This supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site.

a. One (1) hour shall equal one (1) on-site observation.

b. A maximum of six (6) on-site observations may be accrued in one (1) day.

c. At least six (6) on-site observations shall be accrued during each third of the experience.

d. These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, and rehabilitation.

3. The supervision shall include eighteen (18) other monitoring activities.
 - a. At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience.
 - b. These other monitoring activities may be executed by correspondence, review of video tapes or audio tapes, evaluation of written reports, phone conferences with the interim licensee, or evaluations by professional colleagues.
4. The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills.
5. A person with an interim license shall take and pass a national PRAXIS examination in speech-language pathology. Official documentation of scores shall be sent to the board directly from Educational Testing Services. A person with an interim license shall continue to practice under supervision if a successful score is not achieved. If the applicant is unable to obtain a passing score within twenty (24) months, they shall seek board approval to continue to practice. The applicant shall:
 - a. Submit a written, signed letter to the board requesting board approval; and
 - b. Appear before the board.

Section 2. Incorporation by Reference. (1) "Application for Interim Licensure", January 2012, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (13 Ky.R. 560; eff. 10-2-1986; Am. 26 Ky.R. 869; 1520; eff. 1-26-2000; 36 Ky.R. 869; 1437; eff. 2-5-2010; 38 Ky.R. 1628; 1836; eff. 6-1-2012 Crt eff. 2-21-2020; TAm eff. 10-16-2020)

201 KAR 17:012. Requirements for licensure.

RELATES TO: KRS 334A.033, 334.035(1)(c), 334A.050, 334A.187

STATUTORY AUTHORITY: KRS 334A.033, 334A.050, 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.033 and 334A.050 require the board to promulgate administrative regulations concerning licensure as a speech-language pathologist, including a requirement that an applicant meet specified education and experience criteria as determined by the board. This administrative regulation establishes criteria for licensure for speech-language pathologists.

Section 1. Education and Experience. In addition to the citizenship requirements of KRS 334A.050, each applicant for licensure in speech-language pathology in Kentucky shall meet the requirements established in this section:

(1)(a) An applicant shall provide a certified transcript confirming attainment of a master's degree in the area of speech-language pathology or communication disorders from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association, or possess equivalent education.

(b) An applicant shall have equivalent education if the applicant holds a doctoral degree in speech-language pathology, communication disorders, or a related area from a program

accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association.

(2) The applicant shall have passed a national PRAXIS examination in speech-language pathology.

(3) In accordance with KRS 334A.035(1)(c), within thirty (30) days after completion of the postgraduate professional experience, the applicant shall submit a complete application for licensure under this section. The applicant's supervisor shall verify the successful completion of postgraduate professional experience by signing the Application for License.

(4) In addition to fulfilling the requirements of this administrative regulation and paying the requisite fees established in 201 KAR 17:030, Section 1, an applicant licensed in another state shall comply with the provisions of KRS 334A.187.

Section 2. Incorporation by Reference. (1) "Application for License", July 2013, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (13 Ky.R. 562; eff. 10-2-1986; Am. 26 Ky.R. 1024; 1520; eff. 1-26-2000; 36 Ky.R. 841; 1438; eff. 2-5-2010; 38 Ky.R. 1630; 1837; eff. 6-1-2012; 40 Ky.R. 394; eff. 10-16-2013 Crt eff. 2-21-2020; TAm eff. 10-16-2020.)

201 KAR 17:014. Temporary licensure for speech-language pathologist, speech-language pathology assistant, and audiologist.

RELATES TO: KRS 334A.033, 334A.050, 334A.181, 334A.183, 334A.185

STATUTORY AUTHORITY: KRS 334A.080(3), 334.181(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.181 authorizes the board to provide temporary licensure by promulgating administrative regulations. This administrative regulation provides requirements for the issuance of temporary licenses.

Section 1. Definition. "Board administrator" means the Director of the Division of Occupations and Professions.

Section 2. Requirements. (1) Upon receipt of application showing that applicant meets the requirements set forth in KRS 334A.033, 334A.050, 334A.183, 334A.185, and 201 KAR 17:012, the Board Administrator shall issue a temporary license to the applicant, by sending a letter to the applicant on Board letterhead.

(2) The temporary license shall entitle the applicant to practice as a speech-language pathologist, speech-language pathology assistant, or audiologist until the applicant is reviewed by the Kentucky Board of Speech Language Pathology and Audiology.

(3) A temporary license shall not be effective for more than 180 days as provided by KRS 334A.181(3).

Section 3. Unprofessional Conduct. If the application shows evidence of unprofessional conduct per KRS 334A.180(1) or (4), the applicant shall not be granted temporary licensure, and the application shall be held pending review by the board.

This is to certify that the Chair of the Kentucky Board of Speech-Language Pathology and Audiology executes this administrative regulation prior to filing, pursuant to the authority granted by statute, and following a vote of approval by the Board as reflected in the Board's minutes. This administrative regulation is filed with the Legislative Research Commission as required by KRS Chapter 13A to carry out and enforce the provisions of KRS Chapter 309. (35 Ky.R. 1370; Am. 1730; eff. 2-6-09 Crt eff. 2-21-2020.)

201 KAR 17:015. Board members, expenses.

RELATES TO: KRS 334A.100

STATUTORY AUTHORITY: KRS 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.100 authorizes board members to receive per diem and traveling expenses to the extent authorized by board policy. This administrative regulation establishes the per diem and travel expense rates for board members when conducting board-related business.

Section 1. A member of the board shall receive:

- (1) Compensation in the amount of \$100 per day for each day of actual board service; and
- (2) Travel expenses as provided by 200 KAR 2:006. (13 Ky.R. 563; eff. 10-2-86; Am. 26 Ky.R. 871; 1522; eff. 1-26-2000; Crt eff. 2-21-2020.)

201 KAR 17:025. Requirements for an interim license as a speech-language pathology assistant.

RELATES TO: KRS 334A.035(2), 334A.033

STATUTORY AUTHORITY: KRS 334A.035(2), 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.035(2) requires the board to promulgate administrative regulations concerning application for an interim license as a speech-language pathology assistant. This administrative regulation establishes the requirements for interim licensure.

Section 1. Education. (1) In order to receive an interim license to become a speech-language pathology assistant, the applicant shall possess a bachelor's degree in speech-language pathology or communication disorders, or possess equivalent education from a regionally accredited institution, such as one (1) accredited by the Southern Association of Colleges and Schools.

(2) An applicant shall have equivalent education if the applicant has obtained a bachelor's degree and a minimum of twenty-seven (27) hours in the core areas of communication sciences or disorders including the following:

- (a) Anatomy and physiology;
- (b) Phonetics and speech science;
- (c) Speech and language development;
- (d) Communication disorders in children;
- (e) Audiology;

- (f) Aural rehabilitation; and
- (g) Intervention for children with communication disorders.

Section 2. Supervision. (1) The interim licensee shall function under the supervision of an appropriate supervisor during the period of interim licensure.

(2) The supervisor shall design and provide a supervision system that protects pupil welfare and maintains the highest possible standards of quality speech-language pathology services.

(3) The supervisor may require additional supervision based on the experience of the interim speech-language pathology assistant, the pupils served, and the physical or geographic proximity to the supervisor.

(4) As the supervisory responsibility of the supervisor increases, the direct service responsibilities of the supervisor shall decrease.

(5) Treatment for the pupils served shall remain the responsibility of the supervisor. The level of supervision required shall be the minimum level necessary for the supervisor to retain direct contact with the pupils.

(6) Each interim speech-language pathology assistant shall be required to receive no less than three (3) hours per full-time week of documented direct supervision. Supervision shall be adjusted proportionally for less than full-time employment. The supervisor shall have direct contact time with the interim speech-language pathology assistant as well as with the pupil.

