



SPONSOR: Sen. Huxtable & Rep. Minor-Brown &
Rep. Dorsey Walker
Sens. Hoffner, Walsh

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 141

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF
SPEECH/LANGUAGE PATHOLOGISTS, AUDIOLOGISTS, AND HEARING AID DISPENSERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 3702, Title 24 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3702. Definitions.

4 The following words, ~~terms~~ terms, and phrases, when used in this chapter, shall have the meanings ascribed to
5 them under this section, except where the context clearly indicates a different meaning:

6 (1) "Audiologist" ~~shall mean~~ means a person who is licensed to practice audiology pursuant to this act and who
7 offers such services to the public under any title or description of services incorporating the words "audiologist," "hearing
8 clinician," "hearing therapist," "aural rehabilitator" or any other similar title or description of service.

9 (2) "~~Audiology aide~~" ~~shall mean a person who is certified by the Council of Accreditation of Occupational~~
10 ~~Hearing Conservationists, or its equivalent, and whose supervising licensed audiologist annually shall register such person~~
11 ~~with the Board. The audiology aide shall perform services only under the direct supervision of an audiologist licensed in~~
12 ~~this State.~~

13 (3) (2) "Board" ~~shall mean~~ means the State Board of Speech/Language Pathologists, Audiologists and Hearing Aid
14 Dispensers established in this chapter.

15 (4) (3) "Division" ~~shall mean~~ means the state Division of Professional Regulation.

16 (5) (4) "Excessive use or abuse of drugs" ~~shall mean~~ means any use of narcotics,
17 controlled ~~substances~~ substances, or illegal drugs without a prescription from a licensed physician, or the abuse of
18 alcoholic beverage such that it impairs an individual's ability to perform the work of a speech/language
19 pathologist, ~~audiologist~~ audiologist, or hearing aid dispenser.

20 (6) (5) "Hearing aid" ~~shall mean any personal, wearable instrument or device designed for, offered for the purpose~~
21 ~~of, or represented as, aiding persons with, or compensating for, impaired hearing.~~

22 (7) (6) "Hearing aid dispenser" ~~shall mean~~ means a person licensed to dispense prescription hearing aids pursuant
23 to this Act. ~~Act and who is engaged in the evaluation or measurement of the power or range of human hearing by means of~~
24 ~~an audiometer or any other means devised for the purpose of selecting, adapting and distributing or selling of hearing aids.~~
25 ~~Testing shall not include medical diagnosis or audiologic evaluation. Licensed hearing aid dispensers may provide~~
26 ~~instruction, orientation and counseling on the use and operation of a hearing aid; and they may use an otoscope or "ear~~
27 ~~light" to evaluate the feasibility and use of ear molds and ear mold impressions.~~

28 (7) "Over-the-counter hearing aid" means an air-conduction hearing aid that does not require implantation or other
29 surgical intervention, and is intended for use by a person age 18 or older to compensate for perceived mild to moderate
30 hearing impairment. The device, through tools, tests, or software, allows the user to control the hearing aid and customize it
31 to the user's hearing needs. The device may use wireless technology or may include tests for self-assessment of hearing
32 loss. The device is available over-the-counter, without the supervision, prescription, or other order, involvement, or
33 intervention of a licensed person, to consumers through in-person transactions, by mail, or online, provided that the device
34 satisfies the requirements in this section.

35 (8)(8) "Person" ~~shall mean~~ means a corporation, company, ~~association~~ association, or partnership, as well as an
36 individual. Licenses shall be issued only to individuals under this chapter.

37 (9)(9) "Practice of audiology" ~~shall mean~~ means the application of principles, methods and procedures of
38 measurement, testing, evaluation, prediction, consultation, counseling, instruction, ~~habilitation~~ habilitation, and
39 rehabilitation related to ~~hearing and disorders of hearing~~ hearing, disorders of hearing, and balance for the purpose of
40 evaluating, identifying, preventing, ~~ameliorating~~ ameliorating, or modifying such disorders and conditions in individuals
41 ~~and/or~~ and groups. For the purpose of this paragraph, the terms "habilitation" and "rehabilitation" shall ~~include, but are not~~
42 ~~limited to,~~ include hearing aid evaluation, recommendation, and fitting and selecting, ~~adapting~~ adapting, and distributing
43 or selling of hearing aids. The practice of audiology includes the practice of dispensing prescription hearing aids.

