

**CHAPTER 44C**

**AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY ADVISORY COMMITTEE**

**Authority**

N.J.S.A. 45:3B-24.

**Source and Effective Date**

R.2009 d.87, effective February 17, 2009.  
See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).

**Chapter Expiration Date**

Chapter 44C, Audiology and Speech-Language Pathology Advisory Committee, expires on February 17, 2014.

**Chapter Historical Note**

Chapter 44C was adopted as R.1986 d.192, effective June 2, 1986. See: 17 N.J.R. 1062(a), 18 N.J.R. 1201(c).

Chapter 44C was repealed and a new Chapter 44C, Audiology and Speech-Language Pathology Advisory Committee, was adopted as R.1988 d.344, effective July 18, 1988. See: 20 N.J.R. 244(b), 20 N.J.R. 1723(b).

Subchapter 4, Provisional Licensure as Audiologist or Speech-Language Pathologist, was repealed by R.1990 d.111, effective February 5, 1990. See: 21 N.J.R. 3433(a), 22 N.J.R. 358(a).

Pursuant to Executive Order No. 66(1978), Chapter 44C, Audiology and Speech-Language Pathology Advisory Committee, was readopted as R.1993 d.383, effective July 8, 1993. See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Pursuant to Executive Order No. 66(1978), Chapter 44C, Audiology and Speech-Language Pathology Advisory Committee, was readopted as R.1998 d.374, effective June 29, 1998, and Subchapter 4, Lapsed License, was adopted by R.1998 d.374, effective July 20, 1998. See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Chapter 44C, Audiology and Speech-Language Pathology Advisory Committee, was readopted as R.2004 d.23, effective December 15, 2003. See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

Chapter 44C, Audiology and Speech-Language Pathology Advisory Committee, was readopted as R.2009 d.87, effective February 17, 2009. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL REQUIREMENTS**

13:44C-1.1 Change of address or telephone; service of process

**SUBCHAPTER 2. ADMINISTRATION; FEES**

13:44C-2.1 Election of officers  
13:44C-2.2 Fees and charges

**SUBCHAPTER 3. REQUIREMENTS FOR LICENSURE AS AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST**

13:44C-3.1 Application forms  
13:44C-3.2 Requirements for licensure  
13:44C-3.3 Additional education requirements  
13:44C-3.4 Licensure without examination due to licensure in another state

13:44C-3.5 Requirements for clinical internships  
13:44C-3.6 (Reserved)

**SUBCHAPTER 4. RENEWAL OF LICENSURE; REINSTATEMENT; INACTIVE LICENSURE**

13:44C-4.1 Renewal of license

**SUBCHAPTER 5. APPLICANTS FOR TEMPORARY LICENSURE AS AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST**

13:44C-5.1 Applications  
13:44C-5.2 Requirements for temporary licensure  
13:44C-5.3 Limits on temporary licensure

**SUBCHAPTER 6. CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS**

13:44C-6.1 License renewal  
13:44C-6.2 Allocation of credit  
13:44C-6.3 Documentation of continuing education credits  
13:44C-6.4 Excess hours credited to subsequent renewal period  
13:44C-6.5 Waiver of requirements; appearance  
13:44C-6.6 Subjects; sponsors

**SUBCHAPTER 7. AUTHORIZED PRACTICE**

13:44C-7.1 Scope of practice—audiology  
13:44C-7.1A Scope of practice—cerumen management  
13:44C-7.2 Scope of practice—speech-language pathology  
13:44C-7.2A Scope of Practice: Fiber Optic Endoscopic Examination of Swallowing (FEES)  
13:44C-7.2B Reporting to Department of Health and Senior Services  
13:44C-7.3 Business interest of unlicensed persons  
13:44C-7.4 Exemptions

**SUBCHAPTER 8. STANDARDS FOR PROFESSIONAL CONDUCT**

13:44C-8.1 Recordkeeping  
13:44C-8.2 Calibration log  
13:44C-8.3 Prohibited fees  
13:44C-8.4 Providing fees and posting license  
13:44C-8.5 Advertising  
13:44C-8.6 Excessive fees  
13:44C-8.7 Professional practices

**SUBCHAPTER 9. UNLICENSED PRACTICE**

13:44C-9.1 Acts amounting to unlicensed practice  
13:44C-9.2 Aiding and abetting unlicensed practice

**SUBCHAPTER 10. DISCIPLINARY ACTIONS**

13:44C-10.1 Suspension and revocation of license  
13:44C-10.2 Reinstatement

**SUBCHAPTER 1. GENERAL REQUIREMENTS**

**13:44C-1.1 Change of address or telephone; service of process**

(a) Every licensed audiologist and speech-language pathologist shall notify the Audiology and Speech-Language Pathology Advisory Committee (Committee) in writing within 60 days of any change in address of record or telephone number.

(b) Service of an administrative complaint or other Committee-initiated action at a licensee's address which is currently on file with the Committee shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

Amended by R.2004 d.23, effective January 20, 2004.  
See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).  
Rewrote the section.

SUBCHAPTER 2. ADMINISTRATION; FEES

13:44C-2.1 Election of officers

The membership of the New Jersey Audiology and Speech-Language Pathology Advisory Committee shall once each year elect a chairman, and a secretary-treasurer. The chairman shall have the responsibility to conduct all meetings unless, in his or her discretion, a delegation of that responsibility is made. In the absence of the chairman or an express delegation of responsibility, the secretary-treasurer shall assume all duties of the chairman.

13:44C-2.2 Fees and charges

(a) The following fees shall be charged by the Advisory Committee:

- 1. Application fee..... \$75.00
- 2. Initial license fee
  - i. If paid during the first year of a biennial license renewal period..... \$170.00
  - ii. If paid during the second year of a biennial license renewal period..... \$85.00
- 3. License renewal fee, biennial..... \$170.00
- 4. Temporary license (one year) ..... \$50.00
- 5. Late renewal fee (up to 30 days)..... \$50.00
- 6. Reinstatement fee (after 30 days)..... \$50.00
- 7. Certification of licensure to other states..... \$50.00
- 8. Duplicate license fee ..... \$10.00
- 9. Duplicate wall certificate ..... \$25.00
- 10. Inactive license fee..... (to be established by the Director by rule).

Amended by R.1994 d.89, effective February 22, 1994.  
See: 25 N.J.R. 5448(a), 26 N.J.R. 1106(a).  
Amended by R.2004 d.23, effective January 20, 2004.  
See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).  
Added (a)10.

Amended by R.2006 d.68, effective February 21, 2006.  
See: 37 N.J.R. 3910(a), 38 N.J.R. 1215(a).

In (a)2, raised initial license fee from \$100.00 to \$170.00 if paid during the first year and raised initial license fee from \$50.00 to \$85.00 if paid during the second year; in (a)3, raised license renewal fee from \$100.00 to \$170.00.

SUBCHAPTER 3. REQUIREMENTS FOR LICENSURE AS AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST

13:44C-3.1 Application forms

(a) Applications for licensure may be obtained at the office of the Advisory Committee, 124 Halsey Street, Newark, New Jersey 07101. The Committee's mailing address is Audiology and Speech-Language Pathology Advisory Committee, Post Office Box 45002, Newark, New Jersey 07101. The Committee's website is <http://www.nj.gov/oag/ca/medical/audiology.htm>.

(b) All applications for licensure shall be accompanied by the fee as set forth in N.J.A.C. 13:44C-2.2.

