

11-01-01-01. Organization of board of examiners on audiology and speech-language pathology.

1. **History and function.** The 1975 legislative assembly passed legislation to license audiologists and speech-language pathologists, codified as North Dakota Century Code chapter 43-37. In 1983 chapter 43-37 was revised. This chapter requires the governor to appoint a state board of examiners on audiology and speech-language pathology. It is the responsibility of the board to license audiologists and speech-language pathologists.
2. **Board membership.** The board consists of eight members appointed by the governor. Two members are audiologists, four members are speech-language pathologists, one member is an otolaryngologist, and one is a consumer. Each board member serves a term of three years. No member may serve on the board more than two successive terms.
3. **Officers.** Officers are elected annually. The board may hire an executive secretary as necessary.
4. **Inquiries.** Inquiries regarding the board may be addressed to:

Board of Examiners on Audiology and Speech-Language Pathology
Executive Secretary
P.O. Box 5143
Grand Forks, North Dakota 58206-5143
Phone: 701-755-7165
Fax: 701-746-9620
Email: ndsbexecutivesecretary@gmail.com
Website: ndsb.com

History: Amended effective May 1, 1984; June 1, 1990; March 1, 1993; April 1, 1994; April 1, 2016.

General Authority: NDCC 28-32-02.1

Law Implemented: NDCC 43-37-06

11-02-01-01. Licensure application.

An application for a license to practice audiology or speech-language pathology shall be made to the state board of examiners of audiology and speech-language pathology on forms provided by the board upon request. The application shall contain such information as the board may reasonably require.

1. Each application for a license shall be accompanied by:
 - a. A prescribed fee.
 - b. An official transcript verifying completion of undergraduate and graduate degrees.

- c. An official or authenticated copy of a passing score, as established by the American speech language hearing association, on the Praxis II specialty examination in the area of audiology or speech-language pathology, or another examination approved by the board.
2. All applications shall be signed by the applicant and notarized.
3. The board may request such additional information or clarification of information provided in the application as it deems reasonably necessary.
4. If the board so directs, an applicant shall personally appear before the board concerning the application.
5. The board may grant licensure to an applicant who holds a current license in good standing to practice as an audiologist, speech-language pathologist, or speech language pathology licensed assistant in another state or jurisdiction if that other state or jurisdiction imposes at least substantially the same standards that are imposed under this chapter.

History: Amended effective May 1, 1984; June 1, 1990; April 1, 2016.

General Authority: NDCC 43-37-06

Law Implemented: NDCC 43-37-06, 43-37-09

11-02-01-02. Licensure without examination.

Repealed effective May 1, 1984.

11-02-01-03. Licensure with examination.

Repealed effective May 1, 1984.

11-02-01-04. Renewal of licensure and re licensure.

1. Applications for the renewal of license are due by the first date of each year.
2. At least two months before the first date of each year, the board shall notify the licensee of the requirement for renewal. The notice must be made to the address last provided to the board by the licensee and must encourage applicants to submit applications for renewal upon receiving that notice.
3. A license must be renewed by the board if, on or before the thirty-first day of January of each year, the licensee meets all of the following requirements:
 - a. The licensee filed a complete application for renewal form provided by the board.
 - b. The licensee paid the renewal fee.