44 (10) "Practice of hearing aid dispensing" means the selection, fitting, dispensing, adapting, selling, or renting of
45 prescription hearing aids to a prospective hearing aid user who is at least eighteen years of age. A hearing aid dispenser
46 may:

47 a. Perform otoscopic observation of the ear canal solely for the purpose of fitting a prescription hearing
48 aid or making necessary referrals.

49 b. Perform non-diagnostic testing of hearing solely for the purpose of fitting a prescription hearing aid or
50 making necessary referrals.

51 c. Make ear impressions for manufacture or modification of ear molds and prescription hearing aids.

52 d. Make adjustments and repairs to prescription hearing aids for impaired hearing only.

53 e. Provide instruction, orientation, and counseling on the use and operation of a prescription hearing aid.

54 A hearing aid dispenser may not:

55 a. Provide cerumen management services.

56 b. Adapt or adjust prescription hearing aids to conduct sound therapy treatment for tinnitus management.

57 c. Verbally or in writing make a statement or reference to a prospective prescription hearing aid user
58 regarding any audiologic or medical condition or diagnosis.

59 For this purpose of the paragraph, “audiologic diagnosis” means the diagnosis of a conductive and sensorineural
60 hearing loss. Before dispensing a prescription hearing aid, a hearing aid dispenser shall advise a prospective hearing aid
61 user to consult immediately with a licensed physician if the hearing aid dispenser determines the presence of any of the
62 following:

63 a. Visible congenital or traumatic deformity of the ear.

64 b. History of active drainage from the ear within the previous 90 days.

65 c. History of sudden or rapidly progressive hearing loss within the previous 90 days.

66 d. Acute or chronic dizziness.

67 e. Unilateral hearing loss within the previous 90 days or since the last evaluation.

68 f. Audiometric air bone gap equal to or greater than 15 dB at 500 Hertz, 100 Hertz, and 2000 Hertz.

69 g. Visible evidence of significant cerumen accumulation or a foreign body in the ear canal.

70 h. Tinnitus as a primary symptom.

71 i. Pain or discomfort in the ear.

72 ~~(10)~~ (11) “Practice of speech/language pathology” shall mean means the application of principles, methods
73 methods, and procedures for measurement, testing, evaluation, prediction, counseling, instruction, habilitation, or
74 rehabilitation related to the development and disorders of speech, language, voice, rate or rhythm fluency, cognition, and
75 swallowing for the purpose of evaluating, preventing, ameliorating ameliorating, or modifying such disorders in
76 individuals and/or and groups.

77 (12) “Prescription hearing aid” means a hearing aid that is not an over-the-counter hearing aid as defined in this
78 section.

79 ~~(11)~~ (13) “Speech/language pathologist” shall mean means a person who is licensed to practice speech/language
80 pathology pursuant to this act and who offers such services to the public under any title or description of services
81 incorporating the words “speech/language pathologist,” “speech pathologist,” “language pathologist,” “speech and/or

82 language therapist,” “speech and/or language correctionist,” “speech and/or language clinician,” “voice therapist,”
83 “communicologist,” “aphasiologist” or any other similar title or description of service.

84 ~~(12) “Speech pathology aide” shall mean a person, who meets minimum qualifications that the Board may~~
85 ~~establish, which permit such an aide to assist speech/language pathologists in their professional endeavors, but only while~~
86 ~~under the direct supervision of a licensed speech/language pathologist.~~

87 ~~(13)~~ (14) “State” shall mean means the State of Delaware.

88 ~~(14)~~ (15) “Substantially related” means the nature of the criminal conduct, for which the person was convicted, has
89 a direct bearing on the fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to the
90 practice of speech/language pathology, audiology and/or the dispensing of hearing aids.