(7) Direct supervision shall consist of on-site, in-view observation and guidance as a clinical activity is performed. An interim speech-language pathology assistant shall be supervised by either:

(a) A speech-language pathologist who holds a Kentucky license in speech-language pathology; or

(b) An interim speech-language pathologist who holds an Education Professional Standards Board Master's level certification as a teacher of exceptional children in areas of speech and communication disorders.

(8) Supervision shall provide information about the quality of the interim speech-language pathology assistant's performance with assigned tasks and verify that clinical activity is limited to tasks specified in the interim speech-language pathology assistant's scope of responsibilities.

(9) Information obtained during direct supervision may include data relative to:

(a) Accuracy in implementation of screening, diagnostic, and treatment procedures;

(b) Agreement between the assistant and the supervisor on correct or incorrect judgment of target behavior;

(c) Accuracy in recording data; and

(d) Ability to interact effectively with the pupil.

(10) Indirect supervision shall be required no less than three (3) hours per full-time week. Supervision shall be adjusted proportionally for less than full-time employment. Indirect supervision may include:

(a) Demonstration;

(b) Record review;

(c) Review and evaluation of audio or videotaped sessions; or

(d) Supervisory conferences that may be conducted by telephone.

(11) A minimum total of six (6) hours of direct and indirect supervision per full-time week shall be required for each interim speech-language pathology assistant and shall be documented. Additional direct and indirect supervision may be necessary depending on the experience of the assistant and the needs of the pupil.

(12) An interim speech-language pathology assistant shall not provide direct services if a supervising speech-language pathologist cannot be reached by personal contact, phone, pager, or some other immediate means.

(13) If, for any reason (including maternity leave, illness, or a change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the interim speech-language pathology assistant shall not provide service until a fully qualified speech-language pathologist has been designated as the speech-language pathology assistant's supervisor.

(14) Although more than one (1) supervisor may provide supervision of an interim speech-language pathology assistant, a supervisor shall not be listed as the supervisor of record for more than two (2) interim speech-language pathology assistants. If multiple supervisors are used, each supervisor shall be responsible for that portion of the caseload that is theirs and each shall sign the license application and postgraduate professional experience report.

Section 3. Postgraduate Professional Experience. (1) A written plan for postgraduate professional experience shall be submitted with the application for interim licensure within thirty (30) days after initiating the postgraduate professional experience. The applicant shall proceed to obtain postgraduate professional experience under a supervisor who is a speech-language pathologist who holds a Kentucky license in speech-language pathology or Education Professional Standards Board Masters level certification as a teacher of exceptional children in the areas of speech and communication disorders. An applicant for interim licensure shall submit a completed application to the board.

(2) The applicant shall obtain the equivalent of not less than nine (9) months of full-time professional experience with full-time employment, which shall be a minimum of thirty-five (35) clock hours of work a week.

(a) At least eighty (80) percent of the major responsibilities during postgraduate professional experience shall be in direct contact with clients or patients, consultations, record-keeping, and administrative duties.

(b) The postgraduate professional experience shall total no less than 1,260 hours accumulated within twenty-four (24) months of the beginning date of the experience.

(c) Professional experience of less than five (5) hours per week shall not meet the requirement and shall not be counted toward the postgraduate professional experience.

(d) Experience of more than thirty-five (35) hours per week shall not be used to reduce the postgraduate professional experience to less than thirty-six (36) weeks.

(e) Once initiated, the postgraduate professional experience shall be completed within twenty-four (24) months.

(f) Extension of the postgraduate professional experience may be granted in the event of:

1. Illness;

2. Change in employment status;

3. Family care issue; or

4. Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience.

Section 4. Evaluation and Recommendation. Within thirty (30) days after completion of the postgraduate professional experience, the applicant and his supervisor shall submit a written report to the board verifying the successful completion of postgraduate professional experience. (21 Ky.R. 146; Am. 913; eff. 8-17-1994; 26 Ky.R. 871; 1522; eff. 1-26-2000; 36 Ky.R. 843; 1439; eff. 2-5-2010; Crt eff. 2-21-2020.)

201 KAR 17:027. Supervision requirements and caseload limitations of Speech-Language Pathology Assistants.

RELATES TO: KRS 334A.033

STATUTORY AUTHORITY: KRS 334A.033(1)(b), 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.033(1)(b) requires the board to promulgate administrative regulations to set forth supervision requirements for speech-language pathology assistants. This administrative regulation establishes those requirements.

Section 1. The supervision requirements specified in this administrative regulation shall be the minimum requirements.

(1) The supervisor shall design and provide a supervision system that protects pupil welfare and maintains the highest possible standards of quality speech-language pathology services.

(2) The supervisor may require additional supervision based on the experience of the speech-language pathology assistant, the pupils served, and the physical or geographic proximity to the supervisor.

(3) As the supervisory responsibility of the supervisor increases, the direct service responsibilities of the supervisor shall decrease.

Section 2. Treatment for the pupils served shall remain the responsibility of the supervisor. The level of supervision required shall be the minimum level necessary for the supervisor to retain direct contact with the pupils.

Section 3. Each speech-language pathology assistant shall be required to have direct supervision in accordance with their years of experience as defined in KRS 334A.033. This ensures that the supervisor shall have direct contact time with the speech-language pathology assistant as well as with the pupil.

(1) Direct supervision shall be considered to be on-site, in-view observation and guidance as a clinical activity is performed. A speech-language pathology assistant shall be supervised by either:

(a) A speech-language pathologist licensed by the Kentucky Board of Speech-Language Pathology and Audiology; or

(b) An Education Professional Standards Board master's level certification as a teacher of exceptional children in the areas of speech and communication disorders.

(2) Supervision shall provide information about the quality of the speech-language pathology assistant's performance with assigned tasks and verify that clinical activity is limited to tasks specified in the speech-language pathology assistant's scope of responsibilities.

(3) Information obtained during direct supervision may include data relative to:

(a) Accuracy in implementation of screening, diagnostic, and treatment procedures;

(b) Agreement between the assistant and the supervisor on judgment of target behavior;

(c) Accuracy in recording data; and

(d) Ability to interact effectively with the pupil.

Section 4. Each speech-language pathology assistant shall also be required to receive indirect supervision in accordance with their years of experience as defined in KRS 334A.033. Indirect supervision may include:

- (1) Demonstration;
- (2) Record review;
- (3) Review and evaluation of audio or videotaped sessions; or
- (4) Supervisory conferences that may be conducted by telephone.

Section 5. Direct and indirect supervision shall be required for each speech-language pathology assistant and shall be documented on a weekly basis. Additional direct and indirect supervision may be necessary depending on the experience of the assistant and the needs of the pupil.

Section 6. A speech-language pathology assistant shall not provide direct services when a supervising speech-language pathologist cannot be reached by personal contact, phone, or some other immediate means.

Section 7. If, for any reason, including maternity leave, illness, or a change of jobs, the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology assistant shall not provide service until a fully qualified speech-language pathologist has been designated as the speech-language pathology assistant's supervisor.

Section 8. Although more than one (1) supervisor may provide supervision of a speech-language pathology assistant, a supervisor shall not be listed as the supervisor of record for more than two (2) speech-language pathology assistants, in accordance with KRS 334A.033(1)(c). If multiple supervisors are used, each supervisor shall be responsible for that portion of the caseload that is theirs.

Section 9. The maximum number of pupils served by the speech-language pathology assistant shall not exceed the caseload established for a speech-language pathologist by administrative regulation.

Section 10. (1)(a) The caseload for a speech-language pathologist who works four (4) days a week, or the equivalent number of hours, in the public school system shall not exceed fifty-two (52) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works four (4) days a week, or the equivalent number of hours, in the public school system may be increased according to the provisions set forth in KRS 334A.190(2).

(2)(a) The caseload for a speech-language pathologist who works three (3) days a week, or the equivalent number of hours, in the public school system shall not exceed thirty-nine (39) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works three (3) days a week, or the equivalent number of hours, in the public school system may be increased according to the provisions set forth in KRS 334A.190(2).