Administrative change to (a).  
See: 25 N.J.R. 1516(b).  
Amended by R.2009 d.87, effective March 16, 2009.  
See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).  
In (a), inserted the last sentence.

13:44C-3.2 Requirements for licensure

(a) An applicant for licensure shall submit to the Committee proof that the applicant has:

- 1. Graduated from:
  - i. A doctoral degree program in the area of audiology, speech-language pathology, or both, accredited by either the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association or the Accreditation Council for Audiology Education of the American Academy of Audiology. The college or university awarding the degree shall be recognized by either the New Jersey Commission on Higher Education or another state's department of education;
  - ii. A master's degree program in the area of audiology, speech-language pathology, or both, at an accredited college or university recognized by the New Jersey Commission on Higher Education, or another state's department of education, which meets the educational requirements of N.J.A.C. 13:44C-3.3; or
  - iii. A bachelor's degree from an accredited college or university recognized by the New Jersey Commission on Higher Education, or another state's department of education, and 42 post-baccalaureate semester hours acceptable toward a master's degree at a college or university recognized by the New Jersey Commission on Higher Education, or another state's department of education. Of these 42 hours, at least 30 shall be in the area of speech-language pathology or audiology and at least 21 shall be obtained from a single college or university. No more than six hours may be in courses that provide credit for clinical practice. The bachelor's degree and post-baccalaureate hours shall meet the educational requirements of N.J.A.C. 13:44C-3.3; and

2. Achieved a score of 600 on the National Teachers' Examinations in audiology or speech-language pathology, as appropriate, administered and set by the Educational Testing Service in Princeton, New Jersey.

(b) An applicant who completed a master's degree or bachelor's degree pursuant to (a)1ii or iii above shall also complete a clinical internship, in accordance with the provisions of N.J.A.C. 13:44C-3.5, in either audiology, speech-language pathology, or both, as appropriate.

Amended by R.1989 d.579, effective November 20, 1989.  
See: 21 N.J.R. 2702(a), 21 N.J.R. 3670(b).

In (a), deleted text on score levels related to percentiles.  
Amended by R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Amended by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Substituted "Commission on" for "Department of" preceding "Higher Education".

Repeal and New Rule, R.2004 d.23, effective January 20, 2004.

See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

Amended by R.2009 d.87, effective March 16, 2009.

See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).

Added new (a)1i; recodified former (a)1i and (a)1ii as (a)1ii and (a)1iii; in (a)1ii, inserted ", or another state's department of education," and deleted "or 3.4" following the N.J.A.C. reference; rewrote (a)1iii; deleted former (a)2; recodified (a)3 as (a)2; and added (b).

**13:44C-3.3 Additional education requirements**

(a) Applicants who completed the educational requirements of N.J.A.C. 13:44C-3.2(a)1ii or iii shall complete 75 hours of academic credit dealing with the normal aspects of human communication, development and disorders thereof and clinical techniques for evaluation and management of such disorders. The 75 hours of academic credit shall consist of:

1. At least 27 hours in basic science courses as follows:

- i. Biological/physical science: three hours;
- ii. College-level mathematics: three hours;
- iii. Behavioral and/or social sciences: six hours; and

iv. Basic human communication processes, including course work in the anatomic and physiological bases of speech, language and hearing; the physical and psychosocial bases of speech, language and hearing; and the linguistic and psycholinguistic aspects of speech, language and hearing: 15 hours;

2. At least 36 hours in courses that concern the nature, prevention, evaluation and treatment of speech, language and hearing disorders that primarily affect children and hearing disorders that primarily affect adults. At least 30 of the 36 hours shall be in courses for which graduate credit was received, at least 21 of which shall be in the area in which licensure is sought. In addition:

- i. For a license in speech-language pathology, at least 30 hours of the 36 hours shall be in speech-language pathology, of which at least six shall be in speech

disorders and at least six shall be in language disorders. At least six hours shall be in audiology, three of which shall be in hearing disorders and hearing evaluation, and three of which shall be in habilitative/rehabilitative procedures with individuals who have a hearing impairment; and

ii. For a license in audiology, at least 30 of the 36 hours shall be in audiology of which at least six hours shall be in hearing disorders and hearing evaluation, and at least six hours shall be in habilitative/ rehabilitative procedures with individuals who have a hearing impairment. At least six hours shall be in speech-language pathology, at least three hours in speech disorders and at least three hours in language disorders; and

3. Twelve hours in any field, which may include courses that are related to the clinical practice of audiology or speech-language pathology.

(b) Applicants who completed the educational requirements of N.J.A.C. 13:44C-3.2(a)1ii or iii shall also complete 25 clock hours of supervised observation of the evaluation and treatment of children and adults with disorders of speech, language or hearing.

(c) Applicants who completed the educational requirements of N.J.A.C. 13:44C-3.2(a)1ii or iii shall also complete 350 clock hours of supervised clinical experience with individuals who present a variety of communication disorders. This supervised clinical experience shall be obtained within the educational institution in which the applicant is receiving training, or in one of its cooperating programs. No more than 25 of the 350 clock hours may be obtained from participation in situations in which evaluation, treatment and/or recommendations are discussed or formulated, with or without the client present.

*The following annotations apply to former N.J.A.C. 13:44C-3.3 repealed by R.2009 d.87:*

Recodification and New Rule, R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Prior text at section, "Waiver," recodified as 13:44C-3.4.

Recodified to N.J.A.C. by R.2004 d.23, effective January 20, 2004.

See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

New Rule, R.2004 d.23, effective January 20, 2004.

See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

Former N.J.A.C. 13:44C-3.3, Requirements for clinical internships, recodified to N.J.A.C. 13:44C-3.6.

*The following annotations apply to N.J.A.C. 13:44C-3.3 after its recodification from N.J.A.C. 13:44C-3.4 by R.2009 d.87:*

Repeal and New Rule, R.2004 d.23, effective January 20, 2004.

See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

Section was "Waiver".

Recodified from N.J.A.C. 13:44C-3.4 and amended by R.2009 d.87, effective March 16, 2009.

See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).

Section was "Additional education requirements: education obtained on or after January 1, 1993". In the introductory paragraph of (a), substituted "ii or iii" for "on or after January 1, 1993,"; and in (b) and (c), substituted "completed the educational requirements of N.J.A.C. 13:44C-3.2(a)1ii or iii" for "obtained their master's degree on or after January 1, 1993,". Former N.J.A.C. 13:44C-3.3, Additional education requirements: education obtained prior to January 1, 1993, repealed.

### 13:44C-3.4 Licensure without examination due to licensure in another state

(a) An applicant who is licensed in another state as an audiologist or speech-language pathologist which has substantially equivalent requirements for licensure as those in New Jersey may obtain licensure without providing proof of achieving a passing score in the National Teachers' Examinations in audiology or speech-language pathology.

