



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME: 36

ISSUE: 24

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing
- Notice without a scheduled hearing
- Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Board of Examiners for Speech and Language Pathologists and Audiologists](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): www.ncboeslpa.org

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION: [21 NCAC 64 .0221](#)

AMENDMENT: [21 NCAC 64 .0212](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [11/01/2022](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location	Meeting:
07/22/2022	9:00 a.m.	Join	Zoom
https://us06web.zoom.us/j/84382934545?pwd=YzFDbUpzdVJjT3VzeW4yT0tLSmg5dz09; Meeting ID: 843 8293 4545; Passcode: 707302			

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s):

21 NCAC 64 .0212 – Clarify guidance on scope of practice for individuals offering audiometric screening as part of speech-language evaluations.
21 NCAC 64 .0221 - Establish standards for audiometric screening as part of speech-language evaluations.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Denise Brown
Address: NC Board of Examiners for Speech and Language Pathologists and Audiologists, PO Box 16885
Greensboro, NC 27416
Phone (optional): 336-272-1828
Fax (optional): 336-262-4353
EMail (optional) dbrown@ncboeslpa.org

10. Comment Period Ends: 08/15/2022

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

No fiscal note required

12. Rule-making Coordinator:

Name: Nahale Kalfas
919-491-7793
enkalfas@aol.com

Agency contact, if any:

Name: Denise Brown
Phone: 336-262-1828
Email: dbrown@ncboeslpa.org

13. The Agency formally proposed the text of this rule(s) on

Date: 05/13/2022

1 21 NCAC 64 .0212 is proposed for amendment as follows:

2
3 **21 NCAC 64 .0212 SUPERVISION OF HEARING SCREENING**

4 (a) ~~For the purposes of applying G.S. 90-294(f), the~~ The Board of Examiners for Speech and Language Pathologists
5 and Audiologists ~~interprets the words "audiometric screening" used in G.S. 90-294(f) as~~ makes the following
6 interpretations as set forth in this Rule. The phrase "audiometric screening test" used in G.S. 90-294(f) shall mean the
7 presentation of pure tone stimuli at fixed intensity using pass/fail criteria requiring no interpretation by the person
8 administering the screening. An audiometric screening test includes both behavioral and physiologic techniques.
9 Objective methods of screening auditory function based upon new technology shall comply with ~~may be used subject~~
10 ~~to the conditions specified in this Rule.~~

11 (b) ~~Fixed intensity, pure tone~~ An audiometric screening test performed within the context of an individual speech-
12 language evaluation or assessment is within the scope of practice of licensed ~~speech and language pathologists, and~~
13 ~~by extension allowed for registered~~ speech-language pathologists. Registered speech-language pathology assistants,
14 assistants only shall perform audiometric screening tests when compliant with the supervision and training
15 requirements set forth in this Rule. provided that it can be demonstrated that the licensee or registered assistant has
16 received formal instruction and practicum in audiometric screening as part of his or her training program. An
17 audiometric screening test shall be performed in accordance with Rule .0221.

18 (c) Audiometric screening tests that are conducted as part of a speech-language evaluation shall be performed by
19 either a licensed ~~Licensed speech and language pathologists, speech-language pathologist or a registered speech-~~
20 ~~language pathology assistants, and unlicensed persons may perform screenings of hearing sensitivity and auditory~~
21 ~~function~~ assistant who is trained by a licensed audiologist or physician in the specific techniques used for that
22 screening and who receives supervision from a licensed audiologist or physician. Audiometric screening tests
23 conducted on the general public or specific populations provided that the individuals performing such screenings have
24 been that are not part of a speech-language evaluation shall be performed by either a licensed speech-language
25 pathologist, a registered speech-language pathology assistant, or an unlicensed person who is trained by a licensed
26 audiologist or physician in the specific techniques used for that screening and who receives ~~provided that~~ supervision
27 ~~of the screening program is by~~ from a licensed audiologist or physician.

28 (d) Audiometric screening tests ~~Screening programs~~ using objective or technology-based hearing screening
29 techniques in place of traditional fixed-frequency, pure tone audiometry (~~for example, such as automated auditory~~
30 ~~brainstem response tests, otoacoustic emission screening instruments, microprocessor audiometers, etc.) etc.), even~~
31 ~~though such techniques and instruments may yield a pass-fail indication, require the oversight and supervision of a~~
32 licensed audiologist or physician.

