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**Vice-Chair**  
Evan Evans, AUD

**Professional Members**  
Jennie Price, SLP  
Lyndsay Duffus, AUD  
Mark Wax, MD

**Public Members**  
Ralph Blanchard  
Elisa Williams

**Executive Director**  
Sandy Leybold, MPH

**Administrative Assistant**  
Tim Anderson

(971) 673-0220  
fax (971) 673-0226  
www.oregon.gov/bspa

## News for Oregon-Licensed Speech-Language Pathologists, Audiologists, & SLPAs

**SPRING 2011 EDITION**

# THE VOICE

## “Au Revoir” from Ashley



**Ashley Northam**  
SLP, Board Chair

After six years of service to BSPA, my term has come to an end and I am sorry to be leaving this great work. I am grateful for the opportunity I have had to learn and grow professionally through my participation and service as a Board member, Vice Chair and Chair.

I am very proud of the work of this Board. Each member that has served and continues to serve on this Board is very dedicated to a high level of professional ethics and a concern to protect the public. The Board hired Sandy Leybold as Executive Director in 2008. Sandy has been an amazing asset to this Board, and she continues to work diligently to address the Board's goals. The Board has aimed to be more visible and to have a stronger educational role with the public and our licensees. Several of the Board members and the Executive Director have spoken publicly on a number of occasions to clarify the OARs and address questions and concerns from our licensees.

Some key Board accomplishments during my tenure include:

- Conducting SLPA Supervision Audits ( we've seen increased compliance each year!)
- Creating a “smart form” for SLPs and SLPAs to track appropriate levels of SLPA supervision
- Finalizing online payment and renewal procedures
- Creating an exemption rule for rural areas with extreme staff shortages
- Increasing frequency of communication with licensees and related agencies through newsflashes, emails and newsletters
- Updating our statute and administrative rules to clarify AuD requirements, SLPA supervision, professional development, and other issues
- Working with OSHA and TSPC to evaluate universal licensure for SLPs in Oregon.

This has been a rewarding six years for me, working with talented and dedicated board members and staff on educating, refining and implementing regulations that raise the bar for the professions of speech-language pathology and audiology in Oregon. I have been asked to serve as a clinical consultant to the Board as needed, and look forward to continuing to support the Board's efforts in whatever way I can.

## IN THIS ISSUE

“Au Revoir” from Ashley	Page 1
Accolades for Ashley Northam	Page 2
New and Returning Faces on the Board	Page 2
New Board Chair & Vice-Chair Elected	Page 3
SB141 Signed by Governor	Page 3
Smarter Form for Supervision?	Page 4
2011 SLPA Supervision Audit Results	Page 4
Renewal / Professional Development Deadline Changed	Page 5
Be Sure to Read the Rule Changes!	Page 5
Pop Quiz	Page 5
Rulemaking Notice	Insert

# Accolades for Ashley Northam

Ashley was elected as Board Chair at the same time I was hired as Executive Director, and I want to thank her publically for her tireless work on behalf of the Board. Ashley has been available whenever I needed her for advice, support, clinical knowledge, opinions from a state or national policy perspective, or Board history. She will be missed!

*Sandy Leybold, Executive Director*

Ashley was always a pleasure to work with. Her knowledge and insight made all of our meetings and discussions enlightening and pleasurable. She brought level headed thinking and consensus to our discussions. Both the public and profession owe her a great deal.

*Mark Wax, MD, Otolaryngologist Member*

Ashley Northam is one of those rare and special people who care; who strive to make a difference. Prior to the Board of Examiners, she contributed to her vocation through service to the Oregon Speech-Language Hearing Association, as President and other offices.

Ashley also was an ASHA Legislative Counselor from Oregon. She is actively teaching her knowledge and skills to others. She has been a pioneer in guiding this state as it embraces "change" in the area of Special Education in general; and Speech Pathology/Audiology in specific. Ashley's knowledge of Speech Pathology Assistants is unequalled. As Board Chair, she brought a dedicated desire to protect the public, advance our discipline, and lead the Board of Examiners to fulfill its mission. Thank you Ashley for your service!

