

21 NCAC 64 .0219 is amended with changes as published in 35:14 NCR 1583-1586 as follows:

21 NCAC 64 .0219 TELEPRACTICE

(a) For purposes of this Rule the following words shall have the following meanings:

- (1) "Patient site" means the patient's physical location at the time of the receipt of the telepractice services.
- (2) "Provider" means a licensed speech and language pathologist or audiologist who provides telepractice services.
- (3) "Provider site" means the licensee's physical location at the time of the provision of the telepractice services.
- (4) "Telepractice" means the use of telecommunications and information technologies for the exchange of encrypted patient ~~data, obtained through real time interaction,~~ data from patient site to provider site for the provision of speech and language pathology and audiology services to patients through hardwire or internet ~~connection. Telepractice also includes the interpretation of patient information provided to the licensee via store and forward techniques.~~ connection via real time interaction or store forward techniques.

(b) Telepractice shall be obtained in ~~real time and in~~ a manner ~~sufficient~~ to ensure patient confidentiality.

(c) Telepractice is subject to the same standard of practice stated in Rules .0205 and Rule .0216 of this Chapter as if the person being treated were physically present with the licensee. Telepractice is the responsibility of the [licensee.] ~~licensee and shall not be delegated.~~

(d) Telepractice constitutes the practice of Speech and Language Pathology and Audiology in both the patient site and provider site. Providers must hold a license in the state of the provider site and shall be in compliance with the statutory and regulatory requirements of the patient site.

(e) Registered Speech and Language Pathology Assistants and Audiology Assistants under the supervision of licensed providers shall be allowed to engage in telepractice under the same level of direct supervision as required by NCAC 64 .1003 (e)(1), (2), and (6).

~~(e)(f)~~ (f) Licensees and staff involved in telepractice must be trained in the use of telepractice equipment.

~~(f)(g)~~ (g) Notification of telepractice services shall be provided to the patient and guardian if the patient is a ~~minor.~~ minor or under guardianship. The notification shall include the right to refuse telepractice services and options for alternate service delivery.

~~(g)~~ Telepractice constitutes the practice of Speech and Language Pathology and Audiology in both the patient site and provider site.

History Note: Authority G.S. 90-304(a)(3);

Eff. ~~July 1, 2020;~~ September 1, 2010;

Amended Eff. March 1, 2014;

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
2 *2016;*
3 *Emergency Amendment Eff. March 27, 2020;*
4 *Temporary Amendment Eff. June 26, ~~2020~~ 2020;*
5 *Amended Eff. June 1, 2021.*

21 NCAC 64 .1101 is adopted with changes as published in 35:14 NCR 1583-1586 as follows:

**SECTION .1100 - REQUIREMENTS FOR THE USE OF AUDIOLOGY ASSISTANTS IN DIRECT
SERVICE DELIVERY**

21 NCAC 64 .1101 DEFINITIONS

~~(a)~~ (a) "Assistant" means an Audiology Assistant who is registered by a Primary Supervising Licensee with the Board.

~~(a)~~ (b) "Board" means the North Carolina Board of Examiners for Speech and Language Pathologists and Audiologists.

~~(b)~~ (c) "Licensee" means an individual who holds a current permanent license in audiology from the North Carolina Board of Examiners for Speech and Language Pathologists and Audiologists.

~~(1)~~ ~~"Primary Supervising Licensee" means the Licensee who supervises the majority of the Assistant's work, who is responsible for the Assistant's registration with the Board, and who bears the responsibility for all supervision requirements and notification responsibility to the Board of any changes in registration information set forth in the rules of this Section.~~

~~(2)~~ ~~"Secondary Supervising Licensee" means a Licensee who supervises the Assistant in the absence of the Primary Supervising Licensee to cover variations in work hours.~~

(d) "Primary Supervising Licensee" means the Licensee as defined in this Rule who supervises the majority of the Assistant's work, who is responsible for the Assistant's registration with the Board, and who bears the responsibility for all supervision requirements and notification responsibility to the Board of any changes in registration information.
information set forth in the rules of this Section.

~~(d)~~ (e) "Registration" means the process through which an Assistant is approved by the Board to work with a Licensee to provide services to the public.

(f) "Secondary Supervising Licensee" means a Licensee as defined in this Rule who supervises the Assistant in the absence of the Primary Supervising Licensee to cover variations in work hours.

*History Note: Authority G.S. 90-298.1; 90-304(a)(3);
Emergency Adoption Eff. April 24, 2020;
Temporary Adoption Eff. June 26, ~~2020~~; 2020;
Eff. June 1, 2021.*

21 NCAC 64 .1103 is adopted with changes as published in 35:14 NCR 1583-1586 as follows:

21 NCAC 64 .1103 LICENSEE REQUIREMENTS

(a) Licensees who register an Assistant shall be licensed in North Carolina, or hold equivalent qualifications from another state, for the previous two years prior to registering an Assistant with the Board. Temporary license holders shall not register Assistants.

(b) Licensees who register an Assistant shall attest to the Assistant's understanding and review of the registration and supervision process (scope of practice, ethics, written protocols, record keeping) set forth in the rules of this Section.

(c) Licensees must submit the application and annual fee for registration of the Assistant to the Board. The application shall include the following information:

(1) assistant's name, address, and telephone number;

(2) employer name;

(3) number of hours worked per week by supervising licensee;

(4) primary supervising licensee's name, address, and telephone number;

(5) secondary supervising licensee's name, address, and telephone number, if applicable; and

(6) all locations where the assistant is to provide services.

(d) Licensees shall inform all patients when services are being provided by an Assistant and the Assistant must wear a badge that includes the job title: "Audiology Assistant."