- c. The licensee provided proof of completion of the continuing education required by section 11-02-01-06.
 - d. Grounds for denial of the application under North Dakota Century Code section 43-37-13 do not exist.
 - e. Supervisor requirements completed in accordance with Section 11-02-01-08
4. If the completed application for renewal, renewal fee, and proof of completion of continuing education are not filed before the first day of each year, the licensee shall pay the late fee associated with the license.
5. If the completed application for renewal, renewal fee, proof of completion of continuing education, and late fee is not filed before the last day of January, the license expires and the individual may not practice until the board renews the license or grants re licensure.
6. The board may extend the expiration date and the deadlines for filing the application for renewal, renewal fee, proof of completion of continuing education, and late fee upon proof of medical or other hardship preventing the individual from meeting the deadlines.
7. If an individual is unlicensed for a period less than five calendar years, the individual must be granted re licensure upon the filing of a completed application for license, the licensing fee, a two hundred fifty dollar re licensure fee, and proof of completion of ten clock hours of continuing education for each calendar year for which the individual was unlicensed.
8. If an individual is unlicensed for a period of five or more calendar years, the individual may be required by the board to retake and pass the Praxis II specialty examination or another examination approved by the board, and shall be required to file a completed application for a license, the licensing fee, a two hundred fifty dollar re licensure fee, and proof of completion of ten clock hours of continuing education for each calendar year for which the individual was unlicensed in order to be considered for re licensure.
9. An individual may be granted a re licensure only once in a five-year period.

History: Amended effective May 1, 1984; October 1, 1989; June 1, 1990; April 1, 2016.

General Authority: NDCC 43-37-06

Law Implemented: NDCC 43-37-06

11-02-01-05. Fees.

The following fees shall be paid in connection with audiologist, speech-language pathologist, and speech language pathology licensed assistant applications, examinations, renewals, and penalties:

1. Application fee for an audiologist license, speech language pathologist license, and speech language pathology licensed assistant license: one hundred dollars.
2. Renewal fee for an audiologist license, speech language pathology license, and speech language pathology licensed assistant: seventy-five dollars.
3. Renewal late fee: two hundred fifty dollar late fee.
4. Relicensure fee: two hundred fifty dollars.

History: Amended effective May 1, 1984; June 1, 1990; February 1, 2001; April 1, 2016.

General Authority: NDCC 43-37-06

Law Implemented: NDCC 43-37-06

11-02-01-06. Continuing education.

1. Continuing education is defined as courses or workshops that contribute to professional development and lead to acquiring and enhancing skills and knowledge required for professional practice that are either approved by the board or certified by the American speech language hearing association, the American academy of audiology, or the international hearing association or another organization approved by the board.
2. Licensees are required to complete ten clock hours of continuing education during each calendar year.
3. Continued practice in violation of the continuing education requirements as outlined in this section subjects a licensee to disciplinary action as outlined in North Dakota Century Code section 43-37-13.

History: Amended effective May 1, 1984; August 1, 1986; June 1, 1990; April 1, 2016.

General Authority: NDCC 43-37-06

Law Implemented: NDCC 43-37-06

11-02-01-07. Passing score.

The successful completion of a Praxis II specialty examination in audiology or speech-language pathology or another examination approved by the board means: obtaining a score equal to or greater than the passing score established by the American speech language hearing association or another organization approved by the board, and in effect at the time of administration of the test.

History: Effective May 1, 1984; amended effective June 1, 1990; April 1, 2016.

General Authority: NDCC 43-37-09

Law Implemented: NDCC 43-37-06

11-02-01-08. Speech Language Pathology Licensed Assistants

A. Definitions.

- a. "Direct supervision" means face to face contact that occurs either in-person or through video conferencing. Activities that occur during direct supervision include observation, modeling, co-treatment, discussions, and teaching.
- b. "Indirect supervision" means other than face to face contact. Activities that occur during indirect supervision include telephone conversations, written correspondence, electronic exchanges, or other methods using secure telecommunication technology.

B. Minimum qualifications for a speech language pathology licensed assistant.

- a. A bachelor's degree in the speech-language pathology or communication disorders as approved by the board that includes a minimum of six semester hour credits in disordered communication and a minimum of three semester hour credits in clinical techniques.
- b. Successful completion of a minimum of one hundred (100) hours of clinical experience by a supervising speech language pathologist.