91 Section 2. Amend § 3703, Title 24 of the Delaware Code by making deletions as shown by strike through and
92 insertions as shown by underline as follows:

93 § 3703. Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers; appointments;
94 composition; qualifications; term; vacancies; suspension or removal; unexcused absences; compensation.

95 ~~(c) Except as provided in subsection (d) of this section, each member shall serve a term of 3 years, and may~~
96 ~~succeed himself or herself for 1 additional term; provided, however, that where a member was initially appointed to fill a~~
97 ~~vacancy, such member may succeed himself or herself for only 1 additional full term. Any person appointed to fill a~~
98 ~~vacancy on the Board shall hold office for the remainder of the unexpired term of the former member. Each term of office~~
99 ~~shall expire on the date specified in the appointment; however, the Board member shall remain eligible to participate in~~
100 ~~Board proceedings unless or until replaced by the Governor. Persons who are members of the Board on February 4, 2000,~~
101 ~~shall complete their terms. Each member shall serve for a period of 3 years and may be reappointed to serve 1 additional~~
102 ~~3-year term. Each term of office expires on the date specified in the appointment, except that a member may serve until a~~
103 ~~successor is duly appointed.~~

104 Section 3. Amend § 3704, Title 24 of the Delaware Code by making deletions as shown by strike through and
105 insertions as shown by underline as follows:

106 § 3704. Organization; meetings; officers; quorum.

107 ~~(d) Minutes of all meetings shall be recorded, and the Division of Professional Regulation shall maintain copies.~~
108 ~~At any hearing where evidence is presented, a record from which a verbatim transcript can be prepared shall be made. The~~
109 ~~person requesting it shall incur the expense of preparing any transcript. The Division shall take and maintain minutes of all~~
110 ~~meetings.~~

111 Section 4. Amend § 3706, Title 24 of the Delaware Code by making deletions as shown by strike through and
112 insertions as shown by underline as follows:

113 § 3706. Powers and duties; immunity.

114 (a) The Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers shall have authority to:

115 (4) Evaluate the credentials of all persons applying for a license to practice speech/language pathology,
116 audiology or to dispense prescription hearing aids in this State ~~or to act as audiology aides or speech pathology~~
117 ~~aides~~, in order to determine whether such persons meet the qualifications set forth in this chapter.

118 (10) Where it has been determined after a hearing that penalties or sanctions should be imposed, to
119 designate and impose the appropriate sanction or penalty . ~~penalty after time for appeal has lapsed.~~

120 (11) ~~Adopt and publish~~ Establish by rule and regulation a code of ethics for each professional specialty.
121 specialty. ~~specialty and promulgate within 60 days of adoption.~~

122 (12) Establish ~~and publish~~ by rule and regulation standards for electronic equipment used for the purpose
123 of measuring hearing, and require ~~written~~ proof of calibration for such equipment annually.

124 (14) Establish by rule and regulation standards for the sale of prescription hearing aids.

125 Section 5. Amend § 3708, Title 24 of the Delaware Code by making deletions as shown by strike through and
126 insertions as shown by underline as follows:

127 § 3708. Qualifications of applicant; report to Attorney General; judicial review.

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

130 (1) For licensure as a speech/language pathologist, ~~has met the national requirements for~~ has
131 current certification of clinical competence issued by the ~~American Speech/Language and Hearing Association~~
132 ~~(ASHA)~~ American Speech-Language-Hearing Association (ASHA) or its successors . ~~The requirements include:~~

133 ~~a. Possession of a master's degree or its equivalent from an accredited college or university in~~
134 ~~accordance with the Board's rules and regulations.~~

135 ~~b. A supervised clinical practicum in accordance with the Board's rules and regulations.~~

136 ~~c. Completion of 9 months' full-time or 18 months' part-time supervised clinical fellowship~~
137 ~~year, begun after fulfilling academic and clinical practicum requirements.~~

138 ~~d. Successful completion of a national examination in the area of applicant's specialty prepared~~
139 ~~by a national testing service and approved by the Division.~~

140 (2) For licensure as an audiologist, has ~~met the national requirements for current~~ certification of clinical
141 competence issued by ~~the American Speech/Language Hearing Association, or ASHA, or its successors,~~ has been
142 issued board certification from the American Board of Audiology, or its ~~successors.~~ ~~The requirements~~
143 ~~include: successors, or has met the following requirements:~~

144 a. Possession of a doctoral degree in audiology from an accredited college or ~~university.~~
145 university, except that audiologists licensed in Delaware prior to July 10, 2009, who have maintained
146 Delaware licensure, shall be exempted from this requirement.

