

EXPEDITED REPEAL NOTICE FORM

Proposed Expedited Repeal Number 2024-6 Rule Number Spe 100

<p>1. Agency Name & Address:</p> <p>Governing Board of Speech-Language Pathologists and Hearing Care Providers c/o Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 541-A:16, I(a)</u></p> <p>3. Federal Authority: <u>N/A</u></p>
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4. Short Title: **Organizational Rules**

5. Explanation of the reason for the proposed repeal:

The Governing Board of Speech-Language Pathologists and Hearing Care Providers proposes to repeal Spe 100 organizational rules for the former Governing Board of Speech-Language Pathologists which was merged with the former Board of Hearing Care Professionals and renamed pursuant to 2021, 91:168, 171, and 178, effective July 1, 2021. The Governing Board of Speech-Language Pathologists and Hearing Care Providers is also adopting organizational rules numbered Sphe 100 pursuant to RSA 541-A:16, I(a) in a regular rulemaking proceeding.

6. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Chantell B. Wheeler	Title: Rules Coordinator
Address: OPLC 7 Eagle Square Concord, NH 03301	Phone #: 603-271-8311
	Fax#: N/A
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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

7. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **October 18, 2024, at 4: 00 p.m.**

Fax E-mail Other format (specify):

8. Public hearing scheduled for:

Date and Time: **Tuesday, October 8, 2024, at 2:00 p.m.**

Place: **OPLC, 7 Eagle Square, Concord, NH 03301**

Electronic Access (if applicable): **Not applicable**

Text added to existing rules shown in ***bold italics***
Text deleted from existing rules shown ~~struck through~~

See the Note to JLCAR/
Legis. Intent comment
after the appendix.

Repeal Spe 101.01, effective 3-13-23 (Document #13517), cited follows:

~~CHAPTER Spe 100 ORGANIZATIONAL RULES~~

~~PART Spe 101 PURPOSE AND SCOPE~~

~~— Spe 101.01 Purpose. These rules implement the statutory responsibilities pursuant to RSA 326 F of the governing board of speech language pathologists and hearing care providers.~~

Edit: Need the Part title under the AARL and for the AARL to read, "Repeal Spe 102.01 and Spe 102.02, effective 3-13-23(Document #13517), cited as follows:"

Repeal Spe 101.02, effective 2-6-20 (Document #12987), as follows:

~~— Spe 101.02 Scope. Pursuant to RSA 326 F:2, I, these rules shall not apply to speech language specialists certified under rules adopted by the board of education under the authority of RSA 21 N:9, II(s) unless such specialists are also licensed pursuant to RSA 326 F.~~

Repeal Spe 102.01 and Spe102.02, effective 3-13-23 (Document #13517), as follows:

~~— Spe 102.01 "Audiologist" means "audiologist" as defined in RSA 326 F:1, I namely, "any person who renders or offers to render to the public any service involving the application of principles, methods, and procedures for the measurement of testing, identification, appraisal, consultation, counseling, instruction, and research related to the development and disorders of hearing and vestibular function for the purpose of diagnosing, designing, and implementing programs for the amelioration of such disorders and conditions."~~

~~— Spe 102.02 "Audiology" means "audiology" as defined in RSA 326 F:1, II namely, "the application of principles, methods, and procedures related to the development and disorders of human communication, which disorders shall include any and all conditions whether of organic or nonorganic origin, that impede the normal processes of human communication and balance including, but not limited to, disorders of hearing, vestibular function, and central auditory processing."~~

Repeal Spe 102.03 and Spe 102.04, effective 2-6-20 (Document #12987), as follows:

~~— Spe 102.03 "Board" means "board" as defined in RSA 326 F:1, I, namely, "the governing board of speech language pathologists and hearing care providers established in RSA 328 F."~~

~~— Spe 102.04 "Board of directors" means "board of directors" as defined in RSA 328 F:2, I, namely, "the chairpersons or their appointees of all the governing boards which shall be responsible for the administrative operation of the office of licensed allied health professionals."~~

Repeal Spe 102.05 and Spe 102.06, effective 3-13-23 (Document #13517), as follows:

~~Spe 102.05 "Hearing aid" means "hearing aid" as defined in RSA 326 F:1, IV namely, "any wearable instrument or device designed for or offered for the purpose of or represented as aiding or compensating for impaired human hearing and any parts or attachments, including ear molds, but excluding batteries and cords or accessories thereto, or equipment, devices, and attachments used in conjunction with services provided by a public utility company."~~

Text added to existing rules shown in ***bold italics***
Text deleted from existing rules shown ~~struck through~~

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~~— Spe 102.06 "Hearing aid dealer" means "hearing aid dealer" as defined in RSA 326 F:1, V namely, "any person engaged in the testing of human hearing for the purpose of selecting, fitting, or otherwise dealing in hearing aids."~~

Repeal Spe 102.07, effective 2-6-20 (Document #12987), as follows:

~~— Spe 102.07 "Office of licensed allied health professionals" means "office of licensed allied health professionals" as defined in RSA 328 F:2, IV, namely, "an agency of multiple governing boards in professions of the allied health field."~~

Repeal Spe 102.08, effective 3-13-23 (Document #13517), as follows:

~~— Spe 102.08 "Otolaryngologist" means "otolaryngologist" as defined in RSA 326 F:1, VI namely, "a physician licensed in the state of New Hampshire who specializes in medical problems of the ear, nose, and throat, and is eligible for qualification by the American Board of Otolaryngology as an otolaryngologist."~~

Repeal Spe 102.09 through Spe 102.11, effective 2-6-20 (Document #12987), as follows:

~~— Spe 102.09 "Speech language assistant" means "speech language assistant" as defined in RSA 326 F:1, II a, namely, "any person certified by the governing board of speech language pathologists who meets minimum qualifications which are less than those necessary for licensing as a speech language pathologist and who does not act independently but works under the direction and supervision of a speech language pathologist licensed by the board."~~

~~— Spe 102.10 "Speech language pathologist" means "speech language pathologist" as defined in RSA 326 F:1, III, namely, "any person who renders or offers to render to the public any service involving the application of principles, methods and procedures for the measurement or testing, identification, appraisal, consultation, counseling, instruction and research related to the development and disorders of speech, voice or language for the purpose of diagnosing, designing, and implementing programs for the amelioration of such disorders and conditions."~~

~~— Spe 102.11 "Speech language pathology" means "speech language pathology" as defined in RSA 326 F:1, IV, namely, "the application of principles, methods and procedures related to the development and disorders of human communication, which disorders shall include any and all conditions whether of organic or nonorganic origin, that impede the normal process of human communication including, but not limited to, disorders and related disorders of speech, articulation, fluency, voice, verbal and written language, auditory comprehension, cognition, communication, swallowing, and oral, pharyngeal or laryngeal sensorimotor competencies."~~

Repeal Spe 103.01, effective 3-13-23 (Document #13517), as follows:

~~Spe 103.01 Composition of the Board. The board consists of 6 members and 4 alternate members appointed as specified in RSA 328 F:4.~~

Edit: Need the Part title under the AARL and for the AARL to read, "Repeal Spe 103.01, effective 3-13-23(Document #13517), cited as follows:"

Repeal Spe 103.02, effective 2-6-20 (Document #12987), as follows:

~~Spe 103.02 Relationship of the Board to the Office of Licensed Allied Health Professionals. Pursuant to RSA 328 F:3, II, the chairperson of the board or the appointee of the chairperson is a member of the board of directors of the office of licensed allied health professionals.~~

Repeal Spe 103.03, effective 3-13-23 (Document #13517), as follows:

~~Spe 103.03 Responsibilities of the Board. The board's responsibilities include, among other responsibilities:~~

- ~~— (a) Fully and conditionally licensing speech language pathologists and hearing care providers;~~
- ~~— (b) Provisionally licensing people to practice speech language pathology and regulating their practice;~~
- ~~— (c) Renewing and reinstating the licenses of speech language pathologists and hearing care providers;~~
- ~~— (d) Issuing initial, renewed and reinstated certificates to speech language assistants;~~
- ~~— (e) Regulating the profession of speech language pathology and hearing care; and~~
- ~~— (f) Investigating complaints of misconduct by licensees and certificate holders and taking appropriate disciplinary action.~~

Repeal Spe 103.04 through Spe 103.06, effective 2-6-20 (Document #12987), as follows:

~~Spe 103.04 Board Meetings and Quorum.~~

- ~~— (a) Pursuant to RSA 328 F:8, the board meets monthly or more often as its business requires.~~
- ~~— (b) A majority of the board constitutes a quorum.~~

~~Spe 103.05 Attendance at Meetings By Members of the Public. Pursuant to RSA 91 A:2, II, members of the public may attend and record board meetings, except for those parts of the meetings which are nonpublic sessions as defined in RSA 91 A:3.~~

~~Spe 103.06 Other Organizational Rules. The board is part of the office of licensed allied health professionals. Information such as the board's office location, address, and telephone number may be found at Ahp 104. Information regarding the public's access to minutes and other board records may be found at Ahp 103.05 and Ahp 104.03.~~

APPENDIX I

Rule	Statute Implemented
Spe 101.01(repeal)	2023, 79:277
Spe 101.02 (repeal)	2023, 79:281, I
Spe 102 (repeal)	2023, 79:277

Text added to existing rules shown in ***bold italics***
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Spe 103 (repeal)	2023, 79:277
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Note to JLCAR/Legis. Intent: There is a question of whether these rules need to be formally repealed, as RSA 541-A:17, II states that organizational rules automatically expire 1 year after the statute governing the agency is adopted or amended in a way that renders the agency's organizational rules as inaccurate. In this case, RSA 326:F was completely changed through repeals and reenactments and amendments to the statute's sections. As these changes essentially created a brand new board by merging two boards together, the changed being effective July 1, 2021, there is a question of whether these rules already expired on July 1, 2022. 'dThe former board was merged with the hearing care providers governing board to create a new board, the governing board of speech-language pathologists and hearing care providers. This new board is establishing its own organizational rules under a new rule acronym, Sphe 100. The proposal for the Sphe 100 rules was filed with OLS, it is proposal 2024-166, and the deadline to file an FP is 3/4/2025.