(3)(a) The caseload for a speech-language pathologist who works two and one-half (2 1/2) days a week, or the equivalent number of hours, in the public school system shall not exceed thirty-two (32) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works two and one-half (2 1/2) days a week, or the equivalent number of hours, in the public school system may be increased according to the provisions set forth in KRS 334A.190(2).

(4)(a) The caseload for a speech-language pathologist who works two (2) days a week, or the equivalent number of hours, in the public school system shall not exceed twenty-six (26) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works two (2) days a week, or the equivalent number of hours, in the public school system may be increased according to the provisions set forth in KRS 334A.190(2).

(5)(a) The caseload for a speech-language pathologist who works one (1) day a week, or the equivalent number of hours, in the public school system shall not exceed thirteen (13) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works one (1) day a week, or the equivalent number of hours, in the public school system may be increased according to the provisions set forth in KRS 334A.190(2). (21 Ky.R. 147; Am. 914; eff. 8-17-1994; 26 Ky.R. 873; 1523; eff. 1-26-2000; 27 Ky.R. 3321; 28 Ky.R. 557; eff. 9-10-2001; 36 Ky.R. 845; 1441; eff. 2-5-2010; Crt eff. 2-21-2020.)

201 KAR 17:030. License fees and renewal requirements.

RELATES TO: KRS 334A.160, 334A.170

STATUTORY AUTHORITY: KRS 334A.080(3), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.080(6) requires the board to establish fees for licensure as a speech-language pathologist, speech-language pathology assistant, or audiologist, in accordance with the maximum limits established in KRS 334A.160 and 334A.170. This administrative regulation establishes the required fees and the requirements for inactive status.

Section 1. Fee Schedule. (1) The following fees shall be paid in connection with speech-language pathologist or audiologist applications, renewals, or penalties:

- (a) Application fee for a speech-language pathologist license, fifty (50) dollars;
- (b) Application for an audiologist license, fifty (50) dollars;
- (c) Combined application fee for a speech-language pathologist and audiologist license: \$100;
- (d) Application fee for a speech-language pathology assistant license: fifty (50) dollars;
- (e) Application fee for interim licensure for a speech-language pathologist: fifty (50) dollars;
- (f) Application fee for interim licensure for an audiologist: fifty (50) dollars;
- (g) Combined fee for speech-language pathologist and audiologist interim licensure: \$100;
- (h) Application fee for interim licensure for a speech-language pathology assistant: fifty (50) dollars;
- (i) Initial speech-language pathologist license fee:
 - 1. \$100 if issued for one (1) year; or
 - 2. \$150 if issued for the biennium;
- (j) Initial audiologist license fee:
 - 1. \$100 if issued for one (1) year; or
 - 2. \$150 if issued for the biennium;
- (k) Combined speech-language pathologist and audiologist license fee: \$200 if issued for the biennium;
- (l) Initial speech-language pathology assistant license fee:
 - 1. Seventy-five (75) dollars if issued for one (1) year; or
 - 2. \$125 if issued for the biennium;
- (m) Biennial renewal fee for speech-language pathologist license: \$100;
- (n) Biennial renewal fee for audiologist license: \$100;

- (o) Biennial combined renewal fee for speech-language pathologist and audiologist license: \$200;
- (p) Biennial renewal fee for speech-language pathology assistant: \$100; or
- (q) Biennial renewal fee for grace period extending from January 31 to March 2:
- (18) Biennial renewal fee for grace period extending from January 31 to March 2:
 - 1. For speech-language pathologist license: \$150;
 - 2. For audiologist license: \$150;
 - 3. For a combined speech-language pathologist and audiologist license: \$300;
 - 4. For speech-language pathology assistant: \$150;
- (2) In addition to the biennial renewal fees provided for in subsection (1)(m) through (p) of this section, delinquency fees after March 2 shall be:
 - (a) For speech-language pathologist license: \$150;
 - (b) For audiologist license: \$150;
 - (c) For a biennial combined speech pathologist and audiologist license: \$300;
 - (d) For speech-language pathology assistant: \$150;
 - (e) For an initial speech-language pathologist license: \$100;

Section 2. (1) A completed Renewal Application or Renewal Application for Speech-Language Pathology Assistants, whichever is appropriate, shall be submitted if the licensee wants to:

- (a) Renew his license;
- (b) Request to return to an active status from an inactive status;
- (c) Request, or remain on, an inactive status; or
- (d) Terminate licensure.
- (2) Schedule of Licensure Renewals:
 - (a) A licensee shall renew his or her license biennially.
 - (b) The licensee shall pay the appropriate renewal fee as established in Section 1(1)(m)-(p) of this administrative regulation.

Section 3. If an application is filed during the period of December 1 to January 30 and a license is issued, the board shall waive the renewal of the license for the ensuing licensing year.

Section 4. Inactive Licenses. (1) Fees.

- (a) The inactive license fee for a speech-language pathologist for a biennial licensing period shall be twenty (20) dollars.
- (b) The inactive license fee for an audiologist for a biennial licensing period shall be twenty (2) dollars.
- (c) The combined inactive license fee for a speech-language pathologist and audiologist for a biennial licensing period shall be twenty (20) dollars.
- (d) The inactive license fee for a speech-language pathology assistant for a biennial licensing period shall be twenty (20) dollars.
- (2) Reactivation of an inactive license to practice speech-language pathology or audiology may be obtained by:
 - (a) Filing a completed Renewal Application or Renewal Application for Speech-Language Pathology Assistants, whichever is appropriate;
 - (b) Payment of the current renewal fee as set forth in Section 1 of this administrative regulation; and
 - (c) Compliance with the continuing education requirements established in 201 KAR 17:090, Sections 10 and 11.

(3) Application for an inactive license shall be made to the board prior to March 2 and shall be accompanied by the appropriate fee for the licensing year.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Renewal Application", September 2010; and

(b) "Renewal Application for Speech-Language Pathology Assistants", September 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (SPA-2; 1 Ky.R. 1017; eff. 6-11-1975; Am. 13 Ky.R. 1620; eff. 4-14-1987; 15 Ky.R. 2162; eff. 5-4-1989; 21 Ky.R. 65; 915; eff. 8-17-94; 26 Ky.R. 1026; 1524; eff. 1-26-2000; 27 Ky.R. 3323; 28 Ky.R. 1111; eff. 10-17-2001; 35 Ky.R. 1245; 1730; eff. 2-6-2009; 36 Ky.R. 847; 1442; eff. 2-5-2010; 37 Ky.R. 1003; Am. 1412; eff. 12-15-2010; 40 Ky.R. 395; eff. 10-16-2013; Crt eff. 2-21-2020; TAm eff. 10-16-2020.)

201 KAR 17:032. Requirements for interim licensure as an audiologist.

RELATES TO: KRS 334A.185(2)

STATUTORY AUTHORITY: KRS 334A.080(3), 334A.185(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. This administrative regulation establishes requirements for interim licensure as an audiologist.

Section 1. Education and Experience. (1) Each applicant for interim licensure in audiology in Kentucky shall provide a certified transcript confirming attainment of a Doctorate degree in audiology or a related field, or possess equivalent education as described in subsection (2) of this section, excluding the Au.D. or substantive equivalent from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

(2) An applicant shall have equivalent education if the applicant holds a doctoral degree in audiology, excluding the Au.D., from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

(3) The applicant shall submit to the board a written description verifying completion of the required academic coursework and supervised clinical experience on the Application for Interim License, with required supporting documentation. Credit shall not be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. Satisfactory completion shall exist if the applicant has received academic credit (semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the training institution. A signed letter from the department chair or a director of graduate studies confirming all coursework and clinical hours have been met shall be provided if an official transcript is not yet available.

(4) Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and either before or within thirty (30) days after the postgraduate professional experience is begun.