(b) An applicant for licensure qualified pursuant to (a) above shall submit to the Committee proof that the applicant has:

1. Graduated from:

i. A doctoral degree program in the area of audiology, speech-language pathology, or both, accredited by either the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association or the Accreditation Council for Audiology Education of the American Academy of Audiology. The college or university awarding the degree shall be recognized by either the New Jersey Commission on Higher Education or another state's department of education;

ii. A master's degree program in the area of audiology, speech-language pathology, or both, at a college or university recognized by the New Jersey Commission on Higher Education or another state's department of education; or

iii. A bachelor's degree from a college or university recognized by the New Jersey Commission on Higher Education, or another state's department of education, and 42 post-baccalaureate semester hours acceptable toward a master's degree. Of these 42 post-baccalaureate hours, at least 30 shall be in the area of speech-language pathology or audiology and at least 21 shall be obtained from a single college or university. No more than six hours may be in courses that provide credit for clinical practice; and

2. Holds a current license in a state, which has standards substantially equivalent to those of New Jersey.

(c) An applicant who completed a master's degree or bachelor's degree pursuant to (b)1ii or iii above shall also:

1. Meet the educational requirements of N.J.A.C. 13:44C-3.3; and

2. Complete a clinical internship, in accordance with the provisions of N.J.A.C. 13:44C-3.5, in either audiology, speech-language pathology, or both, as appropriate.

New Rule, R.2004 d.23, effective January 20, 2004.

See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

Recodified from N.J.A.C. 13:44C-3.5 and amended by R.2009 d.87, effective March 16, 2009.

See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).

Added new (b)1i; recodified former (b)1i and (b)1ii as (b)1ii and (b)1iii; in (b)1ii and (b)1iii, substituted "a" for "an accredited" preceding

"college"; in (a)1iii, inserted " or another state's department of education," and inserted "and" at the end; deleted former (b)2 and (b)3; recodified former (b)4 as (b)2; in (b)2, inserted a comma following "state"; and added (c). Former N.J.A.C. 13:44C-3.4, Additional education requirements: education obtained on or after January 1, 1993, recodified to N.J.A.C. 13:44C-3.3.

### 13:44C-3.5 Requirements for clinical internship

(a) For purposes of this section, "professional employment" means direct clinical work with patients, consultations, recordkeeping, and any other duties relevant to a bona fide program of clinical work.

(b) For purposes of this section, "full-time employment" means a minimum of 30 clock hours of work per week or part time equivalent employment as follows:

1. Work of 15 to 19 hours per week over 18 months;
2. Work of 20 to 24 hours per week over 15 months;
3. Work of 25 to 29 hours per week over 12 months.

(c) The clinical internship shall comprise no less than nine months of full-time professional employment.

(d) In the event that part-time employment is used to fulfill a part of the clinical internship, 100 percent of the minimum hours of the weekly part-time work must be spent in direct professional employment, and the internship must be completed within a maximum period of 18 consecutive months.

(e) Clinical internship shall be under the direct supervision of a person licensed to practice audiology or speech-language pathology, as appropriate, by this State or another state which has standards substantially equivalent to those of this State. If the clinical internship takes place in an exempt setting or in a state without licensure or comparable requirements, the supervisor shall be a person who holds a Certificate of Clinical Competence (C.C.C.) by the American Speech-Language-Hearing Association (ASHA), or its equivalent.

(f) The supervisor shall be responsible for the professional practices of the temporary licensee.

(g) The supervisor shall provide a minimum of one hour of on-site direct supervision for each 20 hours of direct, face-to-face evaluation or therapeutic services rendered by the supervisee. Supervision shall take place not less than once a month.

Recodification and New Rule, R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Prior text at section, "Waiver," recodified as 13:44C-3.4.

Recodified from N.J.A.C. 13:44C-3.3 by R.2004 d.23, effective January 20, 2004.

See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

Recodified from N.J.A.C. 13:44C-3.6 by R.2009 d.87, effective March 16, 2009.

See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).

Former N.J.A.C. 13:44C-3.5, Licensure without examination due to licensure in another state, recodified to N.J.A.C. 13:44C-3.4.

**13:44C-3.6 (Reserved)**

Recodified to N.J.A.C. 13:44C-3.5 by R.2009 d.87, effective March 16, 2009.  
 See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).  
 Section was "Requirements for clinical internship".

**SUBCHAPTER 4. RENEWAL OF LICENSURE;  
 REINSTATEMENT; INACTIVE LICENSURE**

**13:44C-4.1 Renewal of license**

(a) Licenses shall be renewed biennially on a form provided by the Committee. Each applicant for renewal shall attest that the continuing education requirements of N.J.A.C. 13:44C-6.1 have been completed during the prior biennial period.

(b) The Committee shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) The licensee shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:44C-2.2 prior to the date of expiration of the license. If the licensee does not renew the license prior to its expiration date, the licensee may renew the license no later than 30 days after its expiration date by submitting a renewal application and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:44C-2.2. A licensee who fails to renew the license within 30 days after the expiration date of the license shall be suspended without a hearing.

(d) A person who continues to practice or hold himself or herself out as a licensee of this State after the license has been suspended shall be deemed to have committed unlicensed practice, even if no notice of suspension has been provided to the person.

(e) A person seeking reinstatement within five years following the suspension of a license shall submit the following to the Committee:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:44C-2.2;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:44C-2.2;
4. Proof that he or she has completed the continuing education credits required pursuant to N.J.A.C. 13:44C-6.1 for each biennial period the license is suspended; and
5. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the suspension of a license shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:44C-3.2(a)3 and shall submit:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:44C-2.2;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:44C-2.2; and
4. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(g) Renewal applications for all licensees shall provide the applicant with the option of either active or inactive renewal. Applicants electing to renew as inactive shall not practice or hold themselves out to the public as licensees of this State.

(h) Upon application to the Committee, the Committee may permit an applicant who has been on inactive status to return to active status provided such applicant completes the continuing education credits that are required for each biennial period that the applicant is on inactive status and the applicant pays the renewal fee as set forth in N.J.A.C. 13:44C-2.2.

Repeal and New Rule, R.2004 d.23, effective January 20, 2004.  
 See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

Section was "Requirements for reinstatement of lapsed license."

**SUBCHAPTER 5. APPLICANTS FOR TEMPORARY  
 LICENSURE AS AUDIOLOGIST OR SPEECH-  
 LANGUAGE PATHOLOGIST**

**13:44C-5.1 Applications**

(a) Applications for temporary licensure may be obtained at the Office of the Advisory Committee, 124 Halsey Street, Newark, New Jersey 07101. The mailing address is Audiology and Speech-Language Pathology Committee, Post Office Box 45002, Newark, New Jersey 07101. The Committee's website is <http://www.nj.gov/oag/ca/medical/audiology.htm>.

(b) All applications for temporary licensure shall be accompanied by the fee set forth in N.J.A.C. 13:44C-2.2.

Administrative change to (a).  
 See: 25 N.J.R. 1516(b).  
 Amended by R.2009 d.87, effective March 16, 2009.  
 See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).  
 In (a), inserted the last sentence.

**13:44C-5.2 Requirements for temporary licensure**

(a) An applicant for temporary licensure as a recent resident shall submit the following to the Advisory Committee:

1. A notarized statement by the applicant that the applicant has become a resident of New Jersey within the preceding six months; and

2. Proof that the applicant holds a current and valid license to practice audiology and/or speech-language pathology in another state.

(b) An individual who requires a temporary license in order to commence a clinical internship shall submit to the Committee:

1. An application for temporary licensure;

2. A supervision plan signed by the applicant and supervisor licensed in New Jersey;

3. Proof that the applicant has met the requirements of N.J.A.C. 13:44C-3.2(a)1; and

4. Proof that the applicant has met the educational requirements of N.J.A.C. 13:44C-3.3.

Amended by R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Amended by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

In (b), rewrote the introductory paragraph.

Amended by R.2004 d.23, effective January 20, 2004.