147 b. Successful completion of a national examination in the area of the applicant's specialty
148 prepared by a national testing service approved by the Division.

149 ~~c. Audiologists licensed prior to July 10, 2009, shall be exempted from the educational~~
150 ~~requirement set forth in paragraph (a)(2)a. of this section.~~

151 (3) For licensure as a hearing aid dispenser, shall submit evidence, verified by oath and satisfactory to the
152 Board, that such person has met the current standards promulgated by the National ~~Institute for Hearing Instrument~~
153 ~~Studies~~ International Hearing Society or its ~~successor;~~ successor. ~~in~~ In addition, the applicant shall:

154 a. Provide verification of a high school diploma or its equivalent.

155 b. Provide proof of successful completion of a national examination prepared by a national
156 testing service and approved by the Division.

157 c. ~~An applicant shall complete~~ Complete 6 months of training prior to taking the examination.

158 The Board in its rules and regulations shall establish the content of the training and the frequency of
159 direct supervision during the training period.

160 ~~d. [Repealed.]~~

161 ~~e. Paragraphs (a)(3)a., c. and d. [repealed]~~ d. Paragraphs (a)(3)a. and c. of this section herein
162 shall not apply to applicants who are licensed audiologists.

163 (b) All applicants shall meet the following conditions:

164 (1) Shall not have been the recipient of any administrative penalties regarding their practice of
165 speech/language pathology, audiology or dispensing of hearing aids, including but not limited to fines, formal
166 reprimands, license suspensions or revocation (except for license revocations for nonpayment of license renewal
167 fees), probationary limitations, and/or has not entered into any "consent agreements" which contain conditions
168 placed by a Board on that applicant's professional conduct and practice, including any voluntary surrender of a

169 license. The Board, ~~after a hearing,~~ Board may determine whether such administrative penalty is grounds to deny
170 licensure.

171 (2) Shall not have ~~any impairment related to drugs, alcohol~~ excessively used or abused drugs or have a
172 finding of mental incompetence by a physician that would limit the applicant's ability to undertake that applicant's
173 practice in a manner consistent with the safety of the public.

174 (e) All individuals licensed to practice speech/language pathology, audiology or hearing aid dispensing in this
175 State shall be required to be fingerprinted by the State Bureau of Identification, at the licensee's expense, for the purposes
176 of performing subsequent criminal background checks. ~~Licenseses shall submit by January 1, 2016, at the applicant's~~
177 ~~expense, fingerprints and other necessary information in order to obtain a criminal background check.~~

178 Section 6. Amend § 3709, Title 24 of the Delaware Code by making deletions as shown by strike through and
179 insertions as shown by underline as follows:

180 § 3709 Examination.

181 ~~(a) In the event an applicant for licensure has not successfully completed the examinations required by this~~
182 ~~chapter, the Board shall administer or authorize the administration of such examinations described in § 3708(a)(1)d.,~~
183 ~~(a)(2)b. and/or (a)(3)b. of this title. All examinations~~ The examination described in § 3708(a)(2) and § 3708(a)(3)b. of this
184 title shall be graded by the testing service providing the examinations. The passing score for all examinations shall be
185 established by the testing agency.

186 ~~(b) The Board shall provide at least 2 dates annually for the administration of the examinations required by this~~
187 ~~section. The Board, with the approval of the Division, shall establish the time and place of the examinations.~~

188 ~~(c) Persons who fail an examination required by this section may reapply for examination at the next possible date.~~
189 ~~Persons failing 2 examinations shall submit proof of additional education and/or training as may be required by the Board~~
190 ~~in the rules and regulations. Such persons may not be reexamined for a period of at least 1 year from the time of the second~~
191 ~~failure.~~

192 Section 7. Amend § 3710, Title 24 of the Delaware Code by making deletions as shown by strike through and
193 insertions as shown by underline as follows:

194 § 3710. Reciprocity.