(5) A written plan for postgraduate professional experience shall be submitted with the application for interim licensure within thirty (30) days after initiating the postgraduate professional experience. The applicant shall proceed to obtain postgraduate professional experience under a supervisor who is a licensed audiologist. An applicant for interim licensure shall submit a completed Application for Interim Licensure to the board.

(6) Postgraduate professional experience.

(a) After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience.

(b) The experience shall consist of at least thirty-six (36) weeks of full-time professional experience to consist of a minimum of thirty-five (35) work hours a week or its part-time equivalent as follows:

1. At least eighty (80) percent of the major responsibilities during the postgraduate professional experience shall be in direct client contact consultations, recordkeeping, and administrative duties;

2. Postgraduate professional experience shall not total less than 1,260 hours;

3. Once initiated, postgraduate professional experience shall be accumulated within twenty-four (24) months. This may be extended in the event of:

a. Illness;

b. Change in employment status;

c. Family care issue; or

d. Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience;

4. Professional experience of less than five hours per week shall not meet the requirement and shall not be counted toward postgraduate professional experience;

5. Experience of more than thirty-five (35) hours per week shall not be used to shorten the postgraduate professional experience to less than thirty-six (36) weeks; and

6. Extension of the postgraduate professional experience may be granted in the event of:

a. Illness;

b. Change in employment status;

c. Family care issue; or

d. Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience.

(3) Supervision shall be completed under the supervision of an individual who holds a valid license in audiology issued by Kentucky or a state that borders Kentucky.

(a) The postgraduate professional experience supervisor shall not engage in fewer than thirty-six (36) supervisory activities during the postgraduate professional experience.

(b) This supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site.

1. One (1) hour shall equal one (1) on-site supervision.

2. A maximum of six (6) on-site observations may be accrued in one (1) day.

3. At least six (6) on-site observations shall be accrued during each third of the experience.

4. These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, or rehabilitation.

(c) The supervision shall include eighteen (18) other monitoring activities.

1. At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience.

2. These other monitoring activities may be executed by correspondence, review of videotapes or audiotapes, evaluation of written reports, phone conferences with the interim licensee, or evaluations by professional colleagues.

(d) The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills.

(4) A person with an interim license shall take and pass a national PRAXIS examination in audiology. Official documentation of scores shall be sent to the board directly from Educational Testing Services. A person with an interim license shall continue to practice under supervision if a successful score is not achieved. If the applicant is unable to obtain a passing score within twenty-four (24) months, the applicant shall seek board approval to continue to practice.

Section 2. Incorporation by Reference. (1) "Application for Interim Licensure", January 2012, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (36 Ky.R. 948; Am. 1443; eff. 2-5-2010; 38 Ky.R. 1632; 1837; eff. 6-1-2012 Crt eff. 2-21-2020; TAm eff. 10-16-2020.)

201 KAR 17:034. Requirements for licensure as a Speech-Language Pathology Assistant.

RELATES TO: KRS 334A.030, 334A.033

STATUTORY AUTHORITY: KRS 334A.033, 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.033 requires the board to promulgate administrative regulations to set forth requirements for supervision, education and postgraduate professional experience for speech-language pathology assistants. This administrative regulation establishes criteria for licensure for speech-language pathology assistants.

Section 1. Education and Experience. Each applicant for licensure as a speech-language pathology assistant in Kentucky shall meet the requirements established by this section. (1) In order to receive a license to become a speech-language pathology assistant, the applicant shall possess a bachelor's degree in speech-language pathology or communication disorders, or possess equivalent education, as described in subsection (2) of this section, from a regionally accredited institution, such as the Southern Association of Colleges and Schools.

(2) An applicant shall have equivalent education if the applicant has obtained a bachelor's degree and a minimum of twenty-seven (27) hours in the core areas of communication sciences or disorders including the following:

- (a) Anatomy and physiology;
- (b) Phonetics and speech science;
- (c) Speech and language development;
- (d) Communication disorders in children;
- (e) Audiology;
- (f) Aural rehabilitation; and
- (g) Intervention for children with communication disorders.

Section 2. Supervision. (1) The licensee shall function under the supervision of an appropriate supervisor during the period of licensure.

(2) The supervisor shall design and provide a supervision system that protects pupil welfare and maintains the highest possible standards of quality speech-language pathology services.

(3) The supervisor may require additional supervision based on the experience of the speech-language pathology assistant, the pupils served, and the physical or geographic proximity to the supervisor.

(4) As the supervisory responsibility of the supervisor increases, the direct service responsibilities of the supervisor shall decrease.

(5) Treatment for the pupils served shall remain the responsibility of the supervisor. The level of supervision required shall be the minimum level necessary for the supervisor to retain direct contact with the pupils.

(6) Each speech-language pathology assistant shall be required to receive direct supervision as stated in KRS 334A.033. Supervision shall be adjusted proportionally for less than full-time employment. The supervisor shall have direct contact time with the speech-language pathology assistant as well as with the pupil.

(7)(a) Direct supervision shall consist of on-site, in-view observation and guidance as a clinical activity is performed.

(b) A speech-language pathology assistant shall be supervised by either:

1. A speech-language pathologist who holds a Kentucky license; or

2. A speech-language pathologist who holds Education Professional Standards Board Master's level certification as a teacher of exceptional children in the areas of speech and communication disorders.

(8) The supervisor shall provide information about the quality of the speech-language pathology assistant's performance with assigned tasks and verify that clinical activity is limited to tasks specified in the speech-language pathology assistant's scope of responsibilities.

(9) Information obtained during direct supervision may include data relative to:

(a) Accuracy in implementation of screening, diagnostic, and treatment procedures;

(b) Agreement between the assistant and the supervisor on correct or incorrect judgment of target behavior;

(c) Accuracy in recording data; and

(d) Ability to interact effectively with the pupil.

(10) Indirect supervision shall be required as stated in KRS 334A.033. Supervision shall be adjusted proportionally for less than full-time employment. Indirect supervision may include:

(a) Demonstration;

(b) Record review;

(c) Review and evaluation of audio or videotaped sessions; or

(d) Supervisory conferences that may be conducted by telephone.

(11) The minimum total of direct and indirect supervision as stated in KRS 334A.033 shall be required for each speech-language pathology assistant and shall be documented. Additional direct and indirect supervision may be necessary depending on the experience of the assistant and the needs of the pupil.

(12) A speech-language pathology assistant shall not provide direct services if a supervising speech-language pathologist cannot be reached by personal contact, phone, pager, or some other immediate means.

(13) If, for any reason (including maternity leave, illness, or a change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology assistant shall not provide service until a fully qualified speech-language pathologist has been designated as the speech-language pathology assistant's supervisor.

(14) Although more than one (1) supervisor may provide supervision of a speech-language pathology assistant, a supervisor shall not be listed as the supervisor of record for more than two

(2) speech-language pathology assistants. If multiple supervisors are used, each supervisor shall be responsible for that portion of the caseload that is theirs and each shall sign the license application and postgraduate professional experience report.

Section 3. Within thirty (30) days after completion of postgraduate professional experience, the applicant shall submit a complete application for licensure under this section. The applicant's supervisor shall verify the successful completion of postgraduate professional experience by signing the Application for License.

Section 4. Incorporation by Reference. (1) "Application for Licensure", July 2013, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (36 Ky.R. 950; 1445; eff. 2-5-2010; 38 Ky.R. 1632; 1837; eff. 6-1-2012; 40 Ky.R. 397, eff. 10-16-2013 ; Crt eff. 2-21-2020; TAm eff. 10-16-2020.)

201 KAR 17:036. Requirements for licensure for an audiologist.

RELATES TO: KRS 334A.030, 334A.050, 334A.185, 334A.187

STATUTORY AUTHORITY: KRS 334A.050, 334A.080(3), 334A.185.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.050 and 334A.185 require the board to promulgate administrative regulations delineating education and experience criteria for licensure for audiologists. This administrative regulation establishes requirements for licensure for an audiologist.