See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

Rewrote (b).

Amended by R.2009 d.87, effective March 16, 2009.

See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).

In (b)2, inserted "licensed in New Jersey"; and in (b)4, deleted "or 3.4" from the end.

### 13:44C-5.3 Limits on temporary licensure

(a) A temporary license for a recent resident is valid for one year and cannot be renewed.

(b) A temporary license for individuals participating in a clinical internship is valid for 18 months or until such time as the holder completes his or her clinical internship, whichever comes first. The temporary license cannot be renewed.

Amended by R.1991 d.227, effective May 6, 1991.

See: 23 N.J.R. 167(a), 23 N.J.R. 1419(a).

Added "or until such time as the holder completes his or her clinical internship, whichever comes first. The temporary license . . ." in (b).

## SUBCHAPTER 6. CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

### 13:44C-6.1 License renewal

No license renewal shall be issued by the Director until the applicant confirms on the renewal application that the applicant has completed Committee-approved continuing education pursuant to N.J.A.C. 13:44C-6.2 during the two calendar years preceding application for renewal. Such continuing education is a mandatory requirement for license renewal.

Amended by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Rewrote the section.

### 13:44C-6.2 Allocation of credit

(a) Evidence of 20 documented hours of Continuing Professional Education shall be required biennially of each applicant for renewal.

(b) Credit for all Continuing Professional Education will be granted as follows for each two-year period:

1. Giving a new seminar or lecture or in-service workshop: one hour per contact hour up to a maximum of 10 hours.

i. "New" means new to the person presenting a seminar, lecture or in-service workshop; a seminar, lecture or in-service workshop which the licensee has never presented before in any setting.

ii. "Contact hour" means one hour of actual presence in or participation in a course of study.

2. Teaching a new graduate course: six hours for each new course up to a maximum of 12 hours.

i. "New" means new to the person teaching it; a course which the licensee has never taught before in any educational setting.

3. Publication in a national journal of a copyrighted article in audiology or speech-language pathology: three hours per publication to a maximum of six hours.

4. Attendance at seminars, lectures or in-service workshops: one hour per contact hour.

5. Self-Assessment Home Study courses accompanied by examination and sponsored by a nationally-recognized professional organization in audiology or speech-language pathology: maximum of 10 hours.

6. Successful completion of graduate course work taken beyond that required for professional license: 15 hours per course credit, up to a maximum of 15 hours.

7. Reading journal articles from the American Speech-Language-Hearing Association or the American Academy of Audiology, one hour per article, up to a maximum of six hours.

8. Successful completion of on-line seminars recognized by the American Speech-Language-Hearing Association or the American Academy of Audiology; one hour for each hour of the seminar, up to a maximum of 10 hours.

(c) "Documented" means that the applicant obtains a certificate of participation, a signed document by the instructor indicating attendance or an official transcript from an accredited college or university.

Amended by R.2009 d.87, effective March 16, 2009.

See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).

In (b)4, substituted “, lectures or in-service workshops” for “and conferences”; in (b)6, substituted “15 hours per course credit, up to a maximum of 15 hours” for “one hour per contact hour”; and added (b)7 and (b)8.

**13:44C-6.3 Documentation of continuing education credits**

(a) A licensee shall keep comprehensive records of the continuing education hours which the licensee completes in order to verify program attendance or activity completion. Each licensee shall submit such documentation to the Advisory Committee upon its request.

(b) The licensee shall verify attendance at approved continuing education programs by a certificate of attendance or by a statement from the instructor of the offering. The verification shall include the name of the licensee, the name of the sponsor, the title, location and date of the offering, the signature of a program official and the number of continuing education hours.

(c) The licensee shall verify individual activities by retaining the following:

1. For publications, a copy of the published article;
2. For presentations, copies of the program, syllabus, course outlines, course objectives and bibliographies;
3. For teaching appointments, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was not previously taught by the licensee; and
4. For reading articles and completing on-line seminars, certificates of completion from the American Speech-Language-Hearing Association or the American Academy of Audiology.

(d) A licensee may document completion of continuing education programs, self-assessment home study courses, reading journal articles or on-line seminars through a transcript from the American Speech-Language-Hearing Association or the American Academy of Audiology continuing education registry.

(e) A licensee shall verify completion of academic coursework by an official transcript.

(f) A licensee shall maintain verification records for five years following the renewal period for which the Advisory Committee has granted the licensee or certificate holder continuing education credit.

New Rule, R.1998 d.374, effective July 20, 1998.  
See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).  
Former N.J.A.C. 13:44C-6.3, Excess hours credited to subsequent renewal period, was recodified to N.J.A.C. 13:44C-6.4.  
Amended by R.2009 d.87, effective March 16, 2009.  
See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).

In (c)2, inserted the first occurrence of “course” and “, course objectives” and deleted “and” from the end; in (c)3, substituted “; and”

for a period at the end; added (c)4; added new (d); and recodified former (d) and (e) as (e) and (f).

**13:44C-6.4 Excess hours credited to subsequent renewal period**

In the event that a candidate for license renewal shall complete in two years a number of hours in excess of the number required in N.J.A.C. 13:44C-6.1, a maximum of five hours in excess of those required shall be credited toward license renewal requirements for subsequent years; provided, however, that the five hours were earned within the six months immediately prior to license renewal.

Amended by R.1993 d.383, effective August 2, 1993.  
See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).  
Recodified from N.J.A.C. 13:44C-6.3 by R.1998 d.374, effective July 20, 1998.  
See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).  
Former N.J.A.C. 13:44C-6.4, Waiver of requirements; appearance, was recodified to N.J.A.C. 13:44C-6.5.

**13:44C-6.5 Waiver of requirements; appearance**

The director may, at his or her discretion, or upon the recommendation of the Advisory Committee, waive any of the requirements of this subchapter for due cause. An appearance before the Advisory Committee may be required.

Recodified from N.J.A.C. 13:44C-6.4 by R.1998 d.374, effective July 20, 1998.  
See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).  
Former N.J.A.C. 13:44C-6.5, Subjects; sponsors, was recodified to N.J.A.C. 13:44C-6.6.

**13:44C-6.6 Subjects; sponsors**

(a) Acceptable Continuing Professional Education shall be related to the practice of audiology or speech-language pathology.

(b) The Continuing Professional Education hours must be accredited by the New Jersey Commission on Higher Education, or accredited or sponsored by a local, state or national audiology and speech-language pathology professional organization, local, state, or Federal education or health agency, or a local, state or national medical, psychological, dental or similar professional organization. Courses accepted for credit by the National Registry on Continuing Education or by the American Speech-Language-Hearing Association will be given credit by the Committee as set forth in N.J.A.C. 13:44C-6.2.

Recodified from N.J.A.C. 13:44C-6.5 and amended by R.1998 d.374, effective July 20, 1998.  
See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).  
In (a), substituted “anatomy and physiology relative to communication” for “human physiology; human anatomy”; and in (b), substituted “Commission on” for “Department of” preceding “Higher Education”.  
Amended by R.2009 d.87, effective March 16, 2009.  
See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).  
Rewrote (a).

## SUBCHAPTER 7. AUTHORIZED PRACTICE

Petition for Rulemaking.  
See: 25 N.J.R. 1287(b).

