



Submitted via email: Anna.Shields@delaware.gov

June 6, 2023

The Honorable Kyra Hoffner
Senate Committee on Legislative Oversight and Sunset
Delaware Senate
411 Legislative Ave.
Dover, DE 19901

RE: SB 141

Dear Senator Hoffner:

On behalf of the American Speech-Language-Hearing Association, I write to provide recommended changes to SB 141 (as written), which would amend the Delaware Code relating to the Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers.

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 228,000 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 (SLPs) identify, assess, and treat speech, language, swallowing, and cognitive-communication disorders. Over 600 ASHA members reside in Delaware.¹

SB 141 makes necessary changes to state law to comply with the 2022 FDA rule establishing a category of over-the-counter (OTC) hearing aids. ASHA supports the creation of OTC hearing aids, which will increase the availability and affordability of hearing aids for many Americans. We also appreciate the care with which the sponsors of SB 141 have addressed the compliance issues created by the OTC rule while protecting the vital role of audiologists in meeting the hearing health care needs for Delawareans, particularly among children who are not eligible for OTC devices. Therefore, ASHA recommends the following amendments.

1. In Sec. 1(7) definition of "over-the-counter hearing aid", ASHA recommends specifying that "over-the-counter hearing aid" has the meaning assigned by 21 C.F.R. Section 800.30."
2. In Sec. 1(9) definition of "practice of audiology", ASHA recommends adding the following:
"The practice of audiology includes prescribing, ordering the use of, selecting, fitting, evaluating, and dispensing hearing aids and other amplification or hearing-assistive or hearing-protective systems and audiologic rehabilitation to optimize use. The sale of an over-the-counter hearing aid is solely a financial transaction and, without additional services, does not constitute treatment by an audiologist."

As the legislation relates to the removal of audiology and speech/pathology aides, ASHA believes that appropriately trained audiology assistants and speech-language pathology assistants—who are licensed and supervised by an ASHA certified and licensed audiologist or speech-language pathologist—can alleviate the burdens on practitioners and help ensure that more clients and patients receive services. Licensure of these individuals will ensure that the

necessary training, supervision, and scope are defined and that consumers are protected by having recourse through the Board, if needed. Additionally, ASHA recommends that Delaware adopt ASHA's requirements for Certified Audiology Assistants (C-AA) and Certified Speech-Language Pathology Assistants (C-SLPA) and offer the following amendments.²

1. The definition of "audiology aide" should be amended to read:
"audiology assistant means any person who assists in the practice of audiology and who meets the qualifications set forth in this Act. A person represents themselves to be an audiology assistant when they hold themselves out to the public by any means, or by any service, or function performed, directly or indirectly."
2. The definition of speech pathology aide should be amended to read:
"speech-language pathology assistant means any person who assists in the practice of speech-language pathology and who meets the qualifications set forth in this Act. A person represents themselves to be a speech-language pathology assistant when they hold themselves out to the public by any means, or by any service or function performed, directly or indirectly."
3. Section 3706 (a)(4) should be amended to read:
"Evaluate the credentials of all persons applying for a license to practice speech/language pathology, audiology or to dispense prescription hearing aids in this State or to act as audiology assistants or speech pathology assistants, in order to determine whether such persons meet the qualifications set forth in this chapter."
4. Section 3708 should be amended to include licensing qualifications for audiology assistants and speech-language pathology assistants as follows:
"For licensure as audiology assistant has current certification as an audiology assistant issued by ASHA, or its successors.

"For licensure as a speech-language pathology assistant has current certification as a speech-language pathology assistant issued by ASHA, or its successors."

Finally, we recommend an amendment to the practice of speech-language pathology as follows:

3. Sec. 1(11) definition of "practice of speech/language pathology" should be amended as follows to include feeding in the practice of speech-language pathology:
"Practice of speech/language pathology" means the application of principles, methods, and procedures for measurement, testing, evaluation, prediction, counseling, instruction, habilitation, or rehabilitation related to the development and disorders of speech, language, voice, fluency, cognition, feeding, and swallowing for the purpose of evaluating, preventing, ameliorating, or modifying such disorders in individuals and groups.

Thank you for your consideration of ASHA's recommended changes to SB 141. 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.

Sincerely,



Robert M. Augustine, PhD, CCC-SLP
2023 ASHA President

cc: Senator Russell Huxtable

¹ American Speech-Language-Hearing Association. (2023). *Delaware* [Quick Facts]. <https://www.asha.org/siteassets/advocacy/state-fliers/delaware-state-flyer.pdf>

² American Speech-Language-Hearing Association. (n.d.). Assistants Program. <https://www.asha.org/assistants-certification-program/>