Section 1. Education and Experience. Each applicant for licensure as an audiologist in Kentucky shall meet the requirements established by this section. (1)(a) An applicant shall provide a certified transcript confirming attainment of a doctorate degree in the area of audiology or substantive equivalent as described in paragraph (b) of this subsection, from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

(b) An applicant shall have equivalent education if the applicant holds:

1. A doctoral degree in audiology from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association; or
2. A master's degree from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association conferred before January 1, 2007.

(2) The applicant shall have passed a national PRAXIS examination in audiology. Official documentation of scores shall be sent to the board directly from Educational Testing Services.

(3) Within thirty (30) days of obtaining employment, the applicant shall apply for full licensure.

(4) In addition to fulfilling the requirements of this administrative regulation and paying the fees specified in 201 KAR 17:030, an applicant licensed in another state or states shall submit a letter or letters of good standing from the other state or states where the applicant is licensed.

Section 2. Incorporation by Reference. (1) "Application for Licensure", July 2013, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601., Monday through Friday, 8 a.m. to 4:30 p.m. (36 Ky.R. 951; 1446; 2-5-2010; 38 Ky.R. 1635; 1839; eff. 6-1-2012, 40.Ky.R. 399, eff. 10-16-2013; Crt eff. 2-21-2020; TAm eff. 10-16-2020.)

201 KAR 17:038. Caseload limitations.

RELATES TO: KRS 334A.190(1)

STATUTORY AUTHORITY: KRS 334A.080(3)

NECESSITY FUNCTION AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. This administrative regulation establishes specific guidelines for caseload limitations for a speech language pathologist practicing in the public schools.

Section 1. (1)(a) The caseload for a speech-language pathologist who works five (5) days a week, or the equivalent number of hours in the public school system, shall not exceed sixty-five (65) pupils.

(b) The caseload for a speech-language pathologist who works four (4) days a week, or the equivalent number of hours in the public school system, shall not exceed fifty-two (52) pupils.

(c) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works four (4) days a week, or the equivalent number of hours in the public school system, may be increased according to the provisions set forth in KRS 334A.190(2).

(2)(a) The caseload for a speech-language pathologist who works three (3) days a week, or the equivalent number of hours in the public school system, shall not exceed thirty-nine (39) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works three (3) days a week, or the equivalent number of hours in the public school system, may be increased according to the provisions set forth in KRS 334A.190(2).

(3)(a) The caseload for a speech-language pathologist who works two and one half (2 1/2) days a week, or the equivalent number of hours in the public school system, shall not exceed thirty-two (32) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works two and one half (2 1/2) days a week, or the equivalent number of hours, in the public school system may be increased according to the provisions set forth in KRS 334A.190(2).

(4)(a) The caseload for a speech-language pathologist who works two (2) days a week, or the equivalent number of hours in the public school system, shall not exceed twenty-six (26) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works two (2) days a week, or the equivalent number of hours in the public school system, may be increased according to the provisions set forth in KRS 334A.190(2).

(5)(a) The caseload for a speech-language pathologist who works one (1) day a week, or the equivalent number of hours in the public school system, shall not exceed thirteen (13) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works one (1) day a week, or the equivalent number of hours in the public school

system, may be increased according to the provisions set forth in KRS 334A.190(2). (36 Ky.R. 952; 1446; eff. 2-5-2010; Crt eff. 2-21-2020.)

201 KAR 17:041. Professional code of ethics.

RELATES TO: KRS 334A.180

STATUTORY AUTHORITY: KRS 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. This administrative regulation establishes the code of ethics.

Section 1. Responsibility to Patients. (1) A licensee shall:

- (a) Advance and protect the welfare of the patient;
- (b) Respect the rights of a person seeking his assistance; and
- (c) Make reasonable efforts to ensure that his services are used appropriately.

(2) A licensee shall not:

- (a) Exploit the trust and dependency of a patient;

(b)1. Except as provided by subparagraph 2 of this paragraph, engage in a dual relationship with a patient, including a social, business, or personal relationship that may:

- a. Impair professional judgment;
- b. Incur a risk of exploitation of the patient; or
- c. Otherwise violate a provision of this administrative regulation;

2. If a dual relationship cannot be avoided, and does not impair professional judgment, incur a risk of exploitation of the patient, or otherwise violate a provision of this administrative regulation, a licensee shall take appropriate professional precautions to ensure that judgment is not impaired and exploitation of the patient does not occur;

- (c) Use his professional relationship with a patient to further his own interests;

(d) Continue a therapeutic relationship unless it is reasonably clear that the patient is benefiting from the relationship;

(e) Fail to assist a person in obtaining other therapeutic services if the licensee is unable or unwilling, for appropriate reasons, to provide professional help;

(f) Abandon or neglect a patient in treatment without making reasonable arrangements for the continuation of treatment;

(g) Videotape, record, or photograph the provision of services without having first obtained written informed consent from the patient;

(h) Permit third-party observation without first obtaining oral or written informed consent from the patient;

(i) Engage in sexual or other harassment or exploitation of his patient, student, trainee, supervisee, employee, colleague, research subject, or actual or potential witness or complainant in an investigation or ethical proceeding; or

(j) Diagnose, treat, or advise on a problem outside the recognized boundaries of his competence.

Section 2. Confidentiality. (1) A licensee shall respect and guard the confidences of each individual patient.

(2) A licensee shall not disclose a patient confidence except:

- (a) As mandated, or permitted by law;
- (b) To prevent a clear and immediate danger to a person;
- (c) During the course of a civil, criminal, or disciplinary action arising from the therapy, at which the licensee is a defendant; or
- (d) In accordance with the terms of a written waiver. If the patient is a minor, a parent may provide a waiver.

(3) A licensee may use patient or clinical materials in teaching, writing, and public presentations if:

- (a) A written waiver has been obtained in accordance with subsection (2)(d) of this section; or
 - (b) Appropriate steps have been taken to protect patient identity and confidentiality.
- (4) A licensee shall store or dispose of patient records so as to maintain confidentiality.

Section 3. Professional Competence and Integrity. A licensee shall maintain standards of professional competence and integrity and shall be subject to disciplinary action in accordance with KRS 334A.180:

(1) Upon conviction of a felony, or a misdemeanor related to the practice of the licensee. Conviction shall include adjudication based on:

- (a) A plea of no contest or an "Alford Plea"; or
- (b) The suspension or deferral of a sentence.

(2) If his license or certificate is subject to disciplinary action by another state's regulatory agency that the board determines violates applicable Kentucky state law or administrative regulation;

(3) Upon a showing of impairment due to mental incapacity or the abuse of alcohol or other substances which negatively impact the licensee's practice;

(4) If the licensee misrepresented or concealed a material fact in obtaining a license, renewing a license, or reinstating a license;

(5) If he has refused to comply with an order issued by the board; or

(6) If he has failed to cooperate with the board by not:

- (a) Furnishing in writing a complete explanation to a complaint filed with the board;
- (b) Appearing before the board at the time and place designated; or
- (c) Properly responding to a subpoena issued by the board.

Section 4. Responsibility to His Student or Supervisee. A licensee shall:

(1) Be aware of his influential position with respect to a student or supervisee;

(2) Avoid exploiting the trust and dependency of a student or supervisee;

(3) Avoid a social, business, personal, or other dual relationship that could:

- (a) Impair professional judgment; or
- (b) Increase the risk of exploitation;

(4) Take appropriate precautions to ensure that judgment is not impaired and to prevent exploitation if a dual relationship cannot be avoided;

(5) Not engage in sexual intimacy or contact with a:

- (a) Student;
- (b) Employee; or
- (c) Supervisee;

(6) Not permit a student or supervisee to perform or represent himself as competent to perform a professional service beyond his level of:

- (a) Training;
- (b) Experience; or
- (c) Competence;
- (7) Not disclose the confidence of a student or supervisee except:
 - (a) If permitted or mandated by law;
 - (b) If it is necessary to prevent a clear and immediate danger to a person;
 - (c) During the course of a civil, criminal, or disciplinary action arising from the supervision, at which the licensee is a defendant;
 - (d) In an educational or training setting, if there are multiple supervisors or professional colleagues who share responsibility for the training of the supervisee; or
 - (e) In accordance with the terms of a written informed consent agreement.