**13:44C-7.1 Scope of practice—audiology**

(a) The practice of audiology includes the following functions related to hearing, its disorders and related communication impairments:

1. Providing screening, identification, assessment, diagnosis, treatment, intervention (that is, prevention, restoration, amelioration, compensation), consultation, counseling, and follow-up services for disorders of the peripheral, vestibular and central auditory systems, and other neural systems;

2. Supervision and conduct of newborn hearing screening programs;

3. Measurement and interpretation of sensory and motor evoked potentials, electronystagmography, and other electrodiagnostic tests for purposes of neurophysiologic intraoperative monitoring and cranial nerve assessment;

4. Provision of hearing care by selecting, evaluating, fitting, facilitating, dispensing and adjusting prosthetic devices for hearing loss (that is, FM assistive listening devices), except for the fitting and dispensing of hearing aids unless licensed by the Hearing Aid Dispensers Examining Committee;

5. Assessment of candidacy of persons with hearing loss for cochlear implants and provision of fitting, programming, and audiological rehabilitation to optimize device use;

6. Provision of audiological rehabilitation including speech-reading, communication management, language development, auditory skill development, and counseling for psychosocial adjustment to hearing loss for persons with hearing loss and their families and caregivers; case management and service as a liaison between the consumer, family, and agencies in order to monitor audiologic status and management and to make recommendations about educational and vocational programming;

7. Consultation with educators as members of interdisciplinary teams about communication management, educational implications of communication disorders, educational programming, classroom acoustics, and large-area amplification systems for children with hearing loss; consultation about accessibility for persons with hearing loss in public and private buildings, programs, and services;

8. Prevention of hearing loss and conservation of hearing function by designing, implementing and coordinating occupational, school, and community hearing conservation and identification programs;

9. Screening of speech-language, use of sign language, and other factors affecting communication function for the

purposes of an audiological evaluation and/or initial identification of individuals with other communication disorders; and

10. Assessment and nonmedical management of tinnitus using biofeedback, masking, education, and counseling.

New Rule. R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Former N.J.A.C. 13:44C-7.1, Business interest of unlicensed persons, was recodified to N.J.A.C. 13:44C-7.3.

Amended by R.2010 d.081, effective June 7, 2010.

See: 41 N.J.R. 2082(a), 42 N.J.R. 1053(b).

In the introductory paragraph of (a), deleted “, but is not restricted to,” following “includes” and inserted “related to hearing, its disorders and related communication impairments”.

**13:44C-7.1A Scope of practice—cerumen management**

(a) The purpose of this section is to set forth standards for the performance of cerumen management by a licensed audiologist. Cerumen management is within the scope of practice of an audiologist who meets the requirements of this section.

(b) “Cerumen management,” as used in this section, shall mean the removal of wax like secretions from the cartilaginous portion of the external ear in otherwise healthy ears.

(c) A licensed audiologist may perform cerumen management only if he or she:

1. Completed initial education pursuant to N.J.A.C. 13:44C-3.2, 3.3 or 3.4, which included instruction in the topics required by (d) below; or

2. Has successfully completed a 12-hour seminar or workshop in cerumen management, which qualifies for American Speech-Language Hearing Association (ASHA), American Academy of Audiology (AAA) or Academy of Doctors of Audiology (ADA) continuing education credit and which includes instruction in the topics required by (d) below.

(d) Initial education or a course in cerumen management shall include:

1. Recognizing the presence of medical preexisting contraindications that warrant referral to a physician, such as:

- i. A patient who has hearing in only one ear;
- ii. A perforated tympanic membrane;
- iii. Inflammation, tenderness, open wounds or traces of blood in the external ear canal;
- iv. Drainage from the external ear canal or middle ear;
- v. Ear surgery within the last six months;
- vi. A patient who has tympanostomy tubes;

- vii. Diabetes mellitus, HIV infection or bleeding disorders;
- viii. Actual or suspected foreign body in the ear;
- ix. Stenosis or bony exostosis of the ear canal;
- x. Cerumen impaction that totally occludes the ear canal;
- xi. Cerumen located beyond the isthmus; or
- xii. Inability to see the tympanic membrane;

2. Recognizing patient distress and appropriate action to take if complications are encountered;

- 3. Infection control practices, including:
  - i. Universal health precautions;
  - ii. Decontamination;
  - iii. Cleaning, disinfection and sterilization of multiple use equipment; and
  - iv. Universal precautions for prevention of the transmission of human immunodeficiency virus, hepatitis B virus and other blood borne pathogens; and

4. Methods for removal of cerumen, for example, cerumen loop, gentle water irrigation, suction and use of material for softening.

(e) In addition to the education requirements of (c) above, a licensed audiologist shall complete the following prior to performing cerumen management:

1. Observe a minimum of 2 cerumen management procedures using a cerumen loop, 2 cerumen management procedures using gentle water irrigation and 2 cerumen management procedures using suction performed by either a licensed audiologist who has met the requirements of this section, an audiologist authorized to perform cerumen management in another state or a physician; and

2. Successfully perform, under the supervision of a licensed audiologist who has met the requirements of this section, an audiologist authorized to perform cerumen management in another state or a physician, a minimum of 2 cerumen management procedures using a cerumen loop, 2 cerumen management procedures using gentle water irrigation and 2 cerumen management procedures using suction.

(f) A licensed audiologist shall perform cerumen management only in a healthcare facility licensed by the Department of Health and Senior Services or in his or her office.

(g) A licensed audiologist shall not perform cerumen management and shall refer a patient to a physician if any of the pre-existing contraindications listed in (d)1 above occur.

(h) A licensed audiologist shall not perform cerumen management on a patient who is six years old or younger.

(i) A licensed audiologist shall not perform, or shall cease performing, cerumen management if patient reports:

- 1. Tenderness during manipulation of the pinna or at any time during the cerumen removal procedure; or
- 2. Dizziness occurring during cerumen removal.

(j) A licensed audiologist shall refer a patient for immediate treatment from a physician if a complication arises during the performance of cerumen management.

(k) A licensed audiologist who performs cerumen management shall maintain a case history for every patient and informed consent signed by the patient as part of his or her records.

New Rule, R.2010 d.081, effective June 7, 2010.  
Sec: 41 N.J.R. 2082(a), 42 N.J.R. 1053(b).

**13:44C-7.2 Scope of practice—speech-language pathology**

(a) The practice of speech-language pathology includes, but is not restricted to, the following functions:

1. Providing screening, identification, assessment, diagnosis, treatment, intervention (that is, prevention, restoration, amelioration, compensation), consultation, counseling, and follow-up services for disorders of:

- i. Speech which includes articulation, fluency, and voice (including respiration, phonation, and resonance);
- ii. Language which includes disorders of receptive and expressive communication in oral, written, graphic, and manual modalities;
- iii. Oropharyngeal and related functions (that is, dysphagia, orofacial myofunctional disorders);
- iv. Cognitive aspects of communication which includes communication disability and other functional disabilities associated with cognitive impairment; and
- v. Pragmatic aspects of communication;

2. Training and supporting family members and other communication partners of individuals with speech, voice, language, other communication, and swallowing disabilities;

3. Developing and establishing effective augmentative and alternative communication techniques and strategies, including selecting, prescribing, and dispensing of aids and devices and training individuals, their families, and other communication partners in their use;

4. Selecting, fitting, and establishing effective use of appropriate prosthetic/adaptive devices for speaking and swallowing (that is, tracheoesophageal valves, electrolarynges, speaking valves);

5. Providing aural rehabilitation and related counseling services to individuals with hearing loss and central auditory processing dysfunction and to their families;

6. Conducting pure-tone air conduction hearing screening and noninvasive screening tympanometry for the purpose of initial identification and/or referral of individ-

uals with other communication disorders or possible middle ear pathology;

7. Enhancing speech and language proficiency and communication effectiveness, including, but not limited to, accent reduction, collaboration with teachers of English as

a second language, and improvement of voice, performance, and singing; and

8. Consulting with educators as members of interdisciplinary team about communication management, educational implications of communication disorders, educational programming, and classroom accommodations for children with communication disorders.

