



March 15, 2019

Mr. Gregg Thornton, Esq.  
Speech and Hearing Professionals Board  
77 South High Street, Suite 1659  
Columbus, OH 43215-6108

RE: Proposed Rule Changes

Dear Mr. Thornton:

On behalf of the American Speech-Language-Hearing Association, I write to comment on the proposed Speech and Hearing Professionals Board regulations.

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 204,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students. Audiologists specialize in preventing and assessing hearing and balance disorders as well as providing audiologic treatment, including hearing aids. Speech-language pathologists identify, assess, and treat speech and language problems, including swallowing disorders. Over 7,100 ASHA members reside in Ohio.

As it relates to continuing education rule 4747-1-11, we have attached a redline version of the amended rule with ASHA's comments. There is considerable confusion in the continuing education marketplace regarding the numeric value of the CEU (Continuing Education Unit) as the term CEU is not trademarked and operates in the public domain. The International Association of Continuing Education and Training (IACET) defines one Continuing Education Unit (CEU) as 10 contact hours (1 hour = 60 minutes) of participation in an organized continuing education experience. The ASHA CEU is based upon the IACET definition, that is, 1 ASHA CEU = 10 contact hours. To illustrate the potential confusion to licensees, the reference in 4747-1-11 (c) (1), to "twenty continuing education units" could be understood as the need for 20 ASHA CEUs, which translates to 200 contact hours.

Instead of using the often misunderstood and misinterpreted term CEU, ASHA suggests stating the number of minutes that constitutes a contact hour that is acceptable to the regulator. Hours or hours of continuing education can then be used to reference the amount of continuing education required.

As it relates to the new draft code of ethics (Rule 4747-1-23), we provide the following comments:

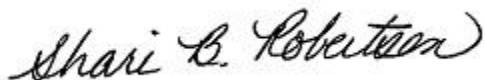
1. Gender identity and sex are not listed as protected categories in the current anti-discrimination language (B)(2)(a) provided in the proposed regulations. Sex is arguably covered by gender; gender identity is not necessarily covered. The ASHA Code of Ethics is comprehensive in its prohibition against discrimination, including sex and gender identity.<sup>1</sup> Also, ASHA recommends adding anti-retaliation language (e.g., individuals should not be retaliated against for filing discrimination claims against licensees).
2. Conflicts of interest raise concerns not only when they do exist, but also when they appear to exist. The current language appears to deal only with actual conflicts of interest. (B)(2)(e)
3. (B)(12): The language, as written, is limited to reported “convictions.” Based on our experience, such language, which is limited to convictions only, may not be read by many potential licensees as including settlement agreements, pleas of nolo contendere, or when an individual chooses to plead guilty. ASHA recommends reviewing the comprehensive language included in ASHA’s Code of Ethics. (Principle IV, Rule S)
4. (C)(1)(a): The provision, as currently written, may be interpreted to mean that fraud and misrepresentation aren’t “illegal conduct”. ASHA recommends adding “other illegal conduct” to make it clear that the preceding clause is listing illegal behavior.
5. (C)(2)(a): In addition to maintaining “accurate records,” providers should also be required to maintain timely records, which ensures accuracy. ASHA provides under Principle I, Rule Q: “Individuals shall maintain timely records and accurately record . . . for services provided.”
6. (C)(3)(a): In terms of misrepresenting credentials, ASHA recommends listing education.
7. (C)(3)(I): While the regulations, in a different section, discuss the licensees’ responsibility to “ensure that all technology and instrumentation used to provide services are in proper working order and are properly calibrated,” no mention exists of the licensees’ obligation to provide appropriate referrals when “technology and instrumentation consistent with accepted professional guidelines in the licensees’ areas of practice are not available”. ASHA recommends the addition of such language under the referral section of the proposed regulations.
8. (C)(5)(a): In discussing freedom of choice to participate in research, ASHA recommends referring to the situation in which minors are involved, such informed consent must be received by the legal guardian(s)—or, perhaps, cross-cite to the proposed regulations discussion of informed consent.
9. (C)(5)(c): In providing for the protection from plagiarism, ASHA recommends adding the clause “and only with the contributor’s consent,” because there may be instances when an individual does not want to be listed as an author.
10. (C)(6)(b) & (c): Under (c), ASHA recommends requiring all licensees to disclose potential conflicts of interest instead of only faculty members and consultants. In addition, clarification should be made on receiving an “honoraria” when presenting or participating in activities outside of one’s job. It is currently unclear how these proposed regulations would impact ASHA members. For example, if a licensee who is a speech-language pathologist (SLP) speaks to the Chamber of Commerce, he/she should be allowed to receive an honorarium. In addition, audiologists often participate in incentive

programs with numerous hearing aid manufacturers and their travel to an audiology convention is paid. As written, the Ohio proposed regulations read that if the potential conflict is disclosed and it doesn't affect the private or professional judgment of the provider in their treatment, that the practice would still be prohibited by the Ohio Board.

11. Regarding licensees performing research—there are various laws and regulations that apply to different kinds of research (depending on sources of money, sources of research individuals (IRBs), etc.). ASHA recommends considering the inclusion of some general provision—as it has included in other sections of the proposed regulations—providing that those licensees involved in research must comport with all applicable federal, state, and local laws. (C)(5) ASHA's Code of Ethics provides: "Individuals who engage in research shall comply with all institutional, state, and federal regulations that address any aspects of research, including those that involve human participants and animals." Principle II, Rule C.
12. Considering (B)(10) & (11), ASHA recommends protections provided by the Ohio Board to those who notify the Board about colleagues violating the Board's ethics rules to ensure they are not retaliated against for filing such charges.

ASHA appreciates your consideration of these comments. If you or your staff have any questions, please contact Susan Adams, ASHA's director of state legislative and regulatory affairs, at [sadams@asha.org](mailto:sadams@asha.org).

Sincerely,



Shari B. Robertson, PhD, CCC-SLP  
2019 ASHA President

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<sup>1</sup> The American Speech-Language-Hearing Association. (2016). *The ASHA Code of Ethics*. Retrieved from <https://www.asha.org/Code-of-Ethics/>.