(e) Tasks and duties that are within the scope of responsibilities for an Assistant are listed in Rules .1104 and .1105 of this Section. The Supervising Licensee shall be responsible for all patient services performed by the Assistant. The Supervising Licensee shall determine the assignment of tasks and the amount and type of supervision to ensure quality of care considering relevant factors such as the skills of the Assistant, the needs of the patient, and the service setting. Before assigning treatment tasks to an Assistant, the Licensee shall evaluate the patient files and develop a plan for the care ~~and/or~~ and follow an established protocol.

(f) Any time an Assistant provides services during a patient ~~encounter (screening or treatment),~~ encounter, the Supervising Licensee or Assistant shall document the Assistant's services in the patient's medical record. If the Assistant documents the services, the Supervising Licensee shall co-sign the medical record. The Supervising Licensee shall be responsible for the accuracy and compliance of the documentation. These signed and dated patient encounter records must be retained as part of the patient's file for the time period specified in Rule .0209 of this Chapter and may be requested by the Board.

(g) The Board may do random audits of records to determine compliance with the rules in this Chapter.

(h) When patient services are being rendered by an Assistant, the Supervising Licensee must be available to observe and supervise the Assistant, when necessary.

(i) The Primary Supervising Licensee shall assess the Assistant's competencies during the initial 60 days of employment using a performance-based competency assessment. The completed assessment shall be submitted to the Board within 90 days of registration. A new competency assessment must be completed and filed within 90 days each time the Primary Supervising Licensee changes.

(j) Assistants shall only engage in those activities related to the practice of Audiology as set forth in Rules .1104 and .1105 of this Section. An Assistant's activities related to the practice of Audiology not set forth therein shall be regarded as the unlicensed practice of Audiology.

*History Note: Authority G.S. 90-298.1; 90-304(a)(3);
Emergency Adoption Eff. April 24, 2020;
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21 NCAC 64 .1104 is adopted with changes as published in 35:14 NCR 1583-1586 as follows:

21 NCAC 64 .1104 AUTHORIZED TASKS OF AUDIOLOGY ASSISTANTS

(a) An audiology assistant may engage in the following direct patient services:

- (1) Obtaining partial or selected case history information from patients and families;
- (2) Administering audiologic screening protocols, as directed by the supervising audiologist. These screening procedures, including tests and checklists or parts of tests and checklists, shall have the purpose of determining the need for further diagnostic testing by the supervising audiologist and must meet the following criteria:
 - (A) have administration protocols and methods;
 - (B) consist of test items that require no more than a binary judgment (i.e., yes-no, present-absent, pass/refer);
 - (C) require no more than a specifically-elicited single response; and
 - (D) require no clinical interpretation by the assistant;
- (3) Preparing or positioning patients for evaluation or treatment following guidelines of the supervising audiologist and of the facility;
- ~~(4) Direct patient services for evaluation are not within the approved scope of responsibilities for assistants who are not Certified Occupational Hearing Conservationists (COHC). Audiology assistants who are not COHC may assist in the evaluation of both pediatric and adult patients, but only under the supervision of the supervising audiologist who is present in the room and attending to the assistant's activities 100 percent of the time. Audiology Assistants who are COHC may conduct unmasked pure tone audiometry under supervision by the licensee for adult patients. Direct patient services to children under the age of 21 years old are not within the approved scope of activities for assistants unless under the supervision of the supervising audiologist who is physically present in the room and attending to 100 percent of the assistant's activities;~~
- ~~(5)~~ (4) Basic hearing device repair and trouble shooting;
- ~~(6)~~ (5) Assistance with procedures related to the fitting and dispensing of hearing devices, not to include cerumen management. Ear mold impressions must be conducted with the supervision of an audiologist;
- ~~(7)~~ (6) Instructing patients in care and use of devices dispensed by the supervising audiologist; and
- ~~(8)~~ (7) Providing services previously mentioned through telehealth to extend access to clinical care.

(b) Subject to Paragraph (c) of this Rule, an An audiology assistant ~~may~~ must engage in the following indirect patient services:

- (1) Reporting any workplace conduct that appears to be unethical in violation of Section .0300 of this Chapter or illegal to the supervising audiologist or to the Board of Examiners;
- (2) Requesting assistance from the supervising audiologist, as needed, in order to ensure continuous service quality;

- 1 (3) Observing universal precautions and safety procedures; and
2 (4) Releasing patients only to the care of care-givers of ~~record~~; and record.
3 ~~(5) Participating in research activities as approved by an Institutional Review Board and oversight~~
4 ~~committees.~~

5 (c) Direct patient services for evaluation as set forth in Paragraph (a) of this Rule are not within the approved scope
6 of responsibilities for assistants who are not Certified Occupational Hearing Conservationists (COHC). Audiology
7 assistants who are not COHC may assist in the evaluation of both pediatric and adult patients, but only under the
8 supervision of the supervising audiologist who is present in the room and attending to the assistant's activities 100
9 percent of the time. Audiology Assistants who are COHC may conduct unmasked pure-tone audiometry under
10 supervision by the licensee for adult patients. Direct patient services to children under the age of 21 years old are not
11 within the approved scope of activities for assistants unless under the supervision of the supervising audiologist who
12 is physically present in the room and attending to 100 percent of the assistant's activities.

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14 *History Note: Authority G.S. 90-298.1; 90-304(a)(3);*
15 *Emergency Adoption Eff. April 24, 2020;*
16 *Temporary Adoption Eff. June 26, ~~2020~~, 2020;*
17 *Eff. June 1, 2021.*