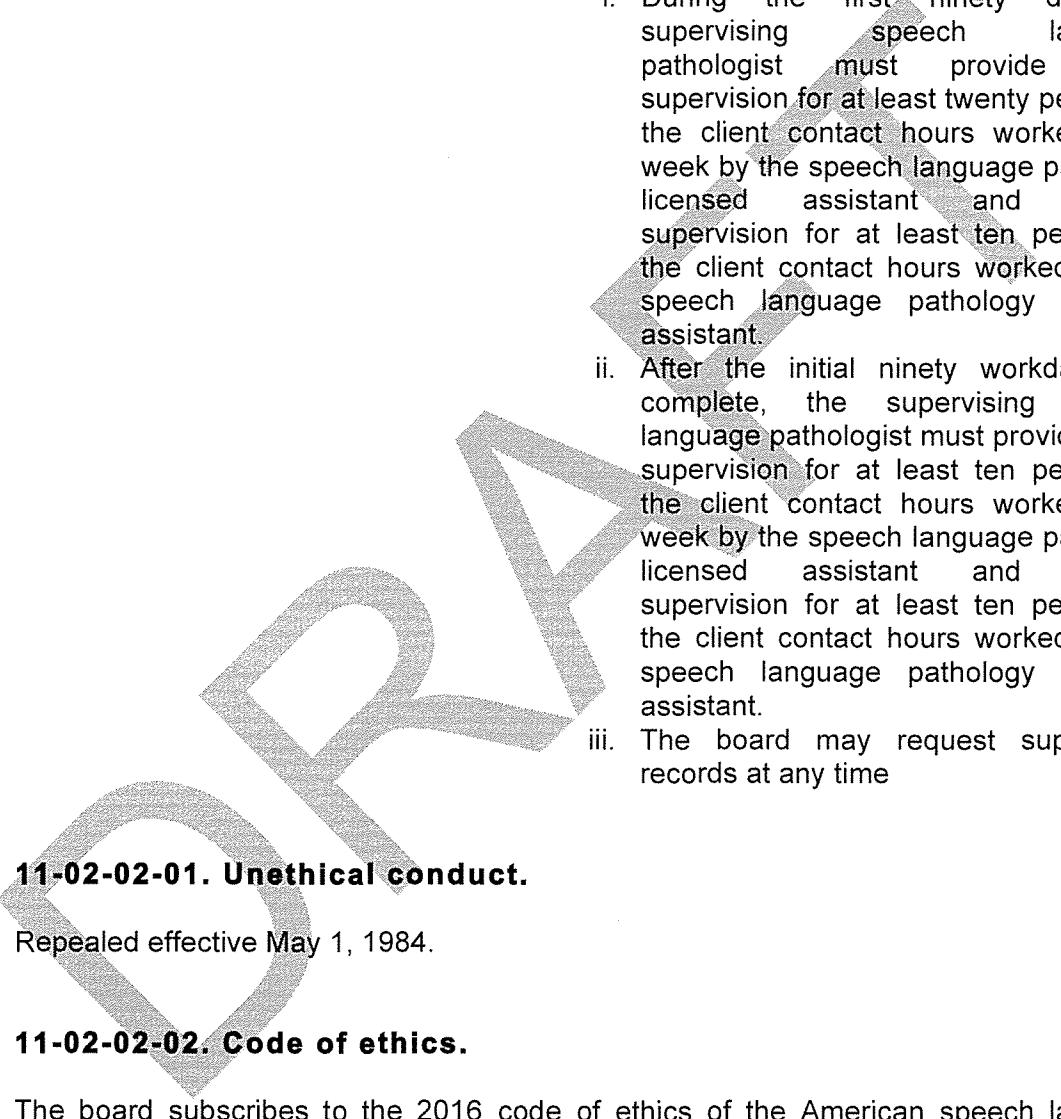
C. Scope of practice

- a. Provide speech language pathology services only in settings in which direct and indirect supervision are provided on a regular and systematic basis by a supervising speech language pathologist.
- b. Self identify as a speech language pathology licensed assistant to consumers. Perform only those tasks prescribed by the supervising speech language pathologist
- c. Tasks that a supervising speech pathologist may delegate to a speech language pathology assistant are limited to the following:
 - i. Assist with speech, language, and hearing screenings without clinical interpretation as developed and directed by the supervising speech language pathologist
 - ii. Assist during assessment as developed and directed by the supervising speech language pathologist. In carrying out assessments, a speech language pathology licensed assistant may not provide a clinical interpretation.
 - iii. Deliver services set forth in treatment plans or protocols developed and directed by supervising speech language pathologist
 - iv. Document consumer performance and report this information to the supervising speech language pathologist
 - v. Program and provide instruction in the use of augmentative and alternative communication devices as developed and directed by supervising speech language pathologist
 - vi. Demonstrate to and share information with consumers regarding feeding and swallowing strategies developed and directed by the supervising speech language pathologist

vii. Participate in formal parent or guardian conferences, case conferences, or an interdisciplinary team with the presence of the supervising speech language pathologist

D. Supervision

- a. A speech language pathology licensed assistant must be supervised by a licensed speech language pathologist who has been actively practicing for a minimum of three of the last five years.
- b. A supervising speech language pathologist is responsible for the extent, kind, and quality of the service provided by the speech language pathology licensed assistant, consistent with the standards and requirements approved by the board.
- c. A speech language pathologist may be the supervisor of record for no more than two speech language pathology licensed assistants at the same time.
- d. The supervising speech language pathologist is responsible for the professional services provided by the speech language pathology licensed assistant.
