

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Speech/Language Pathologists, Audiologists & Hearing Aid Dispensers
Statutory Authority: 24 Delaware Code, Section 3706(a)(1) (24 Del.C. §3706(a)(1))
24 DE Admin. Code 3700

PROPOSED

PUBLIC NOTICE

3700 Board of Examiners of Speech/Language Pathologists, Audiologists & Hearing Aid Dispensers

The Delaware Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers ("Board"), pursuant to 24 Del.C. §3706(a)(1), proposes to amend its regulation.

On October 1, 2024, proposed revisions to the regulation were published in the *Delaware Register of Regulations*, Volume 28, Issue 4. The revisions included clarification of the licensure requirements for the professions regulated by the Board. Specifically, training requirements for hearing aid dispensers were amended to add successful completion of the International Hearing Society's curriculum "Distance Learning for Professionals in Hearing Health Sciences." Proposed amendments also eliminated the cap on the number of times that a hearing aid dispenser applicant may take the licensure examination. Sections pertaining to audiology and speech/language pathology aides were stricken because the Board does not license these professions. In addition, continuing education requirements were amended to add two hours in ethics.

A public hearing was held on November 19, 2024 before the Board. The Board deliberated on the evidence presented at its meeting on January 21, 2025. Based on those deliberations, the Board has proposed further revisions to the regulation. Therefore, the Board withdraws the proposed regulation published October 1, 2024, and submits a revised proposed regulation attached as Exhibit A.

The Board will hold a public hearing on the proposed regulation changes on May 20, 2025, at 2:00 p.m., virtually and in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Anyone wishing to receive a copy of the proposed regulation may obtain a copy from the Delaware Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers, 861 Silver Lake Boulevard, Dover, Delaware 19904. Written comments should be sent to Jessica Lobaccaro, Administrative Specialist for the Board, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 or at jessica.lobaccaro@delaware.gov. Written comments will be accepted until June 4, 2025 pursuant to 29 Del.C. §10118(a).

Summary of the Evidence and Information Submitted

Following publication of the Public Notice in the *Delaware Register of Regulations* on October 1, 2024, a public hearing was held on November 19, 2024. The written comment period was held open for thirty days, and an additional fifteen days following the public hearing. At the hearing, the Board accepted as evidence and marked the following as the Board's Exhibits:

Board Exhibit 1: Affidavit of publication of the public hearing notice in the *News Journal*.

Board Exhibit 2: Affidavit of publication of the public hearing notice in the *Delaware State News*.

Board Exhibit 3: November 10, 2024 letter from J. Benigas and P. Lewis of Fix SLP

Board Exhibit 4: November 19, 2024 email from O. Veasey

Board Exhibit 5: November 26, 2024 email from K. Martin

In Board Exhibit 3, representatives of Fix SLP objected to proposed changes that would mandate AHSA certification as the sole qualification for initial licensure. There was also objection that requiring SLPs to maintain ASHA certification would limit access to care, adversely impact professional mobility, and place a financial burden on SLPs.

In Board Exhibit 4, Ms. Veasey questioned the need for SLPs to maintain ASHA certification.

In Board 5, Ms. Martin stated that requiring ASHA certification would limit the pool of candidates because of yearly costs and would impact Delaware's ability to participate in the Interstate Compact.

In addition to documentary evidence, the Board was also presented with testimony at the hearing.

Jeanette Benigas testified that the letter submitted on behalf of Fix SLP had been signed by 37 people, some of whom were in attendance at the meeting. Ms. Benigas was representing Fix SLP.

Liz Merrick testified that requiring certification from ASHA for licensure as an SLP was out-of-line with other states. She expressed concern with handing licensure to a third party which does not serve or answer to the people of Delaware. She further stated that there is a shortage of SLPs and requiring ASHA certification will shrink the pool of service providers in that qualified people without certification will not be eligible for licensure. Ms. Merrick commented that the certification requirement places unnecessary financial burdens and creates confusion for SLPs, and continuing education requirements for ASHA and Delaware are not on the same schedule. Ms. Merrick asked that the Board hold off on adopting the proposed regulations in favor of a legislative solution.

Lindsay Williams testified that she echoed the concerns expressed by Ms. Merrick and commented that power will be handed over to ASHA in granting licensure. She stated that the costs of certification may outweigh the benefits in Delaware. The ASHA certification requirement may also be a detriment to candidates considering a career as an SLP in Delaware. Ms. Williams also expressed concern regarding the handling of complaints.

Kathleen Riley testified that audiologists are not required to have ASHA certification for licensure and the same standard should apply to SLPs. Ms. Riley also stated that allowing a hearing aid dispenser to have a temporary license for up to 4 years does not serve the public well due to concerns regarding applicant competence.

Preston Lewis testified that the ASHA certification requirement will act as a stop sign at the state line with respect to reciprocity. Mr. Lewis also expressed concerns regarding the certification requirement's impact on the Interstate Compact. Mr. Lewis stated that ASHA is not a regulatory body and SLP licensure should not be outsourced. He asked for a pause in moving forward with the regulations.

Meredith Sullivan testified that she agreed with the comments provided by other commenters regarding ASHA as the only way for licensure. She expressed concerns that licensure is being handed off to a private entity and that ASHA can always change its rules.

Megan McElroy testified that she agreed with other commenters. She stated that handing over requirements to ASHA will give up Board autonomy. Ms. McElroy commented that ASHA could change anything and take away state requirements, and handing over licensure structure to ASHA will hurt the integrity of the profession.

Jeannette Benigas testified regarding concerns posed by the ASHA requirement with respect to the Interstate Compact. Ms. Benigas stated that the requirement will encourage people to leave Delaware, and that a continuing ASHA requirement is not in line with other states.

Findings of Fact and Conclusions

1. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed amendments to the Board's regulation.

2. Most of the public comments addressed proposed revisions to Section 2.0 which sets forth the requirements for licensure as a speech/language pathologist ("SLP"). Specifically, the requirements pertaining to the clinical practicum, clinical fellowship, and the national examination were stricken. The Board found that these revisions were required to ensure that the regulation is consistent with statutory requirements. The Board's Practice Act, Chapter 37 of Title 24 of the Delaware Code, was amended in 2023 pursuant to SB 141, 152nd General Assembly to state:

(a) An applicant who is applying for licensure under this chapter shall submit evidence, verified by oath and satisfactory to the Board, that such person:

(1) For licensure as a speech/language pathologist, has current certification of clinical competence issued by the American Speech-Language-Hearing Association (ASHA) or its successors.

a-d. [Repealed.]