Amended by R.1990 d.272, effective May 21, 1990.

See: 21 N.J.R. 2702(a), 22 N.J.R. 327(a), 22 N.J.R. 1615(a).

In (a)4: added phrase "or its successor title, speech-language specialist" to first sentence regarding certified individuals.

Amended by R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

New Rule, R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Former N.J.A.C. 13:44C-7.2, Exemptions, was recodified to N.J.A.C. 13:44C-7.4.

**13:44C-7.2A Scope of Practice: Fiber Optic Endoscopic Examination of Swallowing (FEES)**

(a) The purpose of this section is to set forth standards for the performance of Fiber Optic Endoscopic Examination of Swallowing (FEES) by a licensed speech-language pathologist. FEES is within the scope of practice of a speech-language pathologist who meets the requirements of this section.

(b) The following words and terms, when used in this section, shall have the following meaning, unless the context clearly indicates otherwise:

"FEES" means a fiber optic endoscopic examination of swallowing.

(c) FEES shall only be performed by a licensed speech-language pathologist who is certified in Basic Life Support (BLS) and who has:

1. Completed a 12-hour seminar or workshop in fiber optic endoscopy as a technique for investigating swallowing which qualifies for American Speech-Language-Hearing Association (ASHA) continuing education credit and which includes instruction in:

i. Medical contraindications and possible adverse reactions to FEES, including the use of topical anesthesia to the nares; and

ii. Recognizing patient distress and appropriate actions to take if complications are encountered;

2. Observed 10 FEES procedures performed by either a speech pathologist who has met the requirements of this section or a physician, at a licensed healthcare facility that requires that healthcare professionals have privileges to perform the FEES procedure; and

3. Successfully performed 25 FEES procedures under the supervision of a speech pathologist who has met the requirements of this section or a physician, at a licensed

healthcare facility that requires that a healthcare professional have privileges to perform the FEES procedure.

(d) A licensed speech-language pathologist shall only perform FEES in a healthcare facility licensed by the Department of Health and Senior Services or in the office of a physician who received training during residency in endoscopic examination.

(e) FEES shall only be performed when a physician who received training during residency in endoscopic examination is present.

(f) FEES shall only be performed upon the written request of a physician.

New Rule, R.2005 d.6, effective January 3, 2005.

See: 36 N.J.R. 2156(a), 37 N.J.R. 81(a).

Amended by R.2005 d.339, effective October 3, 2005.

See: 37 N.J.R. 1164(a), 37 N.J.R. 3836(b).

In (c), substituted "Successfully performed" for "Performed" in 3.

**13:44C-7.2B Reporting to Department of Health and Senior Services**

(a) Pursuant to N.J.A.C. 8:19-1.10, a licensee who conducts outpatient screening or audiologic testing required by N.J.A.C. 8:19-1.9 on a child shall complete the New Jersey Department of Health and Senior Services' Newborn Hearing Follow-up Report form, submit the report to the Department of Health and Senior Services and report the results of the testing to the child's primary care provider within 10 days of the test being performed.

(b) Pursuant to N.J.A.C. 8:19-1.11, when a licensee confirms a permanent hearing loss, he or she shall complete and submit to the New Jersey Department of Health and Senior Services:

1. A Newborn Hearing Follow-up Report form (form number SCH-2), for children up to 36 months old; and

2. A Special Child Health Services Registration form (form number SCH-0), for children up through 21 years of age.

New Rule, R.2009 d.87, effective March 16, 2009.

See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).

**13:44C-7.3 Business interest of unlicensed persons**

(a) An unlicensed individual may have a business interest in a corporation, partnership, trust, association or other like organization that provides audiology or speech-language pathology services or both, if the provision of direct clinical services is done by licensed audiologists or speech-language pathologists, as appropriate. Nothing in this section shall be construed to mean that such unlicensed person may provide direct clinical services.

(b) Such unlicensed person shall file a statement with the director on a form approved by the director.

Recodified from N.J.A.C. 13:44C-7.1 by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

#### 13:44C-7.4 Exemptions

(a) The following are exempt from the provisions of this chapter, pursuant to N.J.S.A. 45:3B-17:

1. Any person currently licensed to practice medicine and surgery by this State, provided such a person is not referred to as an audiologist or speech-language pathologist or other similar title.
2. Persons employed by and under the direct supervision of a physician, provided such person is not referred to as an audiologist or speech-language pathologist or other similar title.
3. Persons employed by a Federal agency when services are performed as part of the person's duties with that agency. However, such person is not exempt under this section for that portion of his or her time spent as a private practitioner or providing services for which a fee may be paid by a recipient of the service.
4. Any person certified as a speech correctionist or its successor title, speech-language specialist, by the State Department of Education. However, such person is not exempt under this section for that portion of his or her time spent as a private practitioner or providing services for which a fee may be paid by a recipient of the service.
5. Students and trainees in audiology or speech-language pathology enrolled in an accredited college or university, provided that their services constitute part of their course of study and on-site supervision by a licensee is provided in the appropriate professional field.
6. Any person who is engaged in an activity for which he or she is licensed to perform in New Jersey, as long as such person does not refer to him- or herself as an audiologist or speech language pathologist.
7. Persons licensed by this State as a hearing aid dispenser pursuant to P.L. 1973, c. 19 (N.J.S.A. 45:9A-1 et seq.) who are engaged in activities and services within the scope of practice of a hearing aid dispenser, provided that such person does not refer to himself or herself as an audiologist or speech-language pathologist.

Amended by R.1990 d.272, effective May 21, 1990.

See: 21 N.J.R. 2702(a), 22 N.J.R. 327(a), 22 N.J.R. 1615(a).

In (a)4: added phrase "or its successor title, speech-language specialist" to first sentence regarding certified individuals.

Amended by R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Recodified from N.J.A.C. 13:44C-7.2 by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Amended by R.2004 d.23, effective January 20, 2004.

See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

In (a), rewrote 3 and 6 and substituted "enrolled" for "matriculated" preceding "in an accredited college" in 5.

### SUBCHAPTER 8. STANDARDS FOR PROFESSIONAL CONDUCT

#### 13:44C-8.1 Recordkeeping

(a) Licensees shall maintain written, contemporaneous patient records, which include:

1. Findings upon initial examination including the patient's significant past history and results of appropriate tests and measures;
2. A written plan of care indicating the goals of the treatment program, the type of treatment, and the frequency and expected duration of treatment for audiology and/or speech-language pathology services;
3. Dated documentation of each treatment rendered, which contains the licensee's full name and license number;
4. Dated and signed progress notes;
5. Documentation of any changes in the treatment program;
6. Documentation of any contact with other health professionals relative to the patient's care;
7. A discharge summary which includes the reason for discharge and the outcome of services rendered; and
8. Any pertinent legal document such as patient release forms or charge access sheets.