 - d. A supervising speech language pathologist must provide direct and indirect supervision as determined by the supervising speech language pathologist's assessment of the competence of speech language pathology licensed assistant and within the scope of the rules adopted by the board. In determining the methods, frequency, and content of supervision, a supervising speech language pathologist shall consider:
 - i. The complexity of clients' needs
 - ii. The number and diversity of clients
 - iii. The knowledge, competence, and skills of the speech language pathology licensed assistant
 - iv. The type of practice setting
 - v. Any requirements particular to the practice setting
 - vi. Other regulatory requirements
 - e. A supervising speech language pathologist and a supervised speech language pathology licensed assistant shall make a written supervision plan that shall be in effect for the duration of the supervision, that may be requested by the board at any time, and that shall include the following:
 - i. Periodic evaluation and documentation reflecting the speech language pathology licensed assistant's

- 
- competence to perform the services prescribed
 - ii. Periodic documentation of the frequency, methods, and content of the supervision
 - f. A supervising speech language pathologist must provide direct and indirect supervision that meets the following guidelines:
 - i. During the first ninety days, a supervising speech language pathologist must provide direct supervision for at least twenty percent of the client contact hours worked each week by the speech language pathology licensed assistant and indirect supervision for at least ten percent of the client contact hours worked by the speech language pathology licensed assistant.
 - ii. After the initial ninety workdays are complete, the supervising speech language pathologist must provide direct supervision for at least ten percent of the client contact hours worked each week by the speech language pathology licensed assistant and indirect supervision for at least ten percent of the client contact hours worked by the speech language pathology licensed assistant.
 - iii. The board may request supervision records at any time

11-02-02-01. Unethical conduct.

Repealed effective May 1, 1984.

11-02-02-02. Code of ethics.

The board subscribes to the 2016 code of ethics of the American speech language hearing association. This code is incorporated in the rules by reference except that a certificate of clinical competence is not required to practice speech-language pathology and audiology in North Dakota.

History: Effective May 1, 1984; amended effective October 1, 1989; April 1, 2016.

General Authority: NDCC 43-37-06

Law Implemented: NDCC 43-37-06

11-02-02-03. Unacceptable professional conduct.

