

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

Oregon Board of Examiners for Speech-Language Pathology & Audiology	335
Agency and Division	Administrative Rules Chapter Number
Sandy Leybold	800 NE Oregon St Ste 407, Portland OR 97232
Rules Coordinator	Address
	971-673-0220
	Telephone

RULE CAPTION

Conforms dual licensee professional development requirements to rules for other licensees; Corrects typographical error.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

October 28, 2009	10:00 AM	800 NE Oregon St., Room 445, Portland OR 97232	Sandy Leybold
Hearing Date	Time	Location	Hearings Officer

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<i>Auxiliary aids for persons with disabilities are available upon advance request.</i>			

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND 335-070-0065; 335-095-0060

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 681

Other Auth.:

Stats. Implemented: ORS 681

RULE SUMMARY

- 335-070-0065(1): Changed actual number of professional development hours to a percentage of the requirements to align with other professional development rules.
- 335-095-0060(1)(b): changed typographical error of "dysphasia" to "dysphagia"

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

10/28/09

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

	SANDY LEYBOLD	9/14/09
Signature	Printed name	Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Board of Examiners for Speech-Lang Pathology & Audiology

335

Agency and Division

Administrative Rules Chapter Number

Conforms dual licensee professional development requirements to rules for other licensees; Corrects typographical error.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Statutory Authority: ORS 681

Other Authority:

Stats. Implemented: ORS 681

Need for the Rule(s):

These proposed changes are "housekeeping" items.

In July 2009, OAR 335-070-0055 was amended to reduce the number of hours of professional development (PD) needed each two years from 40 to 30 for speech-language pathologists (SLPs) and audiologists. The proposed change in OAR 335-070-0065(1) is needed to conform the dual licensees' PD requirements to the new amounts. The rule has been re-written so that the PD requirement for dual licensees is determined by the requirements for each discipline; therefore, it will be automatically updated for any future changes in SLP or audiology PD hours.

The proposed change to OAR335-095-0060(1)(b) corrects a typographical error that could be confusing, since both dysphasia and dysphagia are terms used by SLPs.

Documents Relied Upon, and where they are available:

ORS Chapter 681; Oregon Administrative Rules Chapter 335; Minutes of August 14, 2009 Board Meeting
All available at www.oregon.gov/bspa, or through contacting BSPA at 971-673-0220 or speechboard@state.or.us.

Fiscal and Economic Impact:

Minimal impact; Dual licensees in SLP/audiology could save 25% of the cost of obtaining professional development due to the reduced requirements, for an estimated savings of up to \$3,000 per biennium.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E))
None.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
Currently only 9 individuals hold a dual SLP/Audiology license; it is not known whether they work in a small business setting.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Documentation and audit time for professional development should be reduced as the number of hours is being reduced.

c. Equipment, supplies, labor and increased administration required for compliance:

None.

How were small businesses involved in the development of this rule?

Board members, acting in a rule advisory capacity to the agency, include two audiologists in private practice and one SLP who serves as a contractor to provide SLPA supervision to school districts. These individuals provided the perspective of small businesses in their deliberations about the proposed rules.

Administrative Rule Advisory Committee consulted?: Yes, although a committee was not specifically named.

If not, why?:

This agency has a Board that has a mandated membership of seven members; specifically, two positions designated for audiologists, two for speech-language pathologists, one for an ear/nose/throat physician, and two for members of the general

public. Both of our public members are also consumers of hearing services. The Board members are expected to provide the perspectives of their constituencies while also assuming fiduciary and other responsibilities for agency functions. We are a small agency and our Board functions as a "committee of the whole" in addressing disciplinary, licensing, and other functions. We have only 1.4 staff and 1820 licensees, and do not have the resources to create and staff multiple committees.

The rule amendments were discussed at a duly noticed public Board meeting held on August 14, 2009.

To gain further input from licensees (including small business representatives) and the public, the following actions will be undertaken before the rules are finally adopted by the Board:

- The entire text of the proposed rules and detailed information regarding the rationale for the changes will be distributed to all licensees.
- A hearing has been set for Wednesday, October 28th, and a formal comment period will end on October 28th. The hearing will allow any interested parties to give their opinions and testimony to the Board.

Sandy Leybold

SANDY LEYBOLD

9/14/09

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

Dual Licensees

(1) Effective January 31, 2004, each applicant for renewal of a dual license shall complete ~~forty (40)~~ **100% of the required** clock hours of documented and approved professional development in audiology and ~~forty (40)~~ **100% of the required** clock hours of documented and approved professional development in speech-language pathology to be reported at renewal ~~on January 30, 2006 and at each renewal thereafter~~. A maximum of ~~twenty (20) hours~~ **50% of the required hours for either speech-language pathology or audiology (or any combination of the two)** may be applied to both license categories if the topic is applicable to both types of licenses. A class in CPR may be counted only once.

(2) Approved professional development hours completed in excess of the requirement shall not be carried over to the subsequent renewal period.

Scope of Duties for the Speech-Language Pathology Assistant

(1) A speech-language pathology assistant may conduct the following tasks under supervision of the licensed Speech-Language Pathologist:

- (a) Conduct speech and language screenings without interpretation, utilizing screening protocols specified by the supervising speech-language pathologist.
- (b) Provide direct treatment assistance, excluding ~~dysphasia~~ **dysphagia** (as opposed to feeding for nutritional purposes), to patients/clients identified by the supervising SLP by following written treatment plans or protocols developed by the supervising SLP.
- (c) Document patient/client progress, without interpretation of findings, toward meeting established objectives as stated in the treatment plan, and report this information to the supervising speech-language pathologist.
- (d) Assist the speech-language pathologist in collecting and tallying of data for assessment purposes, without interpretation.
- (e) Act as second-language interpreters during assessments.
- (f) Assist the speech-language pathologist with informal documentation during an intervention session (collecting and tallying data as directed by the speech-language pathologist), prepare materials, and assist with other clerical duties as specified by the supervising speech-language pathologist.
- (g) Schedule activities and prepare charts, records, graphs, or other displays of data.
- (h) Perform checks and maintenance of equipment.
- (i) Participate with the speech-language pathologist in research projects, in-service training, and public relations programs.
- (j) Initial each clinical entry and sign each page of records.

(2) The speech-language pathology assistant may not perform the following tasks:

- (a) May not conduct swallowing screening, assessment, and intervention protocols, including modified barium swallow studies.
- (b) May not administer standardized or non-standardized diagnostic tests, formal or informal evaluations, or interpret test results.
- (c) May not participate in parent conferences, case conferences, Individualized Education Plan (IEP) meetings, Individualized Family Services Plan (IFSP) meetings or any interdisciplinary team without the presence of the supervising speech-language pathologist.
- (d) May not write, develop, or modify a patient/client's treatment plan in any way.
- (e) May not provide intervention for patients/clients without following the treatment plan prepared by the supervising speech-language pathologist.

- (f) May not sign any formal documents (e.g. treatment plans, reimbursement forms, individualized education plans (IEPs), individualized family services plans (IFSPs), determination of eligibility statements or reports.)
- (g) May not select patients/clients for services.
- (h) May not discharge patients/clients from services.
- (i) May not disclose clinical or confidential information either orally or in writing to anyone not designated by the speech-language pathologist.
- (j) May not make referral for additional service.
- (k) May not communicate with the patient/client, family, or others regarding any aspect of the patient/client status or service without the specific consent of the supervising speech-language pathologist.
- (l) May not represent him/herself as a speech-language pathologist.
- (m) May not write a formal screening, diagnostic, or discharge report.