195 ~~(a) Upon payment of the appropriate fee and submission and acceptance of a written application on forms provided~~
196 ~~by the Board, the Board shall grant a license to an applicant who:~~

197 (1) Shall present proof of current licensure in “good standing” in another state, the District of Columbia,
198 or territory of the United States whose standards for licensure are substantially similar to those of this State. A
199 license in “good standing” is defined in § 3708(b)(1), (2) and (3) of this title; and

200 (2) Shall present proof of current licensure of clinical competence from the American Speech/Language
201 and Hearing Association, or its successors, in the area in which the applicant is applying for licensure and who, if
202 licensed in another state or states, meets the requirements of § 3708(b)(1), (2) and (3) of this title.

203 (3) Audiologists licensed prior to July 10, 2009, shall be exempted from the educational requirement set
204 forth in § 3708(a)(2)a. of this title.

205 (b) An applicant who is licensed or registered in a state whose standards are not substantially similar to those of
206 this State shall have practiced for a minimum of 5 years after licensure, provided, however, that the applicant meets all
207 other qualifications for reciprocity in this section.

208 (c) An applicant for licensure as a speech/language pathologist who has received a degree from a foreign school,
209 college or university, shall have received a master’s degree, or its equivalent, or a doctoral degree, or its equivalent, and
210 shall submit a certified copy of that applicant’s school, college or university record for evaluation. An applicant for
211 licensure as an audiologist, who has received a degree from a foreign school, college or university, shall have received a
212 doctoral degree or its equivalent, and shall submit a certified copy of that applicant’s school, college or university record for
213 evaluation. Where an applicant for licensure as an audiologist has submitted an application prior to July 10, 2009, the
214 applicant shall have received at least a master’s degree, or its equivalent.

215 (d) In the event that a disciplinary proceeding or unresolved complaint is pending, the applicant shall not be
216 licensed in this State until the proceeding or complaint has been resolved. Applicants for licensure in this State shall be
217 deemed to have given consent to the release of such information and to waive all objections to the admissibility of such
218 information as evidence at any hearing or other proceeding to which the applicant may be subject.

219 (a) Upon payment of the appropriate fee and submission and acceptance of an application, the Board shall grant a
220 license to an applicant who presents proof of current licensure in good standing, as defined in paragraph 3708(b) of this
221 title, in another state, the District of Columbia, or territory of the United States whose standards for licensure are
222 substantially similar to those of this State. An individual with a license from a state with less stringent requirements than
223 those of this State may obtain a license through reciprocity if the individual can prove to the satisfaction of the Board that
224 the individual has worked in another jurisdiction or jurisdictions in the field for which the individual is seeking a license in
225 Delaware for a minimum of 5 years after licensure. All applicants shall submit evidence verified by oath that, in all states in
226 which the applicant is or was licensed, the applicant’s license is in good standing.

227 (b) Audiologists licensed prior to July 10, 2009, and who have maintained licensure, shall be exempted from the
228 educational requirement set forth in paragraph 3708(a)(2) of this title.

229 (c) An applicant for licensure as a speech/language pathologist who has received a degree from a foreign school,
230 college, or university, shall have received a master's degree, or its equivalent, or a doctoral degree, or its equivalent, and
231 shall submit an evaluation of professional education and training, prepared by a Board approved credentialing agency, and
232 paid for by the applicant. The evaluation must provide evidence and documentation that the applicant's education is
233 substantially equivalent to the education of a speech/language pathologist who graduated from a program approved for the
234 educational preparation of speech/language pathologists by the appropriate accrediting agency recognized by the
235 Board. An applicant for licensure as an audiologist, who has received a degree from a foreign school, college, or
236 university, shall have received a doctoral degree or its equivalent, and shall submit an evaluation of professional education
237 and training, prepared by a Board approved credentialing agency, and paid for by the applicant. The evaluation must
238 provide evidence and documentation that the applicant's education is substantially equivalent to the education of an
239 audiologist who graduated from a program approved for the educational preparation of audiologists by the appropriate
240 accrediting agency recognized by the Board.

