

**DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
3700 Board of Examiners of Speech/Language Pathologists, Audiologists and Hearing Aid
Dispensers**

**Statutory Authority: 24 Delaware Code, Section 3706(a)(1) (24 Del.C. §3706(a)(1)) 24 DE
Admin. Code 3700**

FINAL

ORDER

A public hearing was held to receive comments on January 11, 2006, at the regularly scheduled meeting of the Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers. The Board considered changes to its Rules and Regulations, to wit, 9.3 Standards of Professional Integrity, that were published in the *Register of Regulations*, Vol. 9, Issue 6, December 1, 2005.

Summary of the Evidence and Information Submitted

No written or verbal comments were received.

Findings of Fact with Respect to the Evidence and Information

The Board finds that the change to Rule 9.3.1.8 protects the public by ensuring that products and services are advertised so that the terms of the transaction are clear and understandable.

Decision and Effective Date

The Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers hereby adopts the Rules and Regulations as proposed to be effective 10 days following final publication in the *Register of Regulations*.

Text and Citation

The text of the change to the Rules and Regulations appears in the *Register of Regulations*, Vol. 9, Issue 6, December 1, 2005 at page 964.

BOARD OF SPEECH LANGUAGE/PATHOLOGISTS,
AUDIOLOGISTS, AND HEARING AID DISPENSERS

Gary Marencin, President	George A. Christensen
Michael A. Michelli, Secretary	Cynthia Parker
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**3700 Board of Examiners of Speech/Language Pathologists, Audiologists and Hearing Aid
Dispensers**

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 not evaluate or treat a client with speech, language, or hearing disorders solely by correspondence. Correspondence includes telecommunication.

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

9.2.1.6 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 of Professional Regulation 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 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 is obligated to provide through 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).

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 of Professional Regulation.

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)

9.4.1.1 Licensees shall respect the privacy of clients and not reveal, 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 (2/1/05)

***Please Note: As the rest of the sections were not amended they are not being published. A complete set of the rules and regulations for the Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers is available at:**
<http://dpr.delaware.gov/boards/speechaudio/index.shtml>

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