(b) Treatment records for patients shall be maintained for at least seven years from date of the most recent entry. Records for minors shall be kept for seven years from the date of the most recent entry or until the patient turns 20 years old, whichever is longer.

(c) Licensees shall provide access to patient treatment records to a patient or person whom the patient has designated to receive records in accordance with the following:

1. No later than 30 days from receipt of a request from a patient or a person whom the patient has designated to receive records, the licensee shall provide a copy of the professional treatment record and/or billing records as may be requested. The record shall include all pertinent objective data including test results, as applicable, and subjective information;
2. The licensee may require that a record request be in writing and may charge a fee for the reproduction of records, which shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less. If the record requested is less than 10 pages, the licensee may charge up to \$10.00 to cover postage and the costs associated with retrieval of the record;
3. If the patient or a subsequent treating health care professional is unable to read the patient record, either

because it is illegible or prepared in a language other than English, the licensee shall, upon request, provide an English transcription at no cost to the patient; and

4. The licensee shall not refuse to provide a patient record on the grounds that the patient owes the licensee an unpaid balance.

(d) All licensees shall prepare, within 30 days of a written request from a patient or any person whom the patient has designated to receive such, a written report summarizing the information set forth in (a) above.

Correction: Deleted audiological from (a)2.  
 See: 20 N.J.R. 2069(b).  
 Amended by R.1993 d.383, effective August 2, 1993.  
 See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).  
 Repeal and New Rule, R.2004 d.23, effective January 20, 2004.  
 See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).  
 Section was "Unprofessional conduct".  
 Amended by R.2005 d.7, effective January 3, 2005.  
 See: 36 N.J.R. 1727(a), 37 N.J.R. 82(a).  
 Rewrote (c).  
 Amended by R.2005 d.339, effective October 3, 2005.  
 See: 37 N.J.R. 1164(a), 37 N.J.R. 3836(b).  
 In (c), added the last sentence in 2 and deleted "if the record is needed by another health care professional for the purpose of rendering care" in 4.  
 Amended by R.2009 d.87, effective March 16, 2009.  
 See: 40 N.J.R. 5175(a), 41 N.J.R. 1259(a).  
 In the introductory paragraph of (a), inserted a comma following "records"; and rewrote (a)3.

**13:44C-8.2 Calibration log**

(a) All licensees shall document that audiometric test equipment is calibrated according to the American National Standard Specification for Audiometers (ANSI S3.6-1996, 1996), available from the Acoustical Society of America, 120 Wall Street, 32nd Floor, New York, New York 10005-3993, which is incorporated herein by reference, as amended and supplemented.

(b) Licensees shall electronically calibrate audiometric test equipment pursuant to (a) above, at least once a year.

Amended by R.1993 d.383, effective August 2, 1993.  
 See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).  
 Subsection (b) was codified as 13:44C-8.3, Scope of practice. Petition for Rulemaking.  
 See: 30 N.J.R. 2091(b), 31 N.J.R. 1826(a).  
 Amended by R.1998 d.374, effective July 20, 1998.  
 See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Inserted a new (a); and recodified former (a) and (b) as (b) and (c).  
 Amended by R.2001 d.380, effective October 15, 2001.  
 See: 33 N.J.R. 1863(b), 33 N.J.R. 3650(a).  
 In (b), added a new 5 and recodified former 5 as 6.  
 New Rule, R.2004 d.23, effective January 20, 2004.  
 See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).  
 Former N.J.A.C. 13:44C-8.2, Professional practices, recodified to N.J.A.C. 13:44C-8.7.

**13:44C-8.3 Prohibited fees**

(a) Licensees shall not require a patient or a third party payor to pay a separate fee for the preparation of an insurance claim form.

(b) Licensees shall not require a patient or a third party payor to pay interest on an unpaid account unless the patient has been notified of this policy in writing prior to the initiation of audiology or speech-language pathology services.

(c) Licensees shall not require a patient or a third party payor to pay a full or partial fee for unkept appointments unless the patient has been notified of this policy in writing prior to the initiation of audiology or speech-language pathology services.

(d) Licensees shall not require a patient or a third party payor to pay for any evaluation, testing, treatment or other services not documented in a patient chart.

(e) Licensees shall not charge a fee to a patient or a third party payor for audiology or speech-language pathology services which are unwarranted and unnecessary.

New Rule, R.2004 d.23, effective January 20, 2004.  
 See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

**13:44C-8.4 Providing fees and posting license**

(a) All licensees shall provide a written fee schedule which describes charges for each service offered to any person upon request.

(b) All licensees shall post in a conspicuous place a copy of a licensee's biennial renewal certificate.

New Rule, R.2004 d.23, effective January 20, 2004.  
 See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).



**13:44C-8.5 Advertising**

(a) Licensees shall not use any form of public communication regarding professional services, via print, electronic media or in-person solicitation which contains a false, fraudulent, misleading or deceptive statement or claim. A false, fraudulent, misleading or deceptive statement includes any statement or claim which:

1. Contains a misrepresentation of fact;
2. Is likely to mislead or deceive because it fails to make full disclosure of relevant facts;
3. In the case of a testimonial containing an objective, verifiable statement of fact, cannot be verified by the advertiser;
4. Is intended or is likely to create a false or unjustified expectation of favorable results, for example, advertising percentages of success;
5. Implies educational attainments or licensing recognition not supported in fact;
6. States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of audiology or speech-language pathology if this is not the case;
7. Represents that the professional services can or will be competently performed for a stated fee when this is not the case, or makes a representation with respect to fees for professional services that does not disclose all variables affecting the fees that will in fact be charged;
8. Uses techniques of communication which in light of the setting and circumstances appear to intimidate or exert undue influence or undue pressure over a prospective patient;
9. Contains offers of discounts for services without stating the advertiser's usual and customary fee on which the discount will be taken, or the availability of a schedule of the licensee's usual and customary fees, and the period of time during which the offer can be accepted by a prospective patient. If no time limit is specified, such offer shall be deemed to apply for 30 days; or
10. Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to be misled or be deceived.

(b) All advertisements shall contain the name, address and license number of the licensee or the licensee in charge of the business.

(c) An advertisement may contain either a lay or an expert testimonial, provided that such testimonial is based upon personal knowledge or experience obtained from a provider relationship with the licensee or direct personal knowledge of the subject matter of the testimonial and:

1. A lay person's testimonial does not attest to any technical matter beyond the testimonial giver's competence to comment upon; and

2. An expert testimonial is only rendered by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.

(d) Copies of all printed advertisements and video or audio tapes of every advertisement communicated by electronic media shall be retained by the licensee for a period of three years. All advertisements in a licensee's records shall indicate the date and place of publication.

(e) A licensee shall make records of advertisements available for review by the Committee or its designee upon request.

New Rule, R.2004 d.23, effective January 20, 2004.  
See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

**13:44C-8.6 Excessive fees**

(a) Licensees shall not charge a fee to a patient or a third party payor which is excessive.

(b) Factors which may be considered in determining whether a price is excessive include:

1. The novelty and difficulty of the professional treatment provided;
2. The skill and equipment required to perform the treatment properly;
3. Any requirements or conditions imposed by the patient or by the circumstances;
4. The nature and length of the professional relationship with the patient;
5. The experience, reputation and ability of the licensee performing the services; and
6. The nature and the circumstances under which the services were provided (for example, emergency; home visit).