241 (d) In the event that a disciplinary proceeding or unresolved complaint is pending at the time of application, the
242 applicant shall report the final disposition of the matter to the Board within 20 days.

243 Section 8. Amend § 3712, Title 24 of the Delaware Code by making deletions as shown by strike through and
244 insertions as shown by underline as follows:

245 § 3712 Issuance and renewal of licenses.

246 (b) Each license shall be renewed biennially, in such manner as is determined by the Division, and upon payment
247 of the appropriate fee ~~and submission of a renewal form provided by the Division,~~ and attestation, as set forth in the
248 Board's rules and regulations, that the licensee has met the continuing education requirements established by the Board. In
249 addition, audiologists and hearing aid dispensers shall attest to calibration of electronic equipment used to assess hearing, as
250 set forth in the Board's rules and regulations.

251 (d) A licensee ~~upon written request,~~ may be placed in an inactive status for no more than 5 years. Such person,
252 who desires to reactivate that person's license, shall ~~complete a Board approved application form,~~ submit a request for
253 reactivation and a renewal fee set by the Division, and submit proof of fulfillment of continuing education requirements in
254 accordance with the rules and regulations of the Board.

255 (e) Audiologists licensed in the State of Delaware prior to July 10, 2009, and who meet the renewal requirements
256 set forth in this subsection and maintain Delaware licensure, shall be exempted from the educational requirement set forth
257 in 3708(a)(2)a.

258 (f) An applicant or licensee must notify the Division of a change in address or in any other information on the
259 application, registration, or renewal within 30 days of the change.

260 Section 9. Amend § 3713, Title 24 of the Delaware Code by making deletions as shown by strike through and
261 insertions as shown by underline as follows:

262 (a) The Board may issue a temporary license to practice speech/language pathology ~~or audiology~~ in this State to an
263 applicant who completes the application and pays the temporary license fee; and who, in addition, has completed all
264 academic and clinical practicum requirements in that applicant's specialty but who has not completed a clinical fellowship
265 ~~year (CFY); (CF).~~ The application shall be accompanied by a copy of the ~~CFY~~ CF plan signed by a sponsor holding a valid
266 state license as a speech/language pathologist. ~~pathologist and/or audiologist.~~ However, ~~an audiology applicant who has~~
267 ~~obtained a doctoral degree is not required to satisfy the clinical practicum and CFY requirements and may be issued a~~
268 ~~temporary license to practice audiology in this State upon completion of the application and payment of the temporary~~
269 ~~license fee.~~

270 ~~(b) The Board may issue a temporary license to dispense hearing aids to an applicant waiting to take the~~
271 ~~examination for licensure who completes the application and pays the application fee. The application shall be accompanied~~
272 ~~by a statement from a Delaware licensed audiologist or hearing aid dispenser who affirms that the licensed audiologist or~~
273 ~~hearing aid dispenser shall provide direct supervision and training of the applicant during the period of temporary licensure.~~

274 ~~(c) The temporary license shall expire at the end of 1 year from issuance, except that a temporary license issued to~~
275 ~~an audiologist with a doctoral degree shall expire at the end of 90 days. The temporary license may be renewed once in~~
276 ~~accordance with the Board's rules and regulations.~~

277 (b) The temporary license issued to a speech/language pathologist shall expire at the end of 1 year from issuance.
278 The temporary license may be renewed 3 times for a maximum of 48 months. The licensee must apply on a yearly basis for
279 renewal of the temporary license. The request for renewal must be received prior to expiration of the temporary license.

280 (c) The Board may issue a temporary license to dispense prescription hearing aids to an applicant waiting to take
281 the examination for licensure who completes the application and pays the application fee. The application shall be
282 accompanied by a statement from a Delaware licensed audiologist or hearing aid dispenser who affirms that the licensed
283 audiologist or hearing aid dispenser shall provide direct supervision and training of the applicant during the period of
284 temporary licensure.