33 (e) The Board of Examiners for Speech and Language Pathologists and Audiologists interprets the ~~word~~ phrase
34 "supervision" in G.S. 90-294(f) to include the following elements: mean:

- 35 (1) ~~selecting the appropriate~~ selecting, based on generally accepted training and education, the
36 calibrated screening instrument to be used for the target population;

- 1 (2) providing ~~sufficient~~ initial and refresher training in the specific screening methods and instruments
2 to be used to ensure that the screeners have ~~sufficient~~ knowledge of the screening methods,
3 understand the limitations of the screening program, and can demonstrate proper operation of the
4 ~~equipment~~; equipment in accordance with the requirements of the equipment's manufacturer;
- 5 (3) assuring that records are maintained describing the training received by the screeners, the names of
6 attendees, the nature of any ~~evaluation~~ evaluation, and any referral made;
- 7 (4) providing ~~sufficient~~ evaluation of the test site ~~for~~ to eliminate ambient sound that will impact the
8 test results and to ensure that the screeners are following the screening protocol; and
- 9 (5) reviewing samples of screening records to confirm that the screening has conformed to the program
10 standards.

11 (f) ~~Licensed speech and language pathologists and registered speech-language pathology assistants shall not instruct~~
12 ~~others in the techniques of hearing screening or supervise hearing screening programs. Training and supervision by a~~
13 licensed audiologist or physician that is required in Paragraph (c) of this Rule shall not be delegated to a speech-
14 language pathologist or registered speech-language pathology assistant. These aspects of a hearing screening program
15 are within the scope of practice of licensed audiologists and physicians.

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17 *History Note: Authority G.S. 90-301(5); 90-304(a)(3);*

18 *Eff. September 2, 2005;*

19 *Amended Eff. October 1, 2009;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
21 *2016-2016;*

22 *Amended Eff. November 1, 2022.*

1 21 NCAC 64 .0221 is proposed for adoption as follows:

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**21 NCAC 64 .0221 STANDARDS FOR AUDIOMETRIC SCREENINGS AS PART OF SPEECH-
LANGUAGE EVALUATIONS**

The Board of Examiners for Speech and Language Pathologists and Audiologists interprets the phrase "reasonable degree of professional skill and care in the delivery of professional services" used in G.S. 90-301(5) to require an audiometric screening, as defined in Rule .0212, as a part of a speech-language evaluation, in accordance with the following standards:

- (1) Individuals conducting audiometric screenings shall screen each ear of patients who are under the age of 18 years with a 20 dB HL stimulus at a frequency of 1000, 2000, and 4000 Hz;
- (2) Individuals conducting audiometric screenings shall screen each ear of patients who are 18 years of age or older with a 25 dB HL stimulus at a frequency of 1000, 2000, and 4000 Hz;
- (3) Individuals conducting audiometric screenings shall use stimuli for the target population in accordance with generally accepted training and education for the type of technique used;
- (4) Individuals conducting audiometric screenings shall consider the developmental benchmarks or disabilities of target populations in determining whether to use objective or hearing screening techniques in place of transitional fixed-intensity, pure-tone audiometry, in accordance with generally accepted training and education;
- (5) Individuals conducting audiometric screenings shall use commercially available equipment and shall calibrate the equipment in accordance with requirements of the equipment's manufacturer;
- (6) Individuals conducting audiometric screenings shall document either a pass or fail on each ear separately and for each frequency screened. An ear for which no response to the stimulus is detected for one or more frequencies tested shall be deemed as fail. An ear for which a response to the stimulus is detected for all three frequencies tested shall be deemed as pass;
- (7) Audiometric screenings shall be conducted in a location where ambient noise will not impact the test results;
- (8) Individuals conducting audiometric screenings shall comply with all requirements set forth in Rule .0212;
- (9) Individuals conducting audiometric screenings shall provide a patient without previously documented hearing loss who fails the audiometric screening for one or both ears, or for whom results on either ear cannot be determined because the patient did not tolerate the screening, a recommendation in writing to a licensed audiologist for a comprehensive audiological evaluation. For each patient, screening providers must maintain a written copy of the recommendation and the results of the audiometric screening in which hearing loss was previously documented, if any exist;
- (10) When an audiometric screening does not take place prior to the start of the speech-language evaluation, the evaluation and subsequent treatment shall consider the possibility of hearing loss and must include the use of compensatory techniques or multi-modal presentation of materials; and

1 (11) Providers are not required to perform audiometric screening as part of a speech-language evaluation
2 on a patient if:

3 (a) the patient underwent a previous audiometric screening conducted in accordance with Rule
4 .0212(c) within 12 months preceding the start of the speech-language evaluation; and

5 (b) the results of the previous audiometric screening are considered by a licensed speech-
6 language pathologist or a registered speech-language pathology assistant as part of the
7 speech-language evaluation.

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9 *History Note:* Authority G.S. 90-301(5); 90-304(a)(3);

10 Eff. November 1, 2022.