New Rule, R.2004 d.23, effective January 20, 2004.  
See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

**13:44C-8.7 Professional practices**

(a) Licensees shall perform only those functions that are within the scope of their competence considering their level of education, training, and experience.

(b) The following acts or professional practices shall be deemed to be unprofessional conduct:

1. Offering, agreeing to provide or providing any payment or other form of remuneration to any person or entity authorized to direct the initiation of speech-language

pathology or audiology services for a referral of any specific patient or any number of patients;

2. Accepting payment or other form of remuneration from any person or entity authorized to direct the initiation of audiology or speech-language pathology services for the referral of any patient;

3. Receiving from any person, firm, partnership or corporation a fee or other form of remuneration for prescribing, recommending, ordering or promotion of the sale of a device, appliance or other item or service, unless such interest is made known in writing to the person for whom the device or appliance is being ordered, prescribed or recommended. Nothing herein shall preclude a licensed speech-language pathologist or audiologist from accepting a product or commodity which can be used as a sample by patients, provided that the speech-language pathologist or audiologist does not charge patients for items so obtained;

4. Knowingly using audiometric test equipment that is not calibrated according to the American National Standard Specification for Audiometers (ANSI S3.6-1996, 1996), available from the Acoustical Society of America, 120 Wall Street, 32nd Floor, New York, New York 10005-3993, which is incorporated herein by reference, as amended and supplemented;

5. Conducting a test in an environment that does not meet nationally recognized standards for maximal permissible background sound from the American National Standard Maximum Permissible Ambient Noise Levels for Audiometric Test Rooms (ANSI S3.1-1991, 1991), available from the Acoustical Society of America, 120 Wall Street, 32nd Floor, New York, New York 10005-3993, which is incorporated herein by reference, as amended and supplemented. If a patient cannot, due to health problems, be moved to a testing environment that meets these standards the licensee shall test the patient within the available environment and the testing conditions shall be documented in the patient's record;

6. Offering to render or rendering treatment or offering to conduct or conducting testing which in light of the patient's history and findings is unwarranted and unnecessary; or

7. Representing oneself as a physician rendering medical opinion or medical services.

Amended by R.1993 d.383, effective August 2, 1993.

See: 25 N.J.R. 1668(a), 25 N.J.R. 3504(b).

Subsection (b) was codified as 13:44C-8.3, Scope of practice.

Petition for Rulemaking.

See: 30 N.J.R. 2091(b), 31 N.J.R. 1826(a).

Amended by R.1998 d.374, effective July 20, 1998.

See: 30 N.J.R. 1195(a), 30 N.J.R. 2634(a).

Inserted a new (a); and recodified former (a) and (b) as (b) and (c).

Amended by R.2001 d.380, effective October 15, 2001.

See: 33 N.J.R. 1863(b), 33 N.J.R. 3650(a).

In (b), added a new 5 and recodified former 5 as 6.

Recodified from N.J.A.C. 13:44C-8.2 and amended by R.2004 d.23, effective January 20, 2004.

See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

Rewrote the section.

## SUBCHAPTER 9. UNLICENSED PRACTICE

### 13:44C-9.1 Acts amounting to unlicensed practice

(a) The following acts or practices shall be deemed to be the unlicensed practice of audiology or speech-language pathology and may warrant the director's initiation of an action in Superior Court for such appropriate injunctive relief as may be authorized by N.J.S.A. 45:3B-15:

1. Offering of any speech-language pathology or audiology services by any person who does not hold the applicable license as a speech-language pathologist or audiologist or is not exempt from licensure pursuant to N.J.A.C. 13:44C-7.2;

2. Using the words "speech-language therapy," "speech therapy," "audiology," "speech pathologist," "audiologist" or such similar words or their related abbreviations by any person who does not hold the appropriate license in speech-language pathology or audiology; or

3. Billing any patient or third party payor for "speech-language pathology evaluation" or "speech-language pathology therapy" or "audiologic evaluation" or "audiologic services" or services described by similar words if the individual providing the service does not hold the appropriate license to practice audiology or speech-language pathology or is not a licensed physician.

Amended by R.2004 d.23, effective January 20, 2004.

See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

In (a), substituted "pursuant to" for "as defined in" preceding the N.J.A.C. reference in 1 and rewrote 2.

### 13:44C-9.2 Aiding and abetting unlicensed practice

It shall be unlawful for a licensee to aid or assist any person in engaging in any of the acts identified in N.J.A.C. 13:44C-9.1.

## SUBCHAPTER 10. DISCIPLINARY ACTIONS

### 13:44C-10.1 Suspension and revocation of license

(a) The Director, in consultation with the Committee, may revoke, suspend or refuse to renew the license of any person licensed under the provisions of this chapter or assess a civil penalty or issue a reprimand, upon proof that the licensee:

1. Has obtained a certificate, registration, license or authorization to sit for an examination, as the case may be, through fraud, deception, or misrepresentation;

2. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;

3. Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;

4. Has engaged in repeated acts of negligence, malpractice or incompetence;

5. Has engaged in professional or occupational misconduct as may be determined by the director;

6. Has been convicted of, or engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to the practice of audiology or speech-language pathology. For the purpose of this subsection, a judgment of conviction or plea of guilty, non vult, nolo contendere or other such disposition of alleged criminal activity shall be deemed a conviction;

7. Has had his authority to engage in the practice of audiology or speech-language pathology revoked or suspended by any other state, agency or authority for reasons consistent with this section;

8. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare;

9. Has violated or failed to comply with any of the provisions of N.J.S.A. 45:3B-1 et seq. or N.J.A.C. 13:44C;

10. Has violated any provision of P.L. 1983, c.320 (N.J.S.A. 17:33A-1 et seq.) or any insurance fraud prevention law or act of another jurisdiction or has been adjudicated, in civil or administrative proceedings, of a violation of P.L. 1983, c.320 (N.J.S.A. 17:33A-1 et seq.) or has been subject to a final order, entered in civil or administrative proceedings, that imposed civil penalties under that act against the applicant or holder;

11. Is presently engaged in drug or alcohol use that is likely to impair the ability to practice the profession or

occupation with reasonable skill and safety. For purposes of this subsection, the term "presently" means at this time or any time within the previous 365 days;

12. Has permitted an unlicensed person or entity to perform an act for which a license or certificate of registration or certification is required by the Board, or aided and abetted an unlicensed person or entity in performing such an act; or

13. Has violated the provisions of N.J.A.C. 13:44C-8.5.

(b) In addition to the consequences listed in (a) above, the Director may impose additional or alternative penalties pursuant to N.J.S.A. 45:1-14 et seq. for violations of any provision of N.J.S.A. 45:3B-1 et seq. and this subchapter.

(c) In addition to the express consequences of (a) and (b) above, the Director may enforce consequences arising from actions taken by other statutory authorities.

(d) The denial, refusal to issue or renew, suspension or revocation of a license, and/or the issuance of a civil penalty under this section may be ordered by a decision of the Director after notice and an opportunity to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Notice of correction: (b) should read "The hearing shall" instead of "The shall".

See: 20 N.J.R. 3140(a).

Amended by R.2004 d.23, effective January 20, 2004.

See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

Rewrote the section.

**13:44C-10.2 Reinstatement**

The Director, in consultation with the Advisory Committee, may restore a license after one year from the date of its revocation.

Amended by R.2004 d.23, effective January 20, 2004.

See: 35 N.J.R. 3273(a), 36 N.J.R. 527(a).

Rewrote the section.