24 **Del.C.** §3708(a). While the Board has the authority to promulgate regulations pursuant to the Administrative Procedure Act, such regulations may only "implement or clarify a specific section" of the Practice Act. 24 **Del.C.** §3706(a)(1). The current regulation pertaining to the licensure of SLPs expressly conflicts with Section 3708(a)(1) which requires an SLP applicant to have current certification of clinical competence issued by the American Speech-Language-Hearing Association ("ASHA"). The Board therefore has proposed amendments to Section 2.0 to ensure that the regulation is consistent with the Practice Act. In these circumstances, the Board declines to amend the proposed regulation in response to public comment. The Board reserves the option to review the current statutory requirement of ASHA certification at a later time.

3. Certain commenters expressed concerns that SLPs would need to maintain ASHA certification to maintain licensure. However, Section 3708(a)(1) provides only that an SLP applicant must have "current" ASHA certification. Section 3712(b)

of Title 24, addressing license renewal, does not impose a requirement of ongoing ASHA certification. However, in the interests of clarity, proposed subsection 2.1 has been revised to state that ongoing ASHA certification is not required to maintain Delaware licensure.

4. The Board also concluded, in response to public comment, that the proposed regulation does not conflict with the Interstate Compact, as codified in Chapter 37A of Title 24 of the Delaware Code. 24 **Del.C.** § 3704A(f). Further, reciprocity licensure would not be adversely impacted in that ASHA certification is not required for licensure by reciprocity. 24 **Del.C.** §3710.

5. In further review of the proposed regulation, the Board determined that subsections relating to temporary licensure for SLPs were inadvertently stricken. Section 2.1 has been revised accordingly. Applicants applying for a temporary license will be required to document supervised clinical practicum hours and a CF plan.

6. The Board considered public comment with respect to subsection 4.3 which addresses temporary licensure for hearing aid dispensers. Subsection 4.3.4 extends the period within which an applicant may take the licensure examination. The Board concluded that this proposed language does not pose a risk to the public in that applicants who do not successfully pass the examination will be required to complete additional training. The Board declined to revise the proposed regulation in response to public comment.

7. Pursuant to 24 **Del.C.** §3706(a)(1), the Board has the statutory authority to promulgate regulations. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's regulation. The Board considered both written comments and testimony presented by various stakeholders. On the basis of public comment, the Board made certain revisions to the proposed regulation. Therefore, the proposed regulation, published on October 1, 2024, is withdrawn. The Board's proposed regulation is attached hereto as Exhibit A.

3700 Board of ~~Examiners of~~ Speech/Language Pathologists, Audiologists & Hearing Aid Dispensers

1.0 General

- ~~1.1 Division of Professional Regulation (Division) information and forms are available on the Division's web site dpr.delaware.gov.~~
- ~~1.2 No license shall be issued until all required fees are paid.~~
- ~~1.3 The Administrative Specialist assigned to the Board by the Division performs support functions and serves as the contact person for the Board.~~
- ~~1.4 Duty to Update Address~~
 - ~~1.4.1 All licensees must provide the Division with their current home mailing address. Any change in home mailing address must be reported to the Division within ten days of such change. All notifications and correspondence pertaining to a licensee's license that are sent through the mail will be sent only to the most recent address provided by the licensee. The failure to provide the Division with a current home mailing address will not operate to excuse any duty or responsibility of the licensee and confirmed delivery to the most recent address provided by the licensee will be considered proper notice.~~
- 1.1 Governing statute. Chapter 37 of Title 24 of the Delaware Code governs the Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers ("Board") and the professions under its purview.
- 1.2 Pursuant to 24 **Del.C.** §3706(a)(1), the Board is authorized and hereby adopts this regulation.
- 1.3 Pursuant to the Administrative Procedures Act, Chapter 101 of Title 29 of the Delaware Code, the Board reserves the right to make amendments, modifications, and additions to this regulation.
- 1.4 The Board reserves the right to grant exceptions to the requirements of this regulation upon a showing of good cause by the party requesting an exception, provided that the exception is not inconsistent with the requirements of Chapter 37 of Title 24 of the Delaware Code.
- 1.5 Duty to update address: All licensees must provide the Division of Professional Regulation ("Division") with their current mailing and email addresses. Any change must be reported to the Division within 10 days of the change. All notifications and correspondence pertaining to a licensee's license will be sent to the most recent address provided by the licensee. The failure to provide the Division with updated information will not operate to excuse any duty or responsibility of the licensee and delivery to the most recent address provided by the licensee will be considered proper notice.
- 1.6 Applications
 - 1.6.1 All applications must be submitted electronically and accompanied by the appropriate fee.
 - 1.6.2 Applications are valid for 1 year after submission. After 1 year, the application may be destroyed at the discretion of the Division.

6 DE Reg. 1340 (04/01/03)

11 DE Reg. 814 (12/01/07)

22 DE Reg. 619 (01/01/19)

2.0 Licensure Requirements for Speech-Language Pathologists and Audiologists

2.1 Education

- 2.1.1 2.1 Permanent Licensure. To be eligible for a license as a Speech/Language Pathologist, the applicant must submit verification by an official transcript of completion of at least a master's degree or its equivalent, from an accredited college or university with major emphasis in speech-language pathology, communication disorders or speech-language and hearing science that the applicant has current certification of clinical competence issued by the American Speech-Language-Hearing Association ("ASHA") or its successors. A Speech/Language Pathologist is not required to maintain ASHA certification in order to maintain a Delaware license.
- 2.1.2 To be eligible for a license as an Audiologist, the applicant must submit verification by an official transcript of completion of a doctoral degree from an accredited college or university.

2.2 Clinical Practicum for Speech/Language Pathologists

- 2.2.1 The Speech/Language Pathology applicant must have completed a minimum of 400 clock hours of supervised clinical experience. At least 25 hours must have been spent in clinical observation and at least 375 clock hours must have been spent in direct client/patient contact.
- 2.2.1.1 Only direct contact with the client or client's family in assessment, management, and/or counseling can be counted towards the practicum requirement.
- 2.2.2 A minimum of 325 clock hours of the clinical practicum must be completed at the graduate level.

2.3 Clinical Fellowship (CF) for Speech/Language Pathologists

- 2.3.1 The Speech/Language Pathology applicant must have 36 weeks of full-time (35 hours per week) experience (or the equivalent part-time experience) totaling a minimum of 1,260 hours. Part-time work can be completed, as long as the clinical fellow works more than 5 hours per week. Working more than 35 hours per week will not shorten the minimum requirement of 36 weeks. The CF must start after completion of the academic and clinical practicum requirements.
- 2.3.2 The applicant must be mentored by an individual holding certification from the American Speech-Language-Hearing Association (ASHA) in speech/language pathology.
- 2.3.3 The applicant must attain a score of "3" or better on the core skills in the final segment of the experience, as rated by the Speech/Language Pathology Clinical Fellowship mentor using the SLP Clinical Fellowship Skills Inventory Form.
- 2.3.4 Eighty percent of the applicant's time must be spent in direct clinical contact (assessment/diagnosis/evaluation, screening, treatment, report writing, family/client consultation, and/or counseling) related to the management of disorders that fit within the ASHA Speech and Language Pathology Scope of Practice.
- 2.3.5 There must be no fewer than 18 hours of on-site observation of the clinical fellow providing clinical services throughout the CF experience. At least 18 other monitoring activities must occur during the experience.