285 Section 10. Amend § 3715, Title 24 of the Delaware Code by making deletions as shown by strike through and
286 insertions as shown by underline as follows:

287 § 3715 Grounds for discipline.

288 (a) A practitioner licensed under this chapter shall be subject to disciplinary actions set forth in § 3716 of this title
289 if after a hearing, the Board finds that the speech/language pathologist, ~~audiologist~~ audiologist, or hearing aid dispenser:

290 (5) Has excessively used or abused drugs, ~~drugs either in the past 2 years or currently.~~

291 Section 11. Amend § 3716, Title 24 of the Delaware Code by making deletions as shown by strike through and
292 insertions as shown by underline as follows and by redesignating accordingly:

293 § 3716. Disciplinary sanctions.

294 (a) The Board may impose any of the following sanctions, singly or in combination, when it finds that one of the
295 conditions or violations set forth in § 3715 of this title applies to a practitioner regulated by this chapter:

296 ~~(2) Censure a practitioner.~~

297 (6) Impose a monetary penalty not to exceed ~~\$500~~ \$1,000 for each violation.

298 Section 12. Amend § 3717, Title 24 of the Delaware Code by making deletions as shown by strike through and
299 insertions as shown by underline as follows and by redesignating accordingly:

300 § 3717 Hearing Procedures.

301 ~~(b) All hearings shall be informal without use of rules of evidence. If the Board finds, by a majority vote of all
302 members, that the complaint has merit, the Board shall take such action permitted under this chapter as it deems necessary.~~

303 ~~The Board's decision shall be in writing and shall include its reasons for such decision. The Board's decision shall be
304 mailed immediately to the practitioner.~~

305 ~~(e)~~ (b) Where the practitioner is in disagreement with the action of the Board, the practitioner may appeal the
306 Board's decision to the Superior Court within 30 days ~~of service, or of the postmarked date of the copy of the decision~~
307 ~~mailed to the practitioner.~~ the day that notice of the decision was mailed. Upon such appeal the Court shall hear the
308 evidence on the record. Stays shall be granted in accordance with § 10144 of Title 29.

SYNOPSIS

This Act establishes updated, detailed standards for the practice of hearing aid dispensing. Definitions are added to specify that the standards and requirements pertaining hearing aid dispensing apply to prescription hearing aids only and not to over-the-counter hearing aids. Hearing aid dispenser licensure requirements consist of a high school diploma, six months of on-the-job training, and a national exam. Currently, hearing aid dispensers are expressly prohibited from making medical diagnoses or audiologic evaluations, as set forth in 24 Del. C. § 3702(7). Input from stakeholders demonstrated that HADs were practicing outside the permissible scope of practice. Impermissible activities include cerumen management (wax removal), which is considered invasive, and treating tinnitus (ringing in the ears), which can indicate more complex medical issues. These conditions are appropriately treated by a physician, preferably a hearing specialist. Further, HADs frequently use medical diagnosis codes to ensure payment from insurance carriers, which conflicts with the medical diagnosis prohibition in the current law. A new scope of practice definition delineates permissible and prohibited activities

and identifies when referral to a physician is required. This Act also clarifies that a speech/language pathologist applicant must present a certificate of clinical competence issued by the American Speech-Language-Hearing Association (ASHA). Audiologist applicants are not subject to this requirement. The distinction is that ASHA evaluates the speech/language pathologist's practicum and clinical fellowship, which are requirements for licensure. In contrast, an audiologist applicant is only required to establish receipt of a doctoral degree and successful completion of a national licensure examination. This Act clarifies that audiologists licensed prior to July 10, 2009 do not need to meet the educational requirement of a doctoral degree as long as they have maintained Delaware licensure. This Act further amends provisions relating to examinations to comport with current practice. This Act revises the reciprocity requirements in the interests of clarity. This Act sets forth requirements for licensure of applicants who were educated outside of the United States. This Act removes the definitions of audiology aide and speech pathology aide on the basis that the Board does not license aides.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Huxtable