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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Board of Audiology & Speech-Language Pathology; Department of Health Professions
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18VAC30-21
<b>VAC Chapter title(s)</b>	Regulations Governing the Practice of Audiology and Speech-Language Pathology
<b>Date this document prepared</b>	2/1/21

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

## Acronyms and Definitions

*Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

ASHA = American Speech-Language-Hearing Association

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

**18VAC30-20-10 et seq. Regulations Governing the Practice of Audiology & Speech-Language Pathology** are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400 (6) provides the Board of Audiology & Speech-Language Pathology the authority to promulgate regulations to administer the regulatory system:

***§ 54.1-2400 -General powers and duties of health regulatory boards***

*The general powers and duties of health regulatory boards shall be:*

...  
6. *To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...*

The statutory requirement for licensure is found in:

**§ 54.1-2603. License required.**

A. In order to practice audiology or speech pathology, it shall be necessary to hold a valid license.

B. Notwithstanding the provisions of subdivision 2 of § [54.1-2601](#), the Board of Audiology and Speech-Language Pathology may license as school speech-language pathologists any person who holds a master's degree in speech-language pathology. The Board of Audiology and Speech-Language Pathology shall issue licenses to such persons without examination, upon review of credentials and payment of an application fee in accordance with regulations of the Board for school speech-language pathologists.

Persons holding such licenses as school speech-language pathologists, without examination, shall practice solely in public school divisions; holding a license as a school speech-language pathologist pursuant to this section shall not authorize such persons to practice outside the school setting or in any setting other than the public schools of the Commonwealth, unless such individuals are licensed by the Board of Audiology and Speech-Language Pathology to offer to the public the services defined in § [54.1-2600](#).

The Board shall issue any person licensed as a school speech-language pathologist a license that notes the limitations on practice set forth in this subsection.

Persons who hold licenses issued by the Board of Audiology and Speech-Language Pathology without these limitations shall be exempt from the requirements of this subsection.

**Alternatives to Regulation**

*Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

Regulations set forth in 18VAC30-21-10 et seq. are necessary for licensure of audiologists and speech-language pathologists to protect public health and safety in the delivery of services provided by these practitioners. The Board intends to consider amendments to regulation to remove outdated language, incorporate possible language relating to telepractice, streamline requirements for licensure by endorsement or reinstatement, and to update standards of practice and causes for unprofessional conduct. A committee of the Board will develop proposed amendments for publication and public comment.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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Over 100 persons were notified of the Board’s intent to conduct a periodic review of Chapter 21 and a small business impact review of regulations. Public comment was sought until June 29, 2020 on any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable. There were no comments.

**Effectiveness**

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

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By adoption of statutory mandates, the General Assembly concluded that licensure is essential for the protection of public health and safety when receiving services provided by audiologists, speech-language pathologists, or school speech-language pathologists.

**Decision**

*Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

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The Code of Virginia mandates licensure for these professions; therefore the regulation must be retained. The Board intends to publish a Notice of Intended Regulatory Action to clarify and simplify some requirements.

**Small Business Impact**

*As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

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- (1) There is a continued need for the regulation since the Code requires practitioners in these professions to hold licenses issued by the Board;
  - (2) The Board has not received any of complaints or comments concerning the regulation;
  - (3) Practitioners do not find the regulation to be overly complex, but the Board will consider whether requirements for endorsement and reinstatement could be simplified;
  - (4) There is no overlap duplication, or conflict with federal or state law or regulation; and
  - (5) This chapter has been amended nine times in the past five years, including a complete review and reorganization into a new chapter in 2016. Since then, the Board has incorporated requirements for cerumen management by audiologists and supervision of speech-language pathology assistants to conform to changes in practice and in the law. It enacted a one-time reduction in renewal fees in 2018 and fast-tracked changes to endorsement and reinstatement regulations and credit for continuing education.
- In its review, the Board will consider any possible amendments that will streamline or clarify regulations in order to minimize the economic impact on small businesses.
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