2.4 National Examination

- 2.4.1 The Speech/Language Pathology and Audiology applicant must have completed and passed the national examination approved by the Division for the area of specialty with at least the minimum nationally recommended score. Scores must be sent directly from the testing service to the Division.
- 2.4.2 A Speech/Language Pathology or Audiology applicant with a temporary license is permitted to complete the appropriate national examination during the period of the temporary license.

2.5 2.2 Application Process Temporary Licensure

- 2.5.1 2.2.1 An To be eligible for a temporary license, an applicant must complete a notarized application for temporary licensure. Items which must be provided to the Division include submit the following:
- 2.5.1.1 2.2.1.1 Official Transcript(s) transcripts;
- 2.5.1.2 2.2.1.2 Payment of appropriate fees: fees;
- 2.5.1.3 In addition, Speech/Language Pathologist applicants must also provide:
- 2.5.1.3.1 2.2.1.3 Documents verifying the appropriate number and level of supervised clinical practicum hours; and
- 2.5.1.3.2 2.2.1.4 A CF plan on a form approved by the Board, signed by the licensed professional who will provide the supervision; supervision.
- 2.5.2 2.2.2 A temporary license is valid for one 1 year from the date of issuance and may be renewed for one year 3 times for a maximum of 48 months, in extenuating circumstances circumstances, upon application to the Board. The licensee shall take the examination at least once prior to submitting a request for renewal of the temporary license. Requests for Board consideration of a renewal shall be made in writing and sent to the Division 60 days prior to expiration of the temporary license.

2.6 Application Process – Permanent Licensure

- 2.6.1 Speech/Language Pathology and Audiology applicants must complete the application on a form approved by the Board and submit the appropriate fee.
- 2.6.2 An applicant who has ASHA Certification must comply with subsection 2.6.1 and submit a copy of current ASHA certification.
- 2.6.3 An applicant who is currently licensed in another state, the District of Columbia, or territory of the United States whose standards for licensure are substantially similar to those of this state, must comply with 24 ~~Del.C.~~ §3710. Applicants for reciprocal licensure from states not substantially similar to this state shall provide proof of practice for a minimum of five years after licensure in addition to meeting the other qualifications in 24 ~~Del.C.~~ §3710. Verification of practice shall be by notarized letter from the employer(s).
- 2.6.4 A Speech/Language Pathologist applicant who has completed the supervised CF in Delaware and has a current temporary license, must submit the following documentation to the Division 30 days prior to expiration of the temporary license:
 - 2.6.4.1 proof of completion of the CF,
 - 2.6.4.2 national examination score unless previously provided, and
 - 2.6.4.3 licensure fee.

6 DE Reg. 1340 (04/01/03)

13 DE Reg. 1097 (02/01/10)

21 DE Reg. 813 (04/01/18)

22 DE Reg. 619 (01/01/19)

3.0 Licensure Requirements for Audiologists

- 3.1 To be eligible for a license as an audiologist, the applicant must meet 1 of the following requirements:
 - 3.1.1 Current certification of clinical competence issued by ASHA or its successors.
 - 3.1.2 Board certification from the American Board of Audiology or its successors.
 - 3.1.3 Possession of a doctoral degree in audiology from an accredited college or university and successful completion of a national examination in the area of the applicant's specialty prepared by a national testing service. Audiologists licensed prior to July 10, 2019 who have maintained continuous licensure shall be exempt from the educational requirement of this subsection.

~~3.0~~ 4.0 Licensure Requirements for Hearing Aid Dispensers

- ~~3.1~~ 4.1 Delaware-licensed Audiologists ~~audiologists~~ are authorized to dispense hearing aids, pursuant to 24 ~~Del.C.~~ §3702(9) §3702(8), and are not required to obtain a separate Hearing Aid Dispensing license. All other applicants shall meet the following requirements:
- ~~3.2~~ 4.2 Original Licensure
 - 4.2.1 Applicants shall meet current standards promulgated by the International Hearing Society or its successor.
 - ~~3.2.4~~ 4.2.2 Education: Education. Applicants must have earned a high school diploma or its equivalent.
 - ~~3.2.2~~ Training:
 - 3.2.2.1 Applicants shall complete six (6) months of training. The Board will not authorize applicants to take the exam until the training is complete.
 - 4.2.3 Training. The Board will not authorize the applicant to take the examination until the following requirements are met:
 - 4.2.3.1 Successful completion of the International Hearing Society Curriculum entitled "Distance Learning for Professionals in Hearing Health Sciences" or an equivalent course approved by the Board and provide the Board with the course completion certificate.
 - ~~3.2.2.2~~ 4.2.3.2 Training shall be completed Successful completion of 6 months of training under the direct supervision of a Delaware-licensed Hearing Aid Dispenser ~~hearing aid dispenser~~ or Delaware-licensed Audiologist ~~audiologist~~. "Direct supervision" means direct, on-site observations of the applicant by the supervisor. Applicants shall be under direct supervision for 100% of the time during the first ~~two~~ (2) 2 months, 50% of the time during the subsequent ~~two~~ (2) 2 months, and 25% of the time during the final ~~two~~ (2) 2 months of the training period.
 - ~~3.2.2.3~~ 4.2.3.3 Applicants shall hold a valid, active temporary license during the training period. Training conducted while the applicant is without a valid, active temporary license will not count toward fulfillment of the ~~six-month~~ 6-month training requirement.

~~3.2.2.4~~ 4.2.3.4 Upon completion of the training period, temporary Hearing Aid Dispensing licensees must submit verification of completion of the training period on a Board-approved form, which shall include the notarized signature of the Delaware-licensed sponsor stating that the training was completed under his or her direct supervision in accordance with subsection ~~3.2.2.2~~ 4.2.3.2. Upon receipt and approval of the training verification, the Board will authorize the applicant to take the examination.

~~3.2.3~~ 4.2.4 National Examination Examination.