Section 5. Financial Arrangements. A licensee shall:

- (1) Disclose his fees to a patient and supervisee at the beginning of service;
- (2) Make financial arrangements with a patient, third-party payor, or supervisee that:
 - (a) Are reasonably understandable; and
 - (b) Conform to accepted professional practices;
- (3) Not offer or accept payment for a referral; and
- (4) Represent facts truthfully to a patient, third-party payor, or supervisee regarding services rendered.

Section 6. Advertising. (1) A licensee shall:

- (a) Accurately represent education, training, and experience relevant to the practice; and
- (b) Not use professional identification, including a business card, office sign, letterhead or telephone or association directory listing, that includes a statement or claim that is false, fraudulent, misleading, or deceptive pursuant to subsection (2) of this section.
- (2) A statement shall be considered false, fraudulent, misleading, or deceptive if it:
 - (a) Contains a material misrepresentation of fact;
 - (b) Is intended to or likely to create an unjustified expectation; or
 - (c) Deletes a material fact or information. (6 Ky.R. 242; eff. 12-5-1979; Am. 13 Ky.R. 516; eff. 10-2-1986; 26 Ky.R. 874; 1525; eff. 1-26-2000; 36 Ky.R. 851; 1448; eff. 2-5-2010; Crt eff. 2-21-2020.)

201 KAR 17:070. Complaint procedure.

RELATES TO: KRS 334A.080(1), 334A.180

STATUTORY AUTHORITY: KRS 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.180 establishes the causes for which disciplinary action may be taken against a licensee. This administrative regulation establishes procedures for the filing, evaluation, and disposition of an administrative complaint.

Section 1. Definitions. (1) "Chairman" means the chairman or vice-chairman of the board.

(2) "Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 334A; the administrative regulations promulgated thereunder; or any other state or federal statute or regulation.

(3) "Complaint" means a written allegation of misconduct by a credentialed individual or other person which might constitute a violation of KRS Chapter 334A, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.

(4) "Complaint screening committee" means a committee consisting of three (3) persons appointed by the chairman of the board to review complaints, investigate reports, and to participate in informal proceedings to resolve a formal complaint, and may include the executive director of the board or another staff member.

(5) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.

(6) "Informal proceedings" means the proceedings instituted at a stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.

(7) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.

Section 2. Receipt of Complaints. (1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity;

(b) Shall be:

1. In writing; and
2. Signed by the person offering the complaint; and

(c) May be filed by the board based upon information in its possession.

(2)(a) Upon receipt of a complaint, a copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint. The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.

(b) Upon receipt of his copy of the written response of the individual named in the complaint, a copy of his response shall be sent to the complainant. The complainant shall have seven (7) days from the receipt to submit a written reply to the response.

Section 3. Initial Review. (1) After the receipt of a complaint and the expiration of the period for the individual's response, the complaint screening committee shall consider the individual's response, complainant's reply to the response, and any other relevant material available and make a recommendation to the board. The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, the board shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, the board shall:

(a) Authorize an investigation into the matter; and

(b) Order a report to be made to the complaint screening committee at the earliest opportunity.

Section 4. Results of Formal Investigation; Board Decision on Hearing. (1)(a) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint.

(b) The committee shall review the investigative report and make a recommendation to the board.

(c) The board shall determine whether:

1. There has been a prima facie violation of KRS Chapter 334A or the administrative regulations promulgated thereunder; and

2. A complaint shall be filed.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, the board shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3)(a) If the board determines that a violation has occurred but is not serious, the board may issue a written admonishment to the licensee.

(b) A copy of the written admonishment shall be placed in the permanent file of the licensee.

(c) The licensee shall have the right to:

1. File a response in writing to the admonishment within thirty (30) days of its receipt and have the response placed in his permanent file; or

2. File a request for a hearing with the board within thirty (30) days of the admonishment.

(d) Upon receipt of the request, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.

(4) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chairman and served upon the individual as required by KRS Chapter 13B.

(5) If the board determines that a person may be in violation of KRS 334A.030(2), the board shall:

(a) Order the individual to cease and desist from further violations of KRS 334A.030(2);

(b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 334A.030(2) with a request that appropriate action be taken under KRS 334A.990; or

(c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 334A.030(2) pursuant to KRS 334A.990(2).

Section 5. Settlement by Informal Proceedings. (1) The board, through counsel and the complaint screening committee, may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chairman.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 6. Notice and Service Process. A notice required by KRS Chapter 334A or this administrative regulation shall be issued pursuant to KRS Chapter 13B.

Section 7. Notification. The board shall make public:

- (1) Its final order in a disciplinary action under KRS 334A.180 with the exception of a written admonishment issued pursuant to Section 4(3) of this administrative regulation; and
- (2) An action to restrain or enjoin a violation of KRS 334A.030(2). (12 Ky.R. 1558; eff. 4-17-86; Am. 26 Ky.R. 877; 1527; eff. 1-26-2000; Crt eff. 2-21-2020.)

201 KAR 17:090. Continuing education requirements.

RELATES TO: KRS 334A.170(4)

STATUTORY AUTHORITY: KRS 334A.080(3), 334A.170(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.170(4) requires the board to promulgate administrative regulations to set forth requirements concerning continuing professional education. This administrative regulation establishes the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Definitions. (1) "Academic courses offered by an accredited postsecondary institution" means:

- (a) A speech-language pathology or audiology course, designated by a speech-language pathology or audiology title or content; or
 - (b) An academic course, relevant to speech-language pathology or audiology.
- (2) "Approved" means recognized by the Kentucky Board of Speech-Language Pathology and Audiology.
- (3) "Continuing education hour" means sixty (60) clock minutes of participating in continuing educational experiences.
- (4) "Program" means an organized learning experience:
- (a) Planned and evaluated to meet behavioral objectives; and
 - (b) Presented in one (1) session or a series.
- (5) "Provider" means an organization approved by the Kentucky Board of Speech-Language Pathology and Audiology for providing a continuing education program.
- (6) "Related" means having content that is not directly linked to the practice of speech-language pathology or audiology, but expands or augments clinical practice.
- (7) "Relevant" means having content applicable to the practice of speech-language pathology or audiology.

Section 2. Accrual of Continuing Education Hours. (1) A minimum of thirty (30) continuing education hours shall be accrued by each person holding licensure as a speech-language pathologist, speech-language pathology assistant, or audiologist during the biennial period for renewal. Two (2) of these hours shall be focused on ethics.

(2) A person who holds a license in both speech-language pathology and audiology shall complete a minimum of fifty (50) continuing education hours during the biennial period for renewal. This person shall obtain continuing education hours in both areas of licensure. Two (2) of these hours shall be focused on ethics.

(3) All continuing education hours shall be in the field in which the person is licensed. The licensee may use up to a maximum of four (4) hours in a related area for each biennial period.

(4) A person newly licensed during the license renewal period shall not be required to complete continuing education as a prerequisite for the first renewal of his license.

(5) A person failing to renew the license within the five (5) year period after its expiration shall obtain a license only after meeting the initial licensure requirements of 201 KAR Chapter 17. In addition, the applicant shall provide proof of the successful completion of thirty (30) hours of continuing education within the last two (2) years for a speech-language pathology, speech-language pathology assistant, or audiology license or fifty (50) hours of continuing education for a license in both speech-language pathology and audiology.

