

## TELEPRACTICE RULEMAKING COMMITTEE RECOMMENDATION

### August 4, 2017 Draft Rules

Statutory authority allowing the Board of Examiners for Speech-Language Pathology (BSPA) to make rules on use of telepractice:

**ORS 681.205(5)** “Practice speech-language pathology” means to apply the principles, methods and procedures of measurement, prediction, evaluation, testing, counseling, consultation and instruction that relate to the development and disorders of speech, voice, swallowing and related language and hearing disorders to prevent or modify the disorders or to assist individuals in cognition-language and communication skills.

**681.220 Policy.** It is declared to be a policy of this state that it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public in order to: (1) Safeguard the public health, safety and welfare; (2) Protect the public from being misled by incompetent, unscrupulous and unauthorized persons; (3) Protect the public from unprofessional conduct by qualified speech-language pathologists and audiologists; and (4) Help ensure the availability of the highest possible quality speech-language pathology and audiology services to people of this state who have communication disabilities. [Formerly 694.315; 1989 c.224 §134; 1995 c.280 §2; 2005 c.698 §2; 2007 c.70 §307]

**681.420 Powers and duties; rules.** The State Board of Examiners for Speech-Language Pathology and Audiology shall: (1) Administer, coordinate and enforce the provisions of this chapter; (2) Evaluate the qualifications of applicants for any license as issued under this chapter and supervise the examination of such applicants; (3) Investigate persons engaging in practices which violate the provisions of this chapter; (4) Conduct hearings and keep records and minutes as the board deems necessary to an orderly dispatch of business; (5) Adopt rules and regulations, including but not limited to governing ethical standards of practice under this chapter. [Formerly 694.465; 1995 c.280 §18; 2005 c.698 §18]

The draft rules that have been proposed rules are based on the model rules provided by the American Speech Language & Hearing Association (ASHA) with a few exceptions. Oregon expects the standards of care if provided via telepractice to be at or above in-person level of care. The draft provided below incorporates the consensus edits by committee members at their July 11, 2017 meeting. The Board reviewed these proposed rules at their August 11, 2017 meeting, but would like more comment and will consider them again at their November meeting. Comments should be sent to: [Erin.Haag@state.or.us](mailto:Erin.Haag@state.or.us).

**PROPOSED TELEPRACTICE RULES – OREGON BOARD OF EXAMINERS FOR  
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY- August 4<sup>th</sup> DRAFT**

**OREGON ADMINISTRATIVE RULES DIVISION 5 PROFESSIONAL AND ETHICAL  
STANDARDS**

**ADD THE FOLLOWING TO 335-005-0010 DEFINITIONS:**

**335-005-0010**

(3) “Telepractice” is the application of telecommunications technology to delivery of professional services at a distance by linking clinician to client, or clinician to clinician, for assessment, intervention, and/or consultation. “Telepractice” means, but is not limited to, telehealth, telespeech, teleSLP, telehear, telerehab, teletherapy, teleswallow, teleaudiology when used separately or together.

(a) “Patient” or “client” means a consumer of telepractice services.

(b) “Telepractitioner” means an audiologist or speech-language pathologist who provides telepractice services.

(c) “Telepractice service” means the application of telecommunication technology to deliver audiology and/or speech-language pathology services at a distance for assessment, intervention and/or consultation.

(d) “Client/patient site” means the location of the patient or client at the time the service is being delivered via telecommunications.

(e) “Telepractice Facilitator” means the individual at the client site who facilitates the telepractice service delivery during the visit at the direction of the audiologist or speech-language pathologist. Speech-Language Pathology Assistants (SLPAs) may serve as telepractice facilitators.

(f) “Clinician site” means the site at which the audiologist or speech-language pathologist delivering the service is located at the time the service is provided via telecommunications.

**ADD A NEW SECTION – Preferred series #335-005-16: TELEPRACTICE**

(1) Audiologists and speech-language pathologists who hold an Oregon license can provide telepractice services through telephonic, electronic, or other means, including diagnosis, consultation, treatment, transfer of health care information, and continuing education. Telepractice, regardless of where the service is rendered or delivered, constitutes the practice of audiology or speech-language pathology and shall require state licensure. Speech-Language Pathology Assistants (SLPAs) are not allowed to provide telepractice services.

(2) Services delivered via telecommunication technology must be equivalent to the quality of services delivered face-to-face (i.e. in-person).

- (3) Telepractice services must conform to professional standards including but not limited to ethical practice, scope of practice, professional policy documents, and other relevant federal, state, and institutional policies and requirements.
- (4) Telepractitioners must have the knowledge and skills to competently deliver services via telecommunication technology by virtue of education, training, and/or experience.
- (5) The use of technology—e.g., equipment, connectivity, software, hardware and network compatibility—must be appropriate for the service being delivered and must be able to address the unique needs of each client.
- (6) Audio and video quality shall be sufficient to deliver services that are equivalent to in-person service delivery.
- (7) Telepractice service delivery includes the responsibility to ensure calibration of clinical instruments in accordance with standard operating procedures and the manufacturer's specifications.
- (8) The telepractitioner is responsible for assessing the client's candidacy for telepractice, including behavioral, physical, and cognitive abilities to participate in services provided via telecommunications.
- (9) Prior to the initiation of telehealth services, a Licensee shall obtain the patient/client and if applicable, their parent or guardian's consent to receive the services via telepractice. The consent may be verbal, written, or recorded and must be documented in the patient/client's permanent record. The notification could include but not be limited to the right to refuse telepractice services, options for service delivery, and instructions on filing and resolving complaints.
- (10) Telepractitioners shall comply with all laws, rules, and regulations governing the maintenance of client records, including but not limited to HIPAA and FERPA, and client confidentiality requirements in the state where the client is receiving services, regardless of the state where the records of any client within this state are maintained.
- (11) Telepractice services may not be provided by correspondence only—e.g., mail, e-mail, fax—although these may be used in connection with telepractice.
- (12) When providing services via telepractice, the Licensee shall have procedures in place to address remote medical or clinical emergencies at the patient/client's location.