~~3.2.3.1~~ Applicants for Hearing Aid Dispensing licensure must have completed and passed the national examination approved by the Division, in accordance with scores as recommended by the national testing service, ~~National Institute for Hearing Instruments Studies (NIHS)~~ the International Hearing Society, or its successor. Upon confirmation from the testing service that an applicant has passed the exam, the Board will issue a Hearing Aid Dispensing license to the applicant.

~~3.2.3.2~~ Applicants who fail two (2) examinations may not be reexamined for a period of one (1) year following the second failure. After a second exam failure, an applicant must complete an additional training period pursuant to subsection 3.2.2 before the Board will grant authorization to retake the exam.

~~3.3~~ 4.3 Temporary Licensure

4.3.1 The purpose of a temporary license is to permit an otherwise qualified applicant to practice under appropriate supervision pending the applicant's scoring of a passing grade on the examination.

~~3.3.4~~ 4.3.2 To obtain a temporary license, applicants must complete the Board-approved licensure application and submit a licensure application and:

~~3.3.4.1~~ 4.3.2.1 verification Verification of a high school diploma or its equivalent; equivalent; and

~~3.3.4.2~~ payment of the appropriate fees, and

~~3.3.4.3~~ 4.3.2.2a A plan for completing the six (6) month 6-month training period, which shall include the notarized signature of a Delaware-licensed sponsor stating a willingness to provide direct supervision and training.

~~3.3.2~~ A temporary license is valid for one (1) year from the date of issuance and may be renewed once for an additional one-year period in extenuating circumstances upon approval by the Board. Requests for Board consideration of a renewal shall be made in writing and sent to the Division at least 60 days prior to expiration.

~~3.4~~ Reciprocal Licensure

~~3.4.1~~ An applicant who is currently licensed in another state, the District of Columbia, or territory of the United States, whose standards for licensure are substantially similar to those of this state, must comply with ~~24 Del.C. §3710~~. Applicants for reciprocal licensure from states not substantially similar to this state shall provide proof of practice for a minimum of five years after licensure in addition to meeting the other qualifications in ~~24 Del.C. §3710~~. Verification of practice shall be by notarized letter from the employer(s).

4.3.3 A temporary license is valid for 2 years from the date of issuance. If the applicant does not pass the examination within 2 years after making application, the applicant shall be required to wait 6 months from the date of the last examination and complete an additional training period under subsection 4.2.3.2 before the Board will grant authorization to retake the exam. There is no limit to the number of times the applicant may take the examination during the 2-year period of temporary licensure.

4.3.4 If the applicant does not pass the examination within 4 years from the date of issuance of the first temporary license, the applicant's supervisor must certify to the Board that the applicant has reviewed, for a second time, the International Hearing Society Curriculum entitled "Distance Learning for Professionals in Hearing Health Sciences" or an equivalent course approved by the Board.

4.3.5 A temporary license may be renewed once for an additional 1-year period in extenuating circumstances upon approval by the Board. Requests for Board consideration of a renewal shall be made in writing and sent to the Division at least 60 days prior to expiration.

11 DE Reg. 814 (12/01/07)

13 DE Reg. 1097 (02/01/10)

21 DE Reg. 813 (04/01/18)

22 DE Reg. 619 (01/01/19)

4.0 5.0 License Renewal, Expired Licenses and Inactive Status

5.1 License Renewal

5.1.1 Licenses shall expire biennially on every odd numbered year. License renewal shall be accomplished online at <https://www.dpr.delaware.gov> and shall include:

5.1.1.1 The applicable fee; and

5.1.1.2 Attestation of completion of continuing education required by Section 7.0.

4.1 ~~5.2~~ Expired Licenses Licenses.

4.1.4 A holder of an expired license may renew the license within ~~one~~ 1 year of the date the renewal was due by fulfilling all of the renewal requirements and paying the late fee established by the Division.

4.2 ~~5.3~~ Inactive Status Status.

4.2.4 A licensee may apply to the Board for inactive status for up to ~~five~~ 5 years. The license may be reactivated upon application ~~on a form approved by~~ to the Board and proof of CEs completed within the preceding 24 months as required by subsection ~~8-2-3~~ 7.2.2.2, and payment of the fee established by the Division.

5.4 ASHA Certification is not required for license renewal.

13 DE Reg. 1097 (02/01/10)

21 DE Reg. 813 (04/01/18)

22 DE Reg. 619 (01/01/19)

5.0 Requirements for Audiology Aides

5.1 Certification

5.1.1 ~~Certification of the Audiology Aide must be by the Council of Accreditation of Occupational Hearing Conservationists, or its equivalent, with documentation. The supervising Delaware-licensed audiologist must annually register each Audiology Aide using a form approved by the Board.~~

5.2 Direct Supervision

5.2.1 ~~An Audiology Aide assists a licensed audiologist in professional activities with direct supervision by the audiologist. Direct supervision requires the presence of the supervising audiologist on the premises when the aide is performing professional activities.~~

5.3 Duties of the Audiology Aide

5.3.1 ~~Duties of the Audiology Aide must be specified by the supervising audiologist and may include the following:~~

5.3.1.1 ~~Air conduction pure tone assessment and data recording.~~

5.3.1.2 ~~Hearing screenings.~~

5.3.1.3 ~~Assisting with conditioning techniques.~~

5.3.1.4 ~~Cursory otoscopy.~~

5.3.1.5 ~~Basic hearing aid maintenance.~~

5.3.1.6 ~~Routine instrument sterilization.~~

5.3.1.7 ~~Biologic and electroacoustic assessment of the audiometer.~~

5.3.1.8 ~~Clerical support.~~

5.3.1.9 ~~Participation with the professional in research projects, in service training, or similar endeavors.~~

5.3.1.10 ~~Other duties as may be appropriately determined with training from and direct supervision of the Delaware-licensed audiologist.~~

6.0 Requirements for Speech/Language Pathology Aides

6.1 Education

6.1.1 ~~A Speech/Language Pathology Aide must have a minimum of a high school diploma or its equivalent.~~

6.2 Direct Supervision

6.2.1 ~~A Speech/Language Pathology Aide assists a licensed Speech/Language Pathologist in professional activities with direct supervision of the Speech/Language Pathologist. Direct supervision requires the presence of the supervising Speech/Language Pathologist at all times where an aide is assisting with testing, and/or treatment.~~

6.3 Duties of the Speech/Language Pathology Aide

6.3.1 ~~Duties of the Speech/Language Pathology Aide must be specified by the supervising Speech/Language Pathologist and may include the following:~~

6.3.1.1 ~~Assisting with testing or treatment.~~

6.3.1.2 ~~Clerical support.~~

6.3.1.3 ~~Client escort.~~

6.3.1.4 ~~Preparation of therapeutic materials~~

6.3.1.5 ~~Equipment maintenance.~~

- 6.3.1.6 Participation with the professional in research projects, in service training, or similar endeavors.
- 6.3.1.7 Other duties as may be appropriately determined with training from and direct supervision of the Delaware licensed Speech/Language Pathologist.