The following constitute unacceptable professional conduct by a licensed audiologist or speech-language pathologist and subject such licensee or potential licensee to sanction:

1. Taking financial advantage of a client, or using one's position within an agency to enhance one's private practice or the private practice of others for personal gain.
2. Entering into any illegal acts with a client.
3. Participating in, condoning, or being an accessory to dishonesty, fraud, deceit, or misrepresentation in the practice of audiology or speech-language pathology.
4. Not providing clients with accurate and complete information regarding the extent and nature of the services available to them.
5. Convicted of a criminal act which affects the practice of the profession. (North Dakota Century Code section 12.1-33-02.1)
6. Violating any federal or state confidentiality client care regulation statutes.
7. Violating any federal or state discrimination statutes or regulations.
8. Exploiting relationships with clients such as participating in or soliciting sexual relationships during the time of services and for twelve months following the termination of services.
9. Refusal to seek adequate and appropriate treatment for any illness or disorder which interferes with professional functioning or ability to perform the basic expected functions, or both, of an audiologist or speech-language pathologist.
10. Using misrepresentation in the procurement of licensing as an audiologist or speech-language pathologist or knowingly assisting another in the procurement of licensing through misrepresentation. Misrepresentation of professional qualifications, certifications, accreditations, affiliation, and employment experiences.
11. Failure to report through the proper channels the incompetent, unethical, or illegal practice of any licensed audiologist or speech-language pathologist who is providing such services.
12. Participating in activities that constitute a conflict of professional interest and adversely affect the licensee's ability to provide audiology or speech-language pathology services.
13. Violating any of the principles of ethics as listed in the 2016 code of ethics of the american speech language hearing association.

14. Providing any inaccurate, misleading, or false information to the board in regard to a licensure action.

History: Effective October 1, 1989; amended effective April 1, 2016.

General Authority: NDCC 43-37-06

Law Implemented: NDCC 43-37-06, 43-37-13

11-02-03-01. Grievance procedures.

Grievances must be processed in accordance with North Dakota Century Code chapter 28-32.

History: Amended effective May 1, 1984.

General Authority: NDCC 43-37-06

Law Implemented: NDCC 28-32-05

11-02-03-02. Complaint procedures.

1. Upon filing of a written and signed complaint alleging a licensee engaged in conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-37-13, the board shall notify the licensee of the complaint and require a written response from the licensee.
2. A licensee who is the subject of an investigation by the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any reasonable question raised by or on behalf of the board relating to the subject of the investigation and providing copies of patient or client records if reasonably requested by the board and accompanied by the appropriate release.
3. The board may direct an ethics subcommittee or a board member to investigate the complaint. After completing the investigation, the ethics subcommittee or board member will recommend whether the board should take disciplinary action against the licensee.
4. When conducting an investigation, the board may subpoena and examine witnesses and records, including patient and client records, and may copy, photograph, or take samples of the records. The board may require the licensee to give statements under oath, to submit to a physical or psychological examination, or both, by a physician or other qualified evaluation professional selected by the board, if requiring an examination is in the best interest of the public. The patient and client records released to the board are not public records.
5. The board shall determine if there is a reasonable basis to believe the licensee engaged in conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-37-13. If the board determines there is not a reasonable basis, the board will notify the complainant and the licensee. If the

- board determines there is a reasonable basis, the board may proceed with a disciplinary action in accordance with North Dakota Century Code chapter 28-32.
6. The board, at any time, may offer or accept a proposal for informal resolution of the complaint or disciplinary action.
 7. The board may impose a fee on the licensee for all or part of the costs of an informal resolution or a formal action resulting in discipline, including administrative costs, investigation costs, attorney's fees, witness fees, the cost of the office of administrative hearings services, and court costs.

History: Effective June 1, 1990; amended effective April 1, 2016.

General Authority: NDCC 43-37-06

Law Implemented: NDCC 28-32-05

11-02-04-01. Address and name changes.

Any licensee must report a change of address, name, or educational degree to the board. Proof of any educational degree change must also be submitted. A fee of ten dollars will be charged to reissue a duplicated or changed license.

History: Amended effective May 1, 1984.

General Authority: NDCC 43-37-06

Law Implemented: NDCC 43-37-06

11-02-04-02. Educational changes.

Repealed effective May 1, 1984.