*Butch Evans, Audiologist, Vice Chair*

Ashley is a true leader in the field of Speech-Language Pathology. She has a wealth of knowledge that she brings to the Board and I have appreciated Ashley's guidance since becoming a new member.

*Jennie Price, SLP Member*

While I am very new to the Board, and as a public member knew very little about the substance of the profession, I have been favorably impressed by Ashley's knowledge and commitment to the Board's mission. She has conducted the meetings I have attended with a calm demeanor and has been very patient with my many questions. She certainly is an asset to her profession.

*Ralph Blanchard, Public Member*

When I first started on the Board, I felt instantly welcomed by Ashley. She made it clear that if I had any questions regarding the process, I could come to her anytime. Ashley is well-known in the tight knit SLP and audiology community and has spent much of her free time promoting her profession and working to protect Oregon's patients and clients. She will be greatly missed on the Board.

*Lyndsay Duffus, Audiologist Member*

Ashley has been great to work with on the Board. Her willingness to do the work where it's needed behind the scenes to prepare for the meetings and her involvement with other professional organizations is evident as well. Her smile and laugh will be missed at our meetings. Thank you, Ashley, for all of your hard work.

*Elisa Williams, Public Member*

## New and Returning Faces on the Board

### **Sandy Leybold, MPH** Executive Director

Two new faces have recently joined the Board:

#### **Ralph Blanchard**

In December 2010, public member Ralph Blanchard joined the Board, filling the vacancy created by Charles Murphy's resignation.

Ralph is a resident of Dallas, Oregon with 36 years of public employment experience, including his work as a licensed Land Surveyor, and elected County Surveyor and County Commissioner in Polk County. During his career, he supported the work of the Oregon State Board of Engineering Examiners as they investigated complaints, so he is familiar with the important work done by professional licensing boards to protect the public. Ralph also served his community through a major volunteer effort to establish a local district to fund and provide special transportation for local seniors.

Since retiring in 1998, Ralph has enjoyed improving the family farm and forest and spending more time with his wife, Alvera, and grandchildren. He and Alvera also travel a bit and volunteer with local schools. Ralph says, "Life has been good to me!"



#### **Wendy Gunter**

On July 1<sup>st</sup>, we welcome Wendy Gunter, who was appointed by the Governor to fill the SLP position previously held by Ashley Northam.

Wendy is an SLP in private practice and is well-known to most licensees as the immediate past president of the Oregon Speech-Language Hearing Association (OSHA). Since 2002, she has been involved in several committees and councils of both OSHA and ASHA.

Wendy's professional experience includes practice in public schools in Oregon, Washington and Wyoming, as well as inpatient and outpatient programs at OHSU. She has taught part-time in the SLPA program at Chemeketa Community College and was previously involved in teaching and research at the Child Development and Rehabilitation Center at OHSU.

Wendy is passionate about "contributing to the greater good of higher quality diagnostics and treatment for the people we serve" and "more importantly, to protect consumers in Oregon." If you see Wendy and would like to strike up a conversation, ask her about the service trip she took to Bosnia with The Hello Foundation.

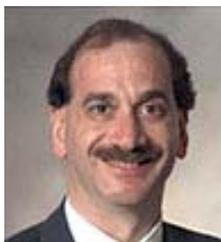
*(Continued on page 3)*

## New and Returning Faces (Continued from page 2)

Returning faces are all three Board members eligible for re-appointment who were willing to continue to serve.

Governor Kitzhaber re-appointed these members for terms ending June 30, 2014:

- Evan “Butch” Evans, Audiologist, Audiology Associates, Independence; and Assistant Professor (part-time), Western Oregon University, Monmouth.
- Jennie Price, SLP, Director of Regional Programs & Related Services, InterMountain (previously Umatilla Morrow) ESD, Pendleton.
- Dr. Mark Wax, Otolaryngologist; Program Director, Department of Otolaryngology-Head & Neck Surgery; and Director, Microvascular Reconstruction, OHSU, Portland.



Mark Wax, MD

Board service is completely voluntary for those employed by a public entity (such as a school district or OHSU) and other members receive only a nominal per diem payment to attend meetings. It is truly a “labor of love”!