(6) Continuing education shall be completed by January 31 of the renewal period.

Section 3. Methods of Acquiring Continuing Education Hours. Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of a speech-language pathologist, speech-language pathology assistant, or audiologist. (1) The hours shall be earned by completing any of the following educational activities:

(a) Programs not requiring board review and approval. An educational program from any of the following providers shall be deemed to be relevant to the practice of speech-language pathology or audiology and shall be approved without further review by the board if the program is:

1. Sponsored or approved by:

- a. The American Speech-Language-Hearing Association; or
- b. The American Academy of Audiology; or

2. An academic course offered by an accredited postsecondary institution directly related to speech-language pathology or audiology. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equals fifteen (15) continuing education hours. Programs designated to meet degree requirements shall not be acceptable;

(b) Programs requiring board review and approval. The board shall issue an approval number upon receipt of the documentation required by Section 4 of this administrative regulation. A program from any of the following sources shall be reviewed and determined if the program is relevant and therefore subsequently approved by the board:

1. A program, including a home study course or in-service training provided by another organization, educational institution, or service provider approved by the board in accordance with Section 5 of this administrative regulation;

2. A program or academic course presented by the licensee. A presenter of a relevant program or academic course shall earn full continuing education credit for each contact hour of instruction, not to exceed one-half (1/2) of the continuing education renewal requirements. Credit shall not be issued for repeated instruction of the same course; or

3. Authoring an article in a relevant, professionally recognized or juried publication. Credit shall not be granted for an article unless the article was published within the two (2) year period immediately preceding the renewal date and a licensee shall not earn more than one-half (1/2) of the continuing education hours required for renewal. More than one (1) publication shall not be counted during a renewal period.

4. Online coursework shall not exceed ten (10) hours per day.

(2) A general education course, elective course, or a course designated to meet degree requirements shall not be acceptable.

(3) Related continuing education subjects which are not specifically a part of the field of speech-language pathology or audiology may be approved for up to four (4) continuing education hours if the board believes that the related areas serve to enhance the licensee's ability to practice. The four (4) hour maximum credit for related areas of study by the licensee shall be applicable to only one (1) license (speech-language pathology or audiology) for those individuals who hold dual licensure.

Section 4. Procedures for Approval of Continuing Education Programs. A course, which has not been preapproved by the board, may be used for continuing education if approval is secured from the board for the course. The board may consider for approval a Continuing Education program if one (1) or more of the following items have been submitted. In order for the board to adequately review a program, the following information shall be submitted:

- (1) A published course or seminar description;
- (2) Names and qualifications of the instructors;
- (3) A copy of the program agenda indicating hours of education, coffee and lunch breaks;
- (4) Number of continuing education hours requested;
- (5) Application to the board for continuing education credits approval.

Section 5. Procedures for Preapproval of Continuing Education Sponsors and Programs. (1) Sponsor approval. An entity seeking to obtain approval:

(a) Of a continuing education program prior to its offering shall apply to the board at least thirty (30) days in advance of the commencement of the program, and shall provide the information required in Section 4 of this administrative regulation; or

(b) As a prior-authorized continuing education provider under Section 3(1)(a) of this administrative regulation shall satisfy the board that the entity seeking this status:

1. Consistently offers programs which meet or exceed all the requirements set forth in subsection (2) of this section; and

2. Does not exclude a licensee from its programs.

(2) A continuing education activity shall be qualified for approval if the board determines the activity being presented:

(a) Is an organized program of learning;

(b) Pertains to subject matters which integrally relate to the practice of speech-language pathology or audiology;

(c) Contributes to the professional competency of the licensee; and

(d) Is conducted by individuals who have relevant educational training or experience.

(3) Providers of continuing education shall provide attendees with a certificate of completion including the course approval number provided by the board.

Section 6. Responsibilities and Reporting Requirements of a Licensee. (1) During the licensure renewal period, up to fifteen (15) percent of all licensees shall be selected at random by the board and required to furnish documentation of the completion of the appropriate number of continuing education hours. Verification of continuing education hours shall not otherwise be reported to the board;

(2) A licensee shall:

(a) Be responsible for obtaining required continuing education hours;

(b) Identify his own continuing education needs and seek activities that meet those needs;

(c) Seek ways to integrate new knowledge, skills and attitudes;

(d) Select approved activities by which to earn continuing education hours;

(e) Submit to the board, if applicable, a request for approval for continuing education activities not approved as required in Section 3(1) of this administrative regulation;

(f) At the time of renewal, list the continuing education hours obtained during that licensure renewal period;

(g) Document attendance, participation in, and successful completion of continuing education activity for a period of two (2) years from the date of the renewal; and

(h) Maintain records of continuing education hours.

- (3) If audited, the following items are required to document continuing education activity:
 - (a) A transcript or tracking sheet issued by a professional association; or
 - (b) A transcript, official certificate of completion, or affidavit signed by the instructor;
- (4) Failure to comply with the provisions of this administrative regulation shall constitute a violation of KRS 334A.170(4) and shall result in:
 - (a) Refusal to renew licensure;
 - (b) Suspension of licensure; or
 - (c) Revocation of licensure;
- (5) Documentation sent to the board prior to renewal shall be returned to the licensee by regular mail.

Section 7. Responsibilities and Reporting Requirements of Providers and Sponsors. (1) A provider of continuing education not requiring board approval shall be responsible for providing documentation, as established in Section 5(2) of this administrative regulation, directly to the licensee.

(2) A sponsor of continuing education requiring board approval shall be responsible for submitting a course offering to the board for review and approval before listing or advertising that offering as approved by the board. The board shall provide an identifying number for the sponsor to use in identifying the course.

Section 8. Board to Approve Continuing Education Hours; Appeal of Denial. (1) If an application for approval of continuing education hours is denied, in whole or part, the licensee shall have the right to appeal the board's decision.

- (2) An appeal shall be:
 - (a) In writing;
 - (b) Received by the board within thirty (30) days after the date of the decision denying approval of continuing education hours; and
 - (c) Conducted in accordance with KRS Chapter 13B.

Section 9. Waiver or Extensions of Continuing Education. (1) On application, the board may grant a waiver of the continuing education requirements or an extension of time within which to fulfill the requirements in the following cases:

- (a) Medical disability of the licensee;
 - (b) Illness of the licensee or an immediate family member; or
 - (c) Death or serious injury of an immediate family member.
- (2) A written request for waiver or extension of time involving medical disability or illness shall be:
- (a) Submitted by the person holding licensure; and
 - (b) Accompanied by a verifying document signed by a licensed physician.
- (3) A waiver of or extension of time within which to fulfill the minimum continuing education requirements shall not exceed one (1) year.

Section 10. Continuing Education Requirements for a Person on Inactive Status or Holding Interim Licensure. (1) Except as provided by subsection (3) of this section, the continuing education requirements established in Section 2 of this administrative regulation shall be waived for a licensee on inactive status during the time period the licensee remains inactive. A person on inactive status who requests reactivation shall meet the requirements of Section 11 of this administrative regulation.

(2) The continuing education requirements established in Section 2 of this administrative regulation shall not apply to a person holding interim licensure.

(3) A licensee on inactive status shall submit proof of thirty (30) hours of continuing education if applying for a third consecutive biennial renewal under inactive status. For subsequent renewals, an inactive licensee shall obtain thirty (30) hours of continuing education for every six (6) years on inactive status. These hours shall be obtained no more than two (2) years prior to the six (6) year deadline. Two (2) of these hours shall be focused on ethics.

Section 11. Continuing Education Requirements for Reinstatement or Reactivation of Licensure. (1) A person requesting reinstatement or reactivation of licensure shall submit evidence of thirty (30) hours of continuing education within the twenty-four (24) month period immediately preceding the date on which the request for reinstatement or reactivation is submitted to the board.