13 DE Reg. 1097 (02/01/10)

7.0 6.0 Electronic Equipment Calibration

- 7.1 ~~6.1~~ Audiologists and ~~Hearing Aid Dispensers~~ hearing aid dispensers shall ensure the annual calibration of the electronic equipment they use to assess hearing. Calibration shall be performed by a certified professional consistent with the standards set by the American National Standards Institute (ANSI).
- 7.2 ~~6.2~~ Audiologists and ~~Hearing Aid Dispensers~~ hearing aid dispensers shall indicate by attestation in the course of license renewal whether they have complied with subsection 7.1 ~~6.1~~. Audiologists who do not have such equipment shall attest to that fact during the course of renewal.

11 DE Reg. 814 (12/01/07)

21 DE Reg. 813 (04/01/18)

8.0 7.0 Continuing Education For All Licensees: Licensees

8.1 7.1 Philosophy

~~8.1.1 7.1.1~~ Continuing education (CE) is required by the Board to maintain professional licensure in the fields of ~~Speech/Language Pathology, Audiology and Hearing Aid Dispensing~~ speech/language pathology, audiology, and hearing aid dispensing. Continuing education requirements arise from an awareness that these fields are in a continual state of transition due to the introduction of new philosophies and the refinement of already existing knowledge. ~~Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers~~ Speech/language pathologists, audiologists, and hearing aid dispensers should continually strive to update their clinical skills in an effort to deliver high quality services.

~~8.1.2 7.1.2~~ The Board is keenly aware of existing educational opportunities in Delaware and neighboring states and has established regulations which will provide continuing education credit as effortlessly as possible while assuring quality instruction. Credit will be given for participation in a variety of activities that increase knowledge and enhance professional growth.

~~8.1.3 7.1.3~~ These regulations recognize This regulation recognizes the financial and time limitations of Delaware's professionals while assuring continued appropriate services to those individuals who require them.

8.2 7.2 Continuing Education Criteria

~~8.2.1 7.2.1~~ One continuing education contact hour (CE) is defined as 60 minutes of attendance/participation in an approved continuing education activity unless otherwise stated. ~~(Therefore, credits~~ Credits and continuing education units (CEUs) issued by various organizations must be translated. e.g., 1.0 ASHA CEU = 10 ~~CE's~~) CEs.

~~8.2.2 7.2.2~~ The required number of CEs varies with the date of issuance of license, ~~certification and/or certification,~~ or professional status.

~~8.2.2.1 7.2.2.1~~ New License: License. There is no CE requirement for a license issued for less than ~~one~~ 1 year. If a license would cover more than ~~one~~ 1 year, but less than 2 years, the licensee is required to obtain 15 CEs or ~~one-half~~ ½ of the required total hours.

~~8.2.2.2 7.2.2.2~~ Single License: License. Individuals with a license in only ~~one~~ (1) 1 area of specialty must obtain a minimum of 30 CEs each ~~two-year~~ 2-year license renewal period.

~~8.2.2.3 7.2.2.3~~ Dual License: License. Individuals with licenses in ~~two~~ (2) 2 areas of specialty must obtain a minimum of 30 CEs during each ~~two-year~~ 2-year license renewal period, with 15 CEs obtained in each specialty area. One course may be split between specialty areas to fulfill multiple CE requirements. Content must be shown to be relevant to those areas.

~~7.2.2.4~~ Effective for the licensure renewal period beginning August 1, 2025 and ending July 31, 2027, all licensees must complete 2 hours of credits in the subject matter of ethics. The 2 CEs in ethics must be completed every licensure renewal period and are part of the 30 CEs required for license renewal. If a licensee is required to complete 15 CEs as set forth in subsection 7.2.2.1, 2 of those CEs must be in the subject matter of ethics.

~~8.2.2.4 7.2.2.5~~ Temporary License: License. All CE requirements will be waived for temporary licensees; however, individuals are encouraged to participate in continuing education activities during their GFY period.

~~8.2.2.5 7.2.2.6~~ Hardship. An applicant for license renewal may be granted an extension of time in which to complete CE hours or a total or partial waiver of CE requirements upon a showing of hardship.

Hardship may include, ~~but is not limited to~~, disability, illness, extended absence from the country and exceptional family responsibilities. No extension of time or waiver shall be granted unless the licensee submits a written request to the Board prior to the expiration of the license.

~~8-2-3~~ 7.2.3 CE courses must focus on the enhancement of clinical skills and professional growth as defined ~~below~~ in subsections 7.2.3.1 and 7.2.3.2.

~~8-2-3-1~~ 7.2.3.1 ~~Clinical Skills: conferences,~~ Skills. Conferences, workshops, courses, etc., that expand a licensee's scope of practice by enhancing skills in the areas of prevention, assessment, diagnosis, and treatment of the client (minimum of 20 CE per licensure renewal period).

~~8-2-3-2~~ 7.2.3.2 ~~Professional Growth: conferences,~~ Growth. Conferences, workshops, courses, etc., that may not directly impact on clinical services to the population being served but are of interest to the licensee and will allow the licensee the opportunity to stay abreast of current trends in the profession or related fields of interest (maximum of 10 CE per licensure renewal period).

~~8-2-4~~ 7.2.4 All CE activities must be approved by the Board. A licensee or CE course sponsor may request advance approval from the Board by submitting a completed Board Approval form. Approval may be requested after the conclusion of a course, but there is no guarantee the course will be approved.

~~8-2-5~~ 7.2.5 CE is required for license renewal and shall be completed by July 31 of odd-numbered years.

~~8-2-5-1~~ 7.2.5.1 Proof of continuing education is satisfied with an attestation by the licensee that ~~he or she~~ the licensee has satisfied the requirements of Section ~~8-9~~ 7.0.

~~8-2-5-2~~ 7.2.5.2 Attestation must be completed online.

~~8-2-6~~ 7.2.6 Random audits will be performed by the Board to ensure compliance with the CE requirements. The Board will determine the percentage of licensees to be audited.

~~8-2-6-1~~ 7.2.6.1 The Board will notify licensees within ~~sixty (60)~~ 60 days after July 31 of each biennial renewal period that they have been selected for audit.

~~8-2-6-2~~ 7.2.6.2 Licensees selected for random audit shall be required to submit verification within ~~twenty (20)~~ 20 days of receipt of notification of selection for audit.

~~8-2-7~~ 7.2.7 Verification shall include such information necessary for the Board to assess whether the course or other activity meets the CE requirements in Section ~~8-9~~ 7.0. While course brochures may be used to verify CE hours, they are not considered to be acceptable proof for use of verification of course attendance. Verification must include, ~~but is not limited to~~, the following information:

~~8-2-7-1~~ 7.2.7.1 Date of CE ~~course;~~ course.

~~8-2-7-2~~ 7.2.7.2 Instructor of CE ~~course;~~ course.

~~8-2-7-3~~ 7.2.7.3 Sponsor of CE ~~course;~~ course.

~~8-2-7-4~~ 7.2.7.4 Title of CE ~~course;~~ and course.

~~8-2-7-5~~ 7.2.7.5 Number of hours of CE course.

~~8-2-7-6~~ 7.2.7.6 Certificate of completion ~~and/or~~ or ASHA or American Academy of Audiology (AAA) continuing education registry documenting course completion.

~~8-2-8~~ 7.2.8 In response to the audit, audiologists and hearing aid dispensers shall submit documentation of calibration of electronic equipment used to assess hearing, as set forth in Section ~~7-9~~ 6.0.

~~8-2-9~~ 7.2.9 Licensees who are not audited shall retain their CE documentation for ~~three (3)~~ 3 years after renewal.

~~8-2-10~~ 7.2.10 Licensees who renew their license under the late renewal provision shall be audited for CE completion (and equipment calibration, if applicable). These licensees shall submit documents that evidence satisfactory completion of their CE requirements (and annual equipment calibration pursuant to Section ~~7-9~~ 6.0, if applicable) for the prior licensure period.

~~8-2-11~~ 7.2.11 The Board shall review all documentation submitted by licensees pursuant to the CE audit. If the Board determines that the licensee has met the CE requirements, ~~his or her~~ the license shall remain in effect. If the Board determines that the licensee has not met the CE requirements, the licensee shall be notified and a hearing may be held pursuant to the Administrative Procedures Act. The hearing will be conducted to determine if there are any extenuating circumstances justifying the noncompliance with the CE requirements. Unjustified noncompliance with the CE requirements set forth in these rules and regulations shall constitute a violation of 24 **Del.C.** §3715(a)(7) and the licensee may be subject to ~~one~~ 1 or more of the disciplinary sanctions set forth in 24 **Del.C.** §3716.

~~8-3~~ 7.3 Acceptable CE Courses/Activities

~~8-3-1~~ 7.3.1 CE activities sponsored by accredited professional organizations, such as ASHA or AAA, are acceptable, provided the topics are relevant to the improvement of the licensee's clinical skills or professional growth as defined in subsection ~~8-2-3~~ 7.2.3.

~~8.3.2~~ 7.3.2A licensee may receive up to ~~three (3) CE's~~ 3 CE's for training obtained from a colleague who, after attending a professional conference, gives a formal presentation of the information from the conference after developing an agenda and outline.

~~8.3.3~~ 7.3.3University/College coursework for academic credit in the field of ~~Speech/ Language Pathology, Audiology, or Hearing Aid Dispensing~~ speech/language pathology, audiology, or hearing aid dispensing. A course description must be submitted to the Board for approval. (1 undergraduate credit = minimum of 3 CE's CEs; 1 graduate credit = minimum of 5 CE's CEs)

~~8.3.4~~ 7.3.4Professional presentations. A presentation summary must be submitted to the Board for approval. Credit may be given for a presentation only once during a licensure period. (1 hour of presentation = 3 CE's CEs)

~~8.3.5~~ 7.3.5Professional publication in related specialty journals. A reprint of the publication must be submitted to the Board for approval.

~~8.3.6~~ 7.3.6Other continuing education may be approved by the Board with documentation of content.

~~8.3.7~~ 7.3.7Excluded are any job related duties in the workplace such as staff ~~meetings, CPR, etc.~~ meetings and CPR.

10 DE Reg. 1830 (06/01/07)

11 DE Reg. 814 (12/01/07)

12 DE Reg. 1525 (06/01/09)

13 DE Reg. 1097 (02/01/10)

21 DE Reg. 813 (04/01/18)

22 DE Reg. 619 (01/01/19)

8.0 Reciprocity

8.1 An applicant who is currently licensed in another state, the District of Columbia, or territory of the United States whose standards for licensure are substantially similar to those of this state, must comply with 24 Del.C. §3710. Applicants for reciprocal licensure from states not substantially similar to this state shall provide proof of practice for a minimum of 5 years after licensure in addition to meeting the other qualifications in 24 Del.C. §3710. Verification of practice shall be by notarized letter from the employers.

8.2 In addition to meeting the requirements of subsection 8.1 audiologists applying for licensure by reciprocity who do not hold certification must provide a transcript and examination scores.

9.0 Code of Ethics for Speech-Language Pathologists, Audiologists, and Hearing Aid Dispensers

9.1 PREAMBLE. The preservation of the highest standards of conduct and integrity is vital to achieving the statutory declaration of objectives in 24 Del.C. §3701. Adopting a code of ethics by regulation puts licensees on notice of the kinds of activity that violate the level of care and protection to which the clients are entitled. The provisions are not intended to be all-inclusive but rather they should serve as examples of obligations that must be satisfied to maintain minimum standards.

9.2 Standards of Professional Conduct

9.2.1 A licensee who violates the following Standards of Professional Conduct may be guilty of illegal, negligent, or incompetent practice and disciplined pursuant to 24 Del.C. §3715(a)(2).

9.2.1.1 Licensees shall provide all services competently. Competent service refers to the use of reasonable care and diligence ordinarily employed by similarly licensed individuals.

9.2.1.2 Licensees shall use every resource, including referral, to provide quality service.

9.2.1.3 Licensees shall maintain reasonable documentation of professional services rendered.

9.2.1.4 Licensees shall delegate responsibility only to qualified individuals as permitted by law with appropriate supervision.

9.2.1.5 Licensees who have evidence that a practitioner has violated the Code of Ethics or other law or regulation shall present that information by complaint to the Division for investigation.

9.3 Standards of Professional Integrity.

9.3.1 A licensee who violates the following Standards of Professional Integrity may be guilty of consumer fraud, deception, restraint of competition, or price-fixing and disciplined pursuant to 24 Del.C. §3715(a)(6).

9.3.1.1 Licensees shall not charge for services not rendered nor misrepresent the services or products dispensed.

9.3.1.2 Licensees shall inform clients of the nature and possible effects of services. Care must be taken to speak to a client in lay terms that ~~he or she~~ the client can understand.

- 9.3.1.3 Licensees may use clients in research or as subjects of teaching demonstrations only with their informed consent. An informed consent must be explained and written in lay terms.
- 9.3.1.4 Licensees shall inform clients in any matter where there is or may be a conflict of interest. Conflicts of interest may be found when a client is steered to a particular provider by one with an expectation of financial gain (kickbacks) or a provider is involved in double dipping by providing services in a private practice that ~~he or she~~ the licensee is obligated to provide though public employment (double-dipping).
- 9.3.1.5 Licensees shall make no guarantees of the results of any product or procedure but may make a reasonable statement of prognosis.
- 9.3.1.6 Licensees shall provide services or dispense products only when benefits can reasonably be expected.
- 9.3.1.7 Licensees shall not engage in misrepresentation, dishonesty, fraud, or deceit. Misrepresentation includes statements likely to mislead or an omission of material information.
- 9.3.1.8 Licensees who advertise shall provide information in a truthful manner that is direct and not likely to mislead the public. Any written disclaimer or condition that limits or modifies an offer of services or merchandise must be provided in a clear and conspicuous manner in a type size that is at least one-half the size of the type used in making the offer of services or merchandise.

9.3.2 A licensee who violates the following Standards of Professional Integrity may be guilty of misrepresentation, impersonation, or facilitating unlawful practice and disciplined pursuant to 24 **Del.C.** ~~§3715(a)(1).~~ §3715(a)(1):

- 9.3.2.1 Licensees shall accurately represent any credentials, education, and experience to the public.
- 9.3.2.2 A licensee who has evidence that an individual is practicing the profession without a license in violation of 24 **Del.C.** §3707 has a duty to report that information to the Division.

9.4 Miscellaneous Professional Standards

9.4.1 A licensee who violates the following Professional Standards may be subject to disciplinary action under 24 **Del.C.** ~~§3715(a)(7)~~ §3715(a)(7):

- 9.4.1.1 Licensees shall respect the privacy of clients and not reveal, without written authorization, any professional or personal information unless required by law.
- 9.4.1.2 Licensees shall not discriminate on the basis of race, sex, age, religion, national origin, sexual orientation, or disability.
- 9.4.1.3 Licensees shall offer services and products on their merits and should refrain from making disparaging comments about competing practitioners or their services and products.

8 DE Reg. 1106 (02/01/05)

9 DE Reg. 1267 (02/01/06)

13 DE Reg. 1097 (02/01/10)

21 DE Reg. 813 (04/01/18)

22 DE Reg. 619 (01/01/19)

10.0 Telepractice

10.1 Telepractice is the application of telecommunications technology to the delivery of speech/language pathology, audiology and hearing aid dispensing professional services at a distance by linking clinician to client or clinician to clinician for intervention ~~and/or~~ or consultation, subject to subsection 10.2.4.5, ~~intervention and/or consultation.~~

10.2 ~~The Speech/Language Pathologist, Audiologist, or Hearing Aid Dispenser (referred to as "licensee" for the purpose of this section)~~ licensee who provides treatment through telepractice shall meet the following requirements:

~~10.2.1 Location of client during treatment through telepractice.~~

~~10.2.1.1~~ 10.2.1 ~~The~~ During the telepractice treatment session, the licensee shall have an active Delaware license in good standing to provide services ~~through telepractice to patients located~~ in the state of Delaware.

~~10.2.1.2~~ During the telepractice treatment session, the client shall be located within the borders of the State of Delaware.

10.2.2 Informed consent.

10.2.2.1 Before services are provided through telepractice, the licensee shall obtain written, informed consent from the client, or other appropriate person with authority to make health care treatment

decisions for the client. At minimum, the informed consent shall inform the client and document acknowledgement of the risk and limitations of:

10.2.2.1.1 The use of electronic communications in the provision of care;

10.2.2.1.2 The potential breach of confidentiality, or inadvertent access, of protected health information using electronic communication in the provision of care; and

10.2.2.1.3 The potential disruption of electronic communication in the use of telepractice.

10.2.2.2 Services provided as part of an individualized education plan (IEP) meet informed consent requirements.

10.2.3 ~~Confidentiality:~~ Confidentiality. The licensee shall ensure that the electronic communication is secure to maintain confidentiality of the client's health ~~and/or or~~ educational information as required by the Health Insurance Portability and Accountability Act (HIPAA) and other applicable Federal and State laws. Confidentiality shall be maintained through appropriate processes, practices and technology, including disposal of electronic equipment and data.

10.2.4 Competence and scope of practice.

10.2.4.1 The licensee shall be responsible for determining and documenting that telepractice is an appropriate level of care for the client.

10.2.4.2 The licensee shall comply with the Board's law and rules and regulations and all current standards of care requirements applicable to onsite care.

10.2.4.3 The licensee shall limit the practice of telepractice to the area of competence in which proficiency has been gained through education, training and experience.

10.2.4.4 Licensees who deliver telepractice services must possess specialized knowledge and skills in selecting interventions that are appropriate to the technology and that take into consideration client and disorder variables.

10.2.4.5 The licensee shall document in the file or record which services were provided by telepractice.

21 DE Reg. 813 (04/01/18)

11.0 Operation and Benefits of Telecoil Technology: Required Disclosures

11.1 At the time of the initial examination for the fitting and sale of a hearing aid, audiologists and hearing aid dispensers shall:

11.1.1 Notify the prospective purchaser or client of the operation and benefits of telecoil, also known as "t" coil, or "t" switch technology, in using a hearing aid with "hearing loop" technology; and

11.1.2 Provide written information explaining telecoil and its uses, including increased access to telephones, and communication with businesses and the community and noninvasive access to assistive listening systems.

22 DE Reg. 619 (01/01/19)

12.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

12.1 If the report is received by the chairperson of the regulatory Board, that chairperson shall immediately notify the Director of Professional Regulation or ~~his/her~~ the Director's designate of the report. If the Director of Professional Regulation receives the report, ~~he/she~~ the Director shall immediately notify the chairperson of the regulatory Board, or that chairperson's designate or designates.

12.2 The chairperson of the regulatory Board or that chairperson's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform ~~him/her~~ the individual in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give ~~him/her~~ the individual the opportunity to enter the Voluntary Treatment Option.

12.3 In order for the individual to participate in the Voluntary Treatment Option, ~~he/she~~ the individual shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screen shall take place within 30 days following notification to the professional by the participating Board chairperson or that chairperson's ~~designate(s)~~ designate.

12.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or ~~his/her~~ the Director's designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or ~~his/her~~ the Director's designate and the chairperson of the participating Board or that chairperson's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement.

Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the chairperson of the participating Board.