Thank you, all, for your willingness to serve on the Board!

## SB141 Signed by Governor; Amends BSPA Licensing Statutes

**Sandy Leybold, MPH**  
Executive Director

On May 24, 2011, Governor Kitzhaber signed SB141, which represents a major update to Oregon’s practice act for speech-language pathology and audiology.

Concepts and language for this bill were developed over the last two years, and shared with licensees in previous mailings. The changes adopt best practices in the professions, grant clearer or broader authority to protect public health and safety, and streamline operations. The Board and Executive Director worked with other state agencies, professional associations, licensees, and national resources. Wording was then drafted for legislative consideration and approval. The strong support of Oregon Speech-Language Hearing Association (OSHA) and Oregon Academy of Audiology (OAA) contributed to the bill’s passage.

### Changes that apply to current licensees:

- Move the license renewal deadline to December 31st, providing a month between the deadline and license expiration (January 30th). This allows time to process renewals or deny them if incomplete (ORS 681.320). This is effective immediately.
- Remove the exemption for licensure from those working in university or federal settings (ORS 681.230)
- Allow the Board to establish rules and fees for a new, temporary license category (ORS 681.340). This will require further approvals to implement.
- Allow the Board to establish “qualifications and conditions” by which an SLP licensed by Teacher

## New Board Chair & Vice-Chair Elected



Evan “Butch” Evans, Incoming Board Chair

At its May 2011 meeting, the Board elected Evan “Butch” Evans as Chair, effective July 1, 2011. Butch has served as an audiologist member of the Board since 2008, and was named Vice-Chair in 2010 after Alison Metcalf completed her Board service.

Butch draws on a wealth of experience from his private audiology practice and his academic work at Western Oregon

University.

In his three years of Board service, Butch has consistently demonstrated his thoughtful approach to disciplinary and policy issues and dedication to Board work.

Jennie Price, SLP, was elected to the position of Vice-Chair. Jennie was appointed in 2010 to fill Carol Clupny’s unexpired term, and was recently reappointed by the Governor for her first full three-year term.

Jennie has many years of clinical and administrative SLP experience in schools, and has supervised numerous fellows and SLPAs. She especially understands the perspective of rural districts as they address staff shortages and other challenges to providing needed services. Last fall, Jennie attended the National Council of State Boards (of Speech-Language Pathology & Audiology) training/conference, and brought back news regarding telepractice and other national policy issues. Jennie’s Board service includes reviewing professional development program applications.



Jennie Price, Incoming Vice-Chair

Standards and Practices Commission (TSPC) may supervise SLPAs (ORS 681.360), and reinforce that TSPC-licensed SLPs must follow Board rules when supervising SLPAs.

- Clarify that medical assistants or audiology assistants trained and working under a licensed physician performing audiometry do not require BSPA licensure (ORS 681.230)

### Changes related to new applicants:

- Remove outdated language regarding graduate credit hours and supervised clinical hours required for SLP (ORS 681.260) and audiologist (ORS 681.264) applicants. Training programs are accredited nationally by ASHA and the American Board of Audiology (ABA). The Board will approve the

(Continued on page 4)

## SB141 Signed by Governor (Continued from Page 3)

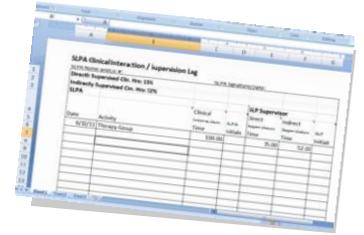
accrediting organization (s) and adopt specific licensing requirements by rule.

- Update audiologist licensure requirements to reflect the significant change that occurred in 2007, when the entry level credential changed to a clinical doctorate (Au.D.) from a master's degree (ORS 681.264). Anyone trained before 2007 will be evaluated based on previous licensing requirements.
- Allow the Board to waive the examination requirement if an applicant holds their ASHA CCC's, while removing reciprocity based on current licensure in a state with equivalent standards (ORS 681.300 and ORS 681.365). This simplifies the determination of equivalency and streamlines Board operations.
- