

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
	Telephone

**RULE CAPTION**

Increases fees; amends unprofessional conduct, professional development, SLPA supervision requirements, and licensing procedures

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

May 20, 2009	10:00 AM	800 NE Oregon St., Room 445, Portland OR 97232	Sandy Leybold
Hearing Date	Time	Location	Hearings Officer

Hearing Date	Time	Location	Hearings Officer
<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** 335-005-0020; 335-060-0010; 335-060-0020; 335-070-0055; 335-070-0075; 335-070-0080; 335-070-0085; 335-095-0010; 335-095-0030; 335-095-0050; 335-095-0060

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

**Stat. Auth. : ORS 681**

Other Auth.:

**Stats. Implemented: ORS 681**

RULE SUMMARY

- Adds and clarifies definitions of unprofessional conduct
- Clarifies need for timely reporting of home and business addresses and SLPA supervision changes
- Increases licensing fees
- Changes professional development hours required for renewal and re-activation
- Adds professional development requirement for initial licensure
- Clarifies SLPA supervision requirements
- Allows Board to exempt school districts in critical shortage areas from certain SLPA supervision requirements based upon an application and approval process
- Changes miscellaneous text for clarity

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.

5/21/09

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

Signature	Printed name	Date
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\*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 &amp; Audiology

335

Agency and Division

Administrative Rules Chapter Number

Increases fees; amends unprofessional conduct, professional development, SLPA supervision requirements, and licensing procedures

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):

Amended Rule 335-005-0010 clarifies definitions of misrepresentation and unprofessional conduct, and expands the types of incidents that licensees must report to include violation of employer ethics or conduct policies, crimes with a maximum penalty of incarceration, and adverse actions taken by professional organizations. These amendments are needed to protect the public safety.

Amended Rule 335-005-0020 requires all licensees to report home and business addresses, and for speech-language pathology assistants (SLPAs) to submit notification of changes of their supervising speech-language pathologist (SLP) within 30 days of occurrence. These amendments are needed for the Board to better monitor compliance with licensing requirements and rules regarding appropriate supervision of licensees.

Amended Rule 335-005-0025 removes text that is now included in 335-005-0010 regarding reporting of crimes to the Board.

Amended Rule 335-060-0010 increases application and licensing fees for all active license categories and increases delinquent fees to be equivalent to application fees. The Board last raised its fees in 2005. Routine agency expenses have increased with inflation, and there has been a significant (600%) increase in the number of complaints investigated and resolved annually over the past four years. As a result, the Board has spent down its cash reserves, and needs to implement a fee increase to continue operations and to further improve its protection of public health and safety over the next 4-6 years. Increasing delinquent fees to match application fees will encourage timely renewals, reducing the likelihood of unlicensed practice.

Amended Rule 335-060-0020 includes references to electronic payment and clarifies certain procedures for handling applications. Updates are needed due to implementation of electronic payment for renewals in 2010, with initial applications to follow.

Amended Rule 335-070-0055 reduces the number of hours of professional development needed each two years from 40 to 30 for speech-language pathologists and audiologists. The Board's previous professional development requirement was among the highest in the nation, and was twice the amount required for ongoing certification through the American Speech-Hearing Association (ASHA). The higher standard created an economic burden for many licensees to pay for additional professional courses. After a comprehensive review of other states' and national standards, and in light of proposed increased licensing fees, the Board determined that the additional hours of professional development are desirable, but need not be mandated to ensure the public safety.

Amended Rule 335-070-0060 requires new licensees to document recent clinical training and/or professional development, by specifying hours that must be documented upon application, or within the first 12 months of initial licensure. This rule addresses a concern that mid-career professionals moving into Oregon from other states, or returning to active practice after a hiatus of several years, were not previously required to show that they were current in their professional development until the time of their first renewal (two years after initial licensure). This amendment improves public protection by making sure that all licensees have had recent clinical training or continuing professional education.

Amended Rule 335-070-0075 reduces the number of hours of professional development needed each two years from 20 to 15 for SLPAs. The rationale for this amendment is the same as for 335-070-0055 for SLPs and audiologists.

Amended Rule 335-070-0080 conforms the number of professional development hours needed for inactive licensees to reactivate their credentials to the new 30 hour and 15 hour standards for active licensees. Reactivation requirements for professional development are set at the same level as for active licensees to ensure that this standard is met by individuals who let their licenses lapse at renewal time.

Amended Rule 335-070-0085 requires individuals whose licenses have expired to conform to the same professional development standards as new licensees. This amendment is needed for the same reason: to protect the public from practitioners who are not current in their professional knowledge.

Amended Rule 335-095-0010 expands and clarifies the definition of direct and indirect supervision of SLPAs by speech-language pathologists. This amendment is needed to include newer modes of video-conferencing and electronic communication, and to clarify confusion among practitioners about what activities constitute Board-approved supervision.

Amended Rule 335-095-0030 clarifies that only individuals who hold a SLP license or permit to supervise SLPAs from this Board may supervise and sign off on clinical activities conducted in Oregon that are part of a practicum required for certification as an SLPA. Only if an SLPA is receiving this supervision in another state is it acceptable for the supervisor not to be licensed by this Board. This amendment clarifies a misunderstanding on the part of some professionals who believe that the ASHA certification qualifies a speech-language pathologist to sign off on such documentation for practicum students in Oregon. Importantly, it emphasizes the Board's role in overseeing SLPAs and individuals who supervise SLPAs both in training and in later practice.

Amended Rule 335-095-0050 clarifies several aspects of SLPA supervision that have been found to be unclear to practitioners, based upon inquiries to the Board, consultation and training in the field, and a recent SLPA supervision audit performed by the Board. These changes are necessary for public protection, by ensuring that SLPAs are appropriately supervised throughout their employment. Specifically, the amendments emphasize that the diagnosis and treatment of all clients seen by an SLPA remains the responsibility of the SLP who is assigned a client caseload, and that appropriate supervision must take place for SLPA work with all assigned clients. Documentation requirements are specified as well. Amendments clarify that the amount of SLPA time requiring supervision is generally 20% of the clinical interaction time with clients, not total time spent on the job (which may include record-keeping, planning, and other activities). Amendments clarify that the total amount of supervision required increases to 30% during the first 90 calendar days at a new employer, not just the first 90 days after initial certification as an SLPA. Additionally, section (5) makes permanent the provisions of a 2008 temporary rule that allows educational organizations to apply for a special exemption from the supervision rules for limited periods of time of extreme staffing shortage. The Board must approve applications for this exemption.

Amended Rule 335-095-0060 clarifies that the types of meetings SLPAs may not attend without the supervising speech-language pathologist and the reports that SLPAs may not sign include individualized education plans (IEPs), individualized family services plans (IFSPs), and determination of eligibility statements. Again, this amendment responds to inquiries and audit findings about current practice. The Board is seeking these clarifications to ensure that the appropriately trained individuals are involved in legal and case management functions in all cases, so that the public receives the appropriate standard of care in speech-language pathology.

Documents Relied Upon, and where they are available:

ORS Chapter 681

Oregon Administrative Rules 335 – available on the Board's website at [www.oregon.gov/bspa](http://www.oregon.gov/bspa)

Survey of Professional Development Requirements for state licensing boards for speech-language pathologists and audiologists:

National Council of State Boards for Speech-Language Pathology and Audiology at [www.ncsb.org](http://www.ncsb.org)

Minutes of Board meetings (September 2008-April 2009), available on the Board's website and/or through contacting BSPA's Administrative Assistant Tim Anderson at 800 NE Oregon St., Portland, OR, by phone at 971-673-0220 or email at [speechboard@state.or.us](mailto:speechboard@state.or.us).

Fiscal and Economic Impact:

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E))

State Agencies: None.

Units of local government: School districts employing SLPs, SLPAs, and/or audiologists may be affected as follows:

- If districts pay licensing fees for employees licensed by BSPA, they will incur higher expenses for licensing fees.
- If districts provide paid time off for licensed staff to attend professional development sessions, or contract for or provide such continuing education sessions, the reduced need for professional development hours will save districts approximately 25% of the costs currently incurred.
- If districts are experiencing a severe shortage of SLPs, they may apply for special exemption from certain SLPA supervision requirements for 2 out of every 5 school years. If granted, this exception would allow them to provide student services with less expensive SLPA staff, and with less expense for SLP supervision.
- The clarification of SLPA supervision requirements could encourage districts to employ more SLPAs (instead of SLPs) and/or cause them to reduce the cost of SLPA supervision if they have interpreted current standards as higher than the proposed rules. Either of these outcomes could reduce district expenses.

Public: The general public will not experience any direct cost impact from these proposed changes. BSPA licensees will experience a mixed cost impact:

- Existing licensees will see their renewal fees increase from \$160 to \$275 per biennium for SLPs and audiologists; and from \$50 to \$150 for SLPAs. If they are late in renewing, licensees will incur delinquent fees of \$200, instead of \$50. This fee increase is necessary to continue general operations of the agency, and to meet the increased need for investigations and legal proceeding related to licensing compliance and professional conduct/competency.
- The cost of professional development necessary for renewal will decrease; up to \$1500 per biennium, since the number of hours is reduced by 25%.
- Licensees will continue to enjoy ongoing customer service without specific charges: e.g., licensees are not charged for printing duplicate licenses or for providing verification of licensure to other states.
- Inactive license fees will remain the same.
- Potential licensees will incur application fees of \$200. These higher fees reflect staff time needed to review current professional development, and increasing time needed to review criminal history reports.

## 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:

Of 1750 total active licensees as of April 2009, BSPA estimates that 80% are employed in school settings. More precise numbers on licensee employment will be available after the proposed amendment of OAR 335-005-0020 which would require all licensees to report a business address to the Board. The remaining 20% (estimated 350 licensees) are employed in hospitals, clinics, staffing agencies, or private practices, some of which may qualify as small businesses. Depending upon the nature of the employment relationship with BSPA licensees, small businesses may experience the same increases and decreases in cost as outlined above for school districts and individual licensees.

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

The record keeping and reporting requirements contained in these amendments will have minimal impact on licensees or small businesses employing them. These amended rules would require reporting of business and home addresses, timely reporting of changes in SLPA supervision relationships (currently required but without a time frame specified), and documentation of current professional development upon application for licensure. Ongoing documentation of professional development should be reduced as the number of hours is being reduced.

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

None expected.

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 1750 licensees, and do not have the resources to create and staff multiple committees.

The issues and concepts contained in these rule amendments have been the subject of public Board meetings held on September 5, 2009; November 7, 2009; January 28, 2009; and March 13, 2009. Board minutes document discussions of fiscal projections for 2008-2016, fee and professional development survey data, different fee scenarios, and concepts and draft language for rule changes during these four public meetings. The March 13, 2009 meeting was almost totally devoted to discussing needed rule changes from the perspective of the agency and public, tempered by the perspectives brought to the table by the professional members, who will experience the biggest impact from these rule changes. Proposed amendments were drafted by staff and proposed to the Board for final review/approval in a public teleconference meeting on April 6, 2009. All of these meetings were duly noticed via our meeting notification list and agendas and minutes are available on the Board's website.

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 in electronic or hard copy no later than April 20, 2009 to all licensees through the spring BSPA newsletter. The newsletter will provide 30 days' notice of the formal hearing date and comment period for the rule changes. Licensees will be encouraged to ask questions and submit comments formally or informally at any time until the end of the comment period at 5 p.m. on May 21<sup>st</sup>.
- A hearing has been set for Wednesday, May 20<sup>th</sup>, and a formal comment period will end on May 21<sup>st</sup>. With so many of our licensees working in academic settings, the Board wanted to make sure the rulemaking time frame would not extend beyond end of the school year, when speech and hearing professionals would not be as focused on professional issues.
- The Executive Director will speak about the proposed rule changes at meetings of the Oregon Speech-Hearing Association (OSHA) Board and Oregon Academy of Audiology (OAA) membership on May 2<sup>nd</sup> and May 15<sup>th</sup>, respectively. Again, input will be encouraged both at those meetings, and through the subsequent hearing and comment period.
- The hearing scheduled for May 20, 2009 will allow the general public, licensees, and any other interested party to give opinion and testimony to the Board.

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

### 335-005-0010

#### Definitions

(1) Misrepresentation includes any untrue statements or statements that are likely to mislead. Misrepresentation also includes the failure to state any information that is material and that **reasonably** ought [~~in fairness,~~] to be considered. [~~Unprofessional Conduct means:~~]

#### **(2) Unprofessional Conduct means:**

[~~(1)~~] **(a)** Failure or refusal of an applicant for a license from the Board or of a licensee of the Board to cooperate fully in any investigation conducted by the Board.

[~~(2)~~] **(b)** Making a false statement to the Board.

[~~(3)~~] **(c)** Attempting to obtain a license from the Board by means of fraud, misrepresentation, or concealment of material facts.

[~~(4)~~] **(d)** Sexual misconduct with a client.

[~~(5)~~] **(e)** Any act of theft, dishonesty or misrepresentation involving a client, another practitioner, third party providers, or a government agency.

[~~(6)~~] **(f)** Habitual or excessive use of intoxicants, drugs or controlled substances.

[~~(7)~~] **(g)** Assisting or permitting any person to practice speech-language pathology or audiology without a license.

[~~(8)~~] **(h)** Practicing speech-language pathology or audiology when impaired by drugs, alcohol or any other substance.

[~~(9)~~] **(i)** Verbal or physical abuse of a client.

[~~(10)~~] **(j)** Sexual harassment: Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

[~~(a)~~] **(i)** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

[~~(b)~~] **(ii)** Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

[~~(c)~~] **(iii)** Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

#### **(k) Violating an employer's ethics or conduct policy.**

**(l) Conviction of a crime or admitting to an act that even in the absence of a conviction would constitute a crime.**

**(m) Failing to immediately report to this Board a criminal conviction, indictment, Information of Misdemeanor, or any other charging instrument having been filed where the maximum penalty is incarceration.**

**(n) Failing to immediately report to the Board any adverse action taken against a license or certificate holder by a state or federal agency; or another state speech-language pathology or audiology licensing agency; or professional association.**

### 335-005-0020

#### Professional Competence

(1) Individuals shall engage in only those aspects of the professions that are within the scope of their competence, considering their level of education, training, and experience.

(2) Individuals shall continue their professional development throughout their careers.

(3) Individuals who supervise shall prohibit any of their professional staff from providing services that exceed the staff member's competence, considering the staff member's level of education, training, and experience.

(4) Individuals shall ensure that all equipment used in the provision of services is in proper working order and is properly calibrated.

(5) Individuals shall prohibit anyone under their supervision from engaging in any practice that violates the Professional and Ethical Standards.

(6) Individuals shall not provide professional services without exercising independent professional judgment, regardless of referral source or prescription.

(7) Individuals shall not discriminate in their relationships with colleagues, students, and members of allied professions on the basis of race or ethnicity, gender, age, religion, national origin, sexual orientation, or disability.

(8) Licensees will provide current **home and business** addresses and telephone numbers within thirty (30) days of the effective date of change.

(9) Individuals shall cooperate fully with the Board in every matter related to these Professional and Ethical Standards.

**(10) Speech-Language Pathology Assistants shall report a change in supervisor within thirty (30) days of the effective date of change.**

### **335-005-0025**

#### **Accurate Representation**

(1) Individuals shall not misrepresent their credentials, competence, education, training, or experience.

(2) Individuals shall not misrepresent the credentials of assistants and shall inform those they serve professionally of the name and professional credentials of persons providing services.

(3) Individuals shall not transfer to a noncertified individual any responsibility which requires the unique skills, knowledge, and judgment that is within the scope of practice of that professional.

(4) Individuals shall not misrepresent diagnostic information, services rendered, or products dispensed or engage in any scheme or artifice to defraud in connection with obtaining payment or reimbursement for such services or products.

(5) Individuals' statements to the public shall provide accurate information about the nature and management of communication disorders, about the professions, and about professional services.

(6) Individuals' statements to the public advertising, announcing, and marketing their professional services, reporting research results, and promoting products shall adhere to prevailing professional standards and shall not contain misrepresentations.

(7) Individuals shall not engage in any scheme or enter into any arrangement whereby clients are referred to or from any person or business entity in return for any remuneration of any kind, including referrals back to the person or business entity.

(8) Individuals shall not engage in dishonesty, fraud, misrepresentation, or any form of conduct that adversely reflects on the individual's fitness to serve persons professionally.

(9) Individuals' statements to colleagues about professional services, research results, and products shall contain no misrepresentations.

~~[(10) At any time the licensee is disciplined or convicted of a crime, the licensee shall immediately report the incident to the Board.]~~

**(10)** Audiometry licensees may not consult with, contract with, or be employed by a business that dispenses hearing aids if the business holds itself out as having an audiologist on staff or providing audiology services unless audiology licensees provide audiological services as follows:

(a) The licensee, in combination with other audiology licensees or alone, performs audiology evaluations or hearing fitting services or both at each of the business locations that is advertised as having an audiologist on staff or providing audiology services;

(b) The licensee, or the licensee and other licensees, are physically present for at least 30 hours per month at each of the business locations that is advertised as having an audiologist on staff or providing audiology services; and

(c) The licensee keeps a record of the hours he or she spends at each of the business locations that is advertised as having an audiologist on staff or providing audiology services.

~~[(11) (a,b,c) above does not apply if audiologist licensees are the sole providers of hearing aids at a business location.]~~

~~[(12) Except as described in section 13 of this rule, a licensee shall not sign, or authorize anyone else to sign on the licensee's behalf, letters or reports purporting to describe the function or condition of any person unless the licensee has personally performed testing of the person.]~~

~~[(13) If support personnel or a student in supervised practicum provide services, the name of the assistant or the student and a description of duties performed must be clearly referenced in any formal documents (e.g. letters, treatment plans, reports) signed by the licensee.]~~

### 335-060-0010

#### Fees

In accordance with the provisions of ORS 681.340 and 681.360, the following fees, where applicable, are payable to the Board [~~Health Division~~] by check, [~~or~~] money order, **or electronic payment if available**:

- (1) All Applicants except those listed in (1) (d):
  - (a) Application fee shall be \$[~~40~~]**200**, non-refundable.
  - (b) Delinquent fee shall be \$[~~50~~]**200**.
  - (c) The Board may provide for waiver of the license or certificate fee where the license or certificate is issued less than 45 days before the date on which it will expire.
  - (d) Speech-language pathologists applying for permission to supervise speech-language pathology assistants in schools shall pay an annual application fee of \$[~~80~~]**125**.
- (2) Speech-Language Pathologists and Audiologists:
  - (a) Biennial license fee and renewal thereof shall be \$[~~160~~]**275**.
  - (b) Biennial inactive license fee and renewal thereof shall be \$50.
  - (c) Conditional license fee and renewal thereof shall be \$[~~50~~]**125**.
- (3) Speech-Language Pathology Assistants:
  - (a) Biennial certificate fee and renewal thereof shall be \$[~~50~~]**150**.
  - (b) Biennial inactive certificate fee and renewal thereof shall be \$20.

### 335-060-0020

#### Application; Abandonment of Application

- (1) Application for licensure shall be made to the board on the application form prescribed by the Board and shall be accompanied by the application fee payable with a certified check, postal money order [~~or~~] ,personal check, **or electronic payment if available** payable to the [~~Oregon Health Division~~]**Oregon Board of Examiners for Speech-Language Pathology and Audiology or another bank-recognized name for this Board**. This application fee is to cover the costs of administration and shall in no case be refundable.
- (2) [~~Applicants will be notified of any further materials needed to complete the application process.~~] **It is the applicant's responsibility to inquire as to the status of their application to the Board.** Failure to complete all forms and provide all information required shall be just cause for the application to be rejected by the board.
- (3) If [~~the application process which includes payment of the license fee~~] **all application materials are not received** [~~is not completed~~] within 6 months **of the receipt of the application form**, the application shall be considered abandoned and a new application, **including the application payment**, must be submitted before licensure may be granted.

### 335-070-0055

#### Active Licensees

Required professional development for renewal of an active license is:

- (1) Speech-Language Pathology and Audiology: [~~Forty (40)~~] **Thirty (30)** clock hours of documented and approved professional development;
- (2) Dual licenses: [~~Forty (40)~~] **Thirty (30)** clock hours of documented and approved professional development in audiology and [~~forty (40)~~] **thirty (30)** clock hours of documented and approved professional development in speech-language pathology. A maximum of [~~twenty (20)~~] **fifteen (15)** hours may be applied to both licenses if the topic is applicable to both types of licenses. A CPR or universal health precaution class may be only counted once;
- (3) Speech-Language Pathology Assistants: [~~Twenty (20)~~] **Fifteen (15)** clock hours of documented and approved professional development;
- (4) Licensees shall complete the required professional development hours within the two year period prior to license renewal, that is, 24 months prior to Jan. 30 of each even numbered year.

### 335-070-0060

#### New Licensees

New licensees are those individuals who have never been licensed by this board or who have held a conditional license issued by this Board.

(1) Prior to licensure, new licensees must submit evidence of current professional development. To satisfy this requirement, applicants must:

- a. Submit proof of completion of 100% of the professional development hours currently required for an active license of their type within the twenty-four (24) month period immediately preceding the date on which the application is submitted; or
- b. Agree to submit proof of completion of one-third of the professional development hours required for an active license of their type within 12 months of the date they are issued the active license. These hours may be counted towards the professional development hours required at first license renewal; or
- c. Have completed their required clinical training within the last 12 months.

(2) Professional development for new licensees will be required at their first license renewal, according to the following scale [on the following scale]:

[~~(1)~~]a. Licensed prior to July of even-numbered years -- report 100% [the full number of required hours] of the professional development hours required for an active license of their type.

[~~(2)~~]b. Licensed from August 1st of even-numbered years through July of odd-numbered years -- report 50% [half of required number of hours] of the professional development hours required for an active license of their type.

[~~(3)~~]c. Licensed after July 31st of odd-numbered years – if licensed under 335-070-0060(1)(a) or 335-070-0060(1)(c), no report is required; if licensed under 335-070-0060(1)(b), one-third of the professional development hours required for an active license of their type is required.

### 335-070-0075

#### Speech-Language Pathology Assistants

[Effective January 31, 2004, e] Each applicant for renewal of a certificate shall complete [twenty (20)] **fifteen (15)** clock hours of documented and approved professional development to be reported at renewal on January 30 [2006 and at each renewal thereafter] of each even-numbered year. Approved professional development hours completed in excess of the requirement shall not be carried over to the subsequent renewal period.

### 335-070-0080

#### Inactive Status License

Professional development requirements may be waived for a licensee on inactive status during the period they remain inactive. However, if at any time the inactive licensee applies to the board to return to active status, the licensee must submit proof of completion of [~~forty (40)~~] **thirty (30)** professional development hours (**15 hours for speech-language pathology assistants**) within the twenty-four (24) month period immediately preceding the date on which the application is submitted.

### 335-070-0085

#### Expired Status

Professional development requirements do not affect those licenses with expired status. However, if at any time [~~within four years~~] after the expiration date, the person whose license is in the expired status wishes to activate their license [~~the applicant must submit proof of completion of forty (40) professional development hours within the twenty-four (24) month period immediately preceding the date on which the application is submitted.~~], the person must:

- (1) **Submit proof of completion of 100% of the professional development hours currently required for an active license of their type within the twenty-four (24) month period immediately preceding the date on which the application is submitted; or**

**(2) Agree to submit proof of completion of one-third of the professional development hours required for an active license of their type within 12 months of the date they are issued the active license. These hours may be counted towards the professional development hours required at next license renewal.**

**335-095-0010**

**Definitions**

- (1) Approved Training Program: A post secondary training program that has approval by the Oregon Board of Examiners for Speech-Language Pathology & Audiology to offer specific coursework and practica leading to licensure as a speech-language pathology assistant.
- (2) Assessment: A qualitative and quantitative process, conducted by a licensed SLP, that measures the degree of communication impairment conducted by a licensed SLP including, but not limited to, screening, norm and criterion referenced testing, behavioral observations, and clinical interview.
- (3) Clinical Interaction: Interaction where the speech-language pathology assistant (SLPA) or practicum student is actively involved by participating in or leading a therapy session.
- (4) Direct Supervision: On-site, **within sight and/or sound, or live videoconference** [in-view] observation and guidance by a speech-language pathologist while a speech-language pathology assistant performs a clinical interaction.
- (5) Indirect Supervision: Those activities other than direct observation and guidance conducted by a speech-language pathologist that may include consultation, record review, **lesson planning, and** review and evaluation of audio- or videotaped sessions. **Indirect supervision may be done in person or via telephone or electronic communication modes.**
- (6) Speech-Language Pathology Assistant: A person who provides speech-language pathology services under the direction and supervision of a speech-language pathologist licensed under ORS 681.250.

**335-095-0030**

**Certification of Speech-Language Pathology Assistants**

Applicants must submit all of the following to be eligible for certification.

- (1) Official transcripts showing 45 quarter hours or 30 semester hours of speech-language pathology technical course work; and
- (2) Official transcripts showing 45 quarter hours or 30 semester hours of general education credit, and
- (3) Written evidence of 100 clock contact hours of clinical interaction.
  - (a) Clinical interaction must be face to face interaction with clients and supervised 100% of the time. Activities may include speech and hearing screenings and individual or small group and classroom sessions over a recommended 8-12-week period.
  - (b) Tasks such as clerical tasks, passive observations, materials preparation and meetings with the supervisor may not be included in the 100 hours.
  - (c) Clinical interaction documentation must show the date, clinical activity, amount of time and the supervisor's initials and signature. [~~A supervisor~~] **While the practicum student is in training, the supervisor** for the clinical interaction must be licensed or have a permit to supervise assistants from this Board **if the clinical interaction takes place in Oregon**, or hold the ASHA Certificate of Clinical Competency **if the clinical interaction takes place outside of Oregon**.
  - (d) The supervising speech-language pathologist and the applicant will complete the Board's Competency Checklist upon completion of 100 hours. If there is more than one clinical interaction supervisor, each supervisor must complete and sign a Board Competency Checklist.
  - (e) Applicants presenting transcripts showing practicum course(s) with the required number of clock contact hours of clinical interaction are not required to submit the completed Board Competency Checklist.

### 335-095-0050

#### Requirements for Supervising Licensed Speech-Language Pathology Assistants

(1) The amount and type of supervision required will be based on the skills and experience of the speech-language pathology assistant.

(a) For the first 90 **calendar** days of licensed employment, **with a given employer**, a minimum of 30% of all the time an assistant is **providing clinical interaction** [~~on the job~~] must be supervised. A minimum of 20% of hours spent in clinical interaction must be **directly** supervised.

(b) Subsequent to the *first* 90 **calendar** days of licensed employment **with a given employer**, a minimum of 20% of all the time an assistant is **providing clinical interaction** [~~on the job~~] must be supervised. A minimum of 10% of hours spent in clinical interaction must be **directly** supervised.

(c) The supervising speech-language pathologist must be able to be reached throughout the work day. A temporary supervisor *may* be designated as necessary.

(d) If the supervising [SLP] **speech-language pathologist** is on extended leave, an interim supervising [SLP] **speech-language pathologist** who meets the requirements stated in 335-095-0040 must be assigned.

(e) The caseload of the supervising [~~clinician~~] **speech-language pathologist** must allow for administration, including **speech-language pathology** assistant supervision, evaluation of [~~students~~] **clients** and meeting times. [~~(All students assigned to an assistant are considered part of the caseload of the supervising clinician.)~~]

**Speech-language pathology assistants may not have a caseload; therefore, all clients are considered part of the supervising speech-language pathologist's caseload. The supervising speech-language pathologist is responsible to make all diagnostic and treatment related decisions for all clients on the caseload.**

**(f) Supervision requirements must be met for all clients on the caseload who receive treatment from the speech-language pathology assistant**

(2) The supervising speech-language pathologist may not supervise more than the equivalent of two full-time speech-language pathology assistants.

(3) The supervising [SLP] **speech-language pathologist** must co-sign each page of records.

(4) Supervision of speech-language pathology assistants must be documented.

(a) Documentation must include the following elements: date, activity, time spent, and direct or indirect supervision level. **Each entry should be initialed by the supervising speech-language pathologist. Each page of documentation should include the supervising speech-language pathologist's signature and license number issued by this Board. Supervision documentation** [~~and~~] must be retained by the [SLPA] **speech-language pathology assistant** for four (4) years.

(b) Documentation must be available for audit requests from the Board.

**(5) In remote geographic areas of the state or in other situations with severe shortages of licensed personnel, where Direct Supervision requirements cannot be met by an on-site Speech-Language Pathologist, educational facilities may apply for a one year exemption from certain requirements for supervision of certified Speech-Language Pathology Assistants.**

**(a) This exemption allows educational facilities to use the review and evaluation of audio- or video-taped records or live audio- or video-conferencing of clinical interactions, or a combination thereof, to provide a portion of the required Direct Supervision hours, up to a maximum of 75% of the required Direct Supervision hours.**

**(b) During the exemption period, a licensed Speech-Language Pathologist may supervise up to four full-time equivalent certified Speech-Language Pathology Assistants.**

**(c) This exemption will expire on July 31<sup>st</sup> of the year in which it is granted. An exemption shall only be granted for a maximum of two years out of each consecutive five year period.**

### 335-095-0060

#### 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 (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.