- 12.5 Failure to cooperate fully with the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or ~~his/her~~ the Director's designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection 12.8.
- 12.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, ~~but is not limited to,~~ the following provisions:
 - 12.6.1 Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.
 - 12.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the chairperson of the participating Board or to that chairperson's designate or designates or to the Director of the Division of Professional Regulation or ~~his/her~~ the Director's designate at such intervals as required by the chairperson of the participating Board or that chairperson's designate or designates or the Director of the Division of Professional Regulation or ~~his/her~~ the Director's designate, and such person making such report will not be liable when such reports are made in good faith and without malice.
 - 12.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.
 - 12.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment ~~program(s)~~ programs. In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.
 - 12.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's chairperson or ~~his/her~~ the chairperson's designate or designates or to the Director of the Division of Professional Regulation or ~~his/her~~ the Director's designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.
 - 12.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.
- 12.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.
- 12.8 The participating Board's chairperson, ~~his/her~~ the chairperson's designate or designates or the Director of the Division of Professional Regulation or ~~his/her~~ the Director's designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.
- 12.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.
- 12.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.
- 12.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, ~~criminal~~ criminal, or disciplinary liability arising from such reports, and ~~shall have his/her~~ the reporting person's confidentiality shall be protected if the matter is handled in a nondisciplinary matter.

- 12.12 ~~Any~~ The confidentiality of a regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall ~~have his/her confidentiality be~~ protected unless otherwise specified in a participating Board's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom such information may be disclosed.

21 DE Reg. 813 (04/01/18)

22 DE Reg. 619 (01/01/19)

13.0 Crimes substantially related to the practice of speech/language pathology, audiology, and hearing aid dispensing.

- 13.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of the solicitation to commit any of the following crimes, is deemed to be a crime substantially related to the practice of speech/language pathology, audiology, and hearing aid dispensing in the State of Delaware without regard to the place of conviction:
- 13.1.1 Assault in the second degree. 11 **Del.C.** §612.
 - 13.1.2 Assault in the first degree. 11 **Del.C.** §613.
 - 13.1.3 Assault by abuse or neglect. 11 **Del.C.** §615.
 - 13.1.4 Terroristic threatening; felony. 11 **Del.C.** §621
 - 13.1.5 Murder by abuse or neglect in the second degree. 11 **Del.C.** §633.
 - 13.1.6 Murder by abuse or neglect in the first degree. 11 **Del.C.** §634.
 - 13.1.7 Murder in the second degree. 11 **Del.C.** §635.
 - 13.1.8 Murder in the first degree. 11 **Del.C.** §636.
 - 13.1.9 Unlawful Sexual Contact in the first degree. 11 **Del.C.** 769
 - 13.1.10 Rape in the fourth degree. 11 **Del.C.** §770
 - 13.1.11 Rape in the third degree. 11 **Del.C.** §771
 - 13.1.12 Rape in the second degree. 11 **Del.C.** §772
 - 13.1.13 Rape in the first degree. 11 **Del.C.** §773
 - 13.1.14 Sexual extortion. 11 **Del.C.** §774
 - 13.1.15 Continuous sexual abuse of a child. 11 **Del.C.** §776
 - 13.1.16 Dangerous crime against a child. 11 **Del.C.** §777
 - 13.1.17 Sex offender unlawful sexual conduct against a child. 11 **Del.C.** §777A
 - 13.1.18 Sexual abuse of a child by a person in a position of trust, authority or supervision in the first degree. 11 **Del.C.** §778
 - 13.1.19 Sexual abuse of a child by a person in a position of trust, authority or supervision in the second degree. 11 **Del.C.** §778A
 - 13.1.20 Kidnapping in the second degree. 11 **Del.C.** §783
 - 13.1.21 Kidnapping in the first degree. 11 **Del.C.** §783A
 - 13.1.22 Identity theft. 11 **Del.C.** §854
 - 13.1.23 Forgery. 11 **Del.C.** §861
 - 13.1.24 Insurance fraud. 11 **Del.C.** §913
 - 13.1.25 Health care fraud. 11 **Del.C.** §913A
 - 13.1.26 Dealing in children. 11 **Del.C.** §1100A
 - 13.1.27 Endangering the welfare of a child. 11 **Del.C.** §1102
 - 13.1.28 Crime against vulnerable adult. 11 **Del.C.** §1105
 - 13.1.29 Sexual exploitation of a child. 11 **Del.C.** §1108
 - 13.1.30 Unlawful dealing in child pornography. 11 **Del.C.** §1109
 - 13.1.31 Possession of child pornography. 11 **Del.C.** §1111
 - 13.1.32 Sexual offenders; prohibitions from school zones. 11 **Del.C.** §1112
 - 13.1.33 Sexual solicitation of a child. 11 **Del.C.** §1112A
 - 13.1.34 Perjury in the first degree. 11 **Del.C.** §1223
 - 13.1.35 Hate crimes (felony). 11 **Del.C.** §1304(a)
 - 13.1.36 Stalking; felony. 11 **Del.C.** §1312A
 - 13.1.37 Duty to report child abuse or neglect. 16 **Del.C.** §903

- 13.1.38 Abuse, neglect, mistreatment or financial exploitation of residents or patients. 16 **Del.C.** §1136.
- 13.1.39 Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, L.S.D., or designer drugs. Formerly 16 **Del.C.** §4753A
- 13.1.40 Distribution, delivery or possession of a controlled substance within 1,000 feet of school property. Formerly 16 **Del.C.** §4767
- 13.1.41 Distribution, delivery or possession of a controlled substance within 300 feet of park, recreation area, church, synagogue or other place of worship. Formerly 16 **Del.C.** §4768
- 13.1.42 Any offense under the Uniform Controlled Substances Act, Title 16 of the Delaware Code, in violation of the aggravating factors in 16 **Del.C.** §4751A
- 13.1.43 Drug dealing-Aggravated possession; class B felony. 16 **Del.C.** §4752
- 13.1.44 Drug dealing-Aggravated possession; class C felony. 16 **Del.C.** §4753
- 13.1.45 Drug dealing-Aggravated possession; class D felony. 16 **Del.C.** §4754
- 13.1.46 Abuse, neglect, mistreatment or financial exploitation of an adult who is impaired. 31 **Del.C.** §3913
- 13.2 Crimes substantially related to the practice of speech/language pathology, audiology, and hearing aid dispensing shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

6 DE Reg. 1340 (04/01/03)

8 DE Reg. 1106 (02/01/05)

9 DE Reg. 1267 (02/01/06)

10 DE Reg. 1830 (06/01/07)

11 DE Reg. 814 (12/01/07)

12 DE Reg. 1525 (06/01/09)

13 DE Reg. 1097 (02/01/10)

15 DE Reg. 373 (09/01/11)

21 DE Reg. 813 (04/01/18)

22 DE Reg. 619 (01/01/19)

28 DE Reg. 720 (04/01/25) (Prop.)