(2) If the person seeking reinstatement or reactivation does not meet the requirement established in subsection (1) of this section, the board shall reinstate or reactivate licensure, and the person shall obtain thirty (30) hours of continuing education within twelve (12) months of the date on which licensure is reinstated.

(3) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section. (13 Ky.R. 1316; eff. 2-10-1987; Am. 15 Ky.R. 2163; eff. 5-4-1989; 19 Ky.R. 447; eff. 10-8-1992; 26 Ky.R. 879; 1529; eff. 1-26-2000; 27 Ky.R. 3324; eff. 9-10-2001; 36 Ky.R. 851; 1448; eff. 2-5-2010; 39 Ky.R. 823; 1678; eff. 3-8-2013; Crt eff. 2-21-2020.)

201 KAR 17:100. Clinical practice by licensed speech-language pathologists and audiologists in the area of minor training.

RELATES TO: KRS 334A.030

STATUTORY AUTHORITY: KRS 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. This administrative regulation delineates the authority of licensees to practice in the area of minor training.

Section 1. Definitions. (1) "Audiology" means the area of minor training for speech-language pathologists.

(2) "Speech-Language Pathology" means the area of minor training for audiologists.

Section 2. In the course of clinical practice, licensed speech-language pathologists may engage in audiometric screening and licensed audiologists may engage in speech-language screening under the following guidelines:

(1) Licensed speech-language pathologists shall restrict their practice in audiology to the performance and supervision of pure tone air conduction screening, otoacoustic emissions

screening, screening tympanometry, and acoustic reflex screening either for the purpose of performing a speech evaluation, a language evaluation, or for initial identification of individuals with other communicative disorders. Judgments and descriptive statements about the results of these procedures shall be limited to whether the individual passed or failed the screening procedure. The criteria for failure of audiometric screening should be developed in consultation with a licensed audiologist. Licensed speech-language pathologists may provide aural habilitative and rehabilitative services.

(2) Licensed audiologists shall restrict their practice in speech-language pathology to the performance and supervision of speech and language screening for the purpose of performing an audiological evaluation or for the purpose of initial identification of individuals with other communicative disorders. Judgments and descriptive statements about the results of these procedures shall be limited to whether the individual passed or failed the screening procedure. The criteria for failure of speech-language screening should be developed in consultation with a licensed speech-language pathologist. Licensed audiologists may provide aural habilitative and rehabilitative services. (13 Ky.R. 1962; eff. 6-9-1987; 36 Ky.R. 854; 1450; eff. 2-5-2010; Crt eff. 2-21-2020.)

201 KAR 17:110. Telehealth and telepractice.

RELATES TO: KRS 334A.200

STATUTORY AUTHORITY: KRS 334A.200

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.200 requires the Board of Speech Language Pathology and Audiology to promulgate administrative regulations to implement the use of telehealth services by speech-language pathologists and audiologists. This administrative regulation establishes requirements for the use of telehealth services.

Section 1. Definitions. (1) "Client" means the person receiving the services of the speech-language pathologist or audiologist and the representative thereof if required by law.

(2) "Telehealth" is defined by KRS 334A.200(3).

(3) "Telepractice" means the practice of speech language pathology or audiology as defined by KRS 334A.020(4) and KRS 334.020(6) respectively provided by using communication technology that is two (2) way, interactive, and simultaneously audio and video.

Section 2. Client Requirements. A practitioner-patient relationship shall not commence via telehealth. An initial, in-person meeting for the practitioner and patient who prospectively utilize telehealth shall occur. A licensed health care practitioner may represent the licensee at the initial, in-person meeting. A licensee who uses telehealth to deliver speech language pathology or audiology services or who telepractices or the licensed healthcare practitioner representing the licensee shall, at the initial, in-person meeting with the client:

- (1) Make reasonable attempts to verify the identity of the client;
- (2) Obtain alternative means of contacting the client other than electronically;
- (3) Provide to the client alternative means of contacting the licensee other than electronically;
- (4) Document if the client has the necessary knowledge and skills to benefit from the type of telepractice provided by the licensee; and
- (5) Inform the client in writing about:
 - (a) The limitations of using technology in the provision of telepractice;
 - (b) Potential risks to confidentiality of information due to technology in the provision of telepractice;
 - (c) Potential risks of disruption in the use of telepractice;

- (d) When and how the licensee will respond to routine electronic messages;
- (e) In what circumstances the licensee will use alternative communications for emergency purposes;
- (f) Who else may have access to client communications with the licensee;
- (g) How communications can be directed to a specific licensee;
- (h) How the licensee stores electronic communications from the client; and
- (i) That the licensee may elect to discontinue the provision of services through telehealth.

Section 3. Competence, Limits on Practice, Maintenance, and Retention of Records. A licensee using telehealth to deliver services or who telepractices shall:

- (1) Limit the telepractice to the licensee's scope of practice;
- (2) Maintain continuing competency or associate with a group who has experience in telehealth delivery of care;
- (3) Use methods for protecting health information which shall include authentication and encryption technology;
- (4) Limit access to that information to only those necessary for the provision of services or those required by law; and
- (5) Ensure that confidential communications obtained and stored electronically cannot be recovered and accessed by unauthorized persons when the licensee disposes of electronic equipment and data.

Section 4. Compliance with Federal, State, and Local Law. (1) A licensee using telehealth to deliver speech language pathology and audiology services and telepractice shall comply with:

- (a) State law by being licensed to practice speech language pathology or audiology, whichever is being telepracticed, in the jurisdiction where the practitioner-patient relationship commenced; and
 - (b) Section 508 of the Rehabilitation Act, 29 U.S.C. 794(d), to make technology accessible to a client with disabilities.
- (2) If a person provides speech language pathology and audiology services via telepractice to a person physically located in Kentucky at the time the services are provided, that provider shall be licensed by the board.
- (3) A person providing speech language pathology and audiology services via telepractice from a physical location in Kentucky shall be licensed by the board. This person may be subject to licensure requirements in other states where the services are received by the client.

Section 5. Representation of Services and Code of Conduct. A licensee using telehealth to deliver services or who telepractices:

- (1) Shall not engage in false, misleading, or deceptive advertising of telepractice; and
- (2) Shall not split fees. (39 Ky.R. 918; 1463; 1680; eff. 3-8-2013; Crt eff. 2-21-2020.)

201 KAR 17:120E. Audiology and Speech-Language Pathology Interstate Compact.

EFFECTIVE: August 26, 2025

RELATES TO: KRS 334A.188

STATUTORY AUTHORITY: KRS 334A.080(3), 334A.188

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.188, Section 15.B.1. requires the Board of Speech-Language Pathology and Audiology to review any rule adopted by the Audiology and Speech-Language Pathology Interstate Compact pursuant to Section 10 of KRS

334A.188 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Audiology and Speech-Language Pathology Interstate Compact.

Section 1. The Board of Speech-Language Pathology and Audiology shall comply with all rules of the Audiology and Speech-Language Pathology Interstate Compact, which includes the Audiology and Speech-Language Pathology Interstate Compact Rules as of June 30, 2025.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Audiology and Speech-Language Pathology Interstate Compact Rules", June 30, 2025, and as revised.

(a) Chapter 1 – Rule on Definitions, adopted April 17, 2023;

(b) Chapter 2 – Rule on Data System Reporting Requirements, adopted April 17, 2023; and

(c) Chapter 3 – Rule on Implementation of Criminal Background Check Requirement, adopted October 7, 2023.

(d) Chapter 4 – Rulemaking on Fees, adopted June 30, 2025.

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Speech-Language Pathology and Audiology, 500 Mero Street, 2 SC 32, Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Speech-Language Pathology and Audiology Web site at <https://slp.ky.gov/>.

(3) This material may also be obtained at:

(a) The Audiology and Speech-Language Pathology Interstate Compact Commission, 1776 Avenue of the States, Lexington, Kentucky 40511; or

(b) <https://aslpcompact.com/commission/commission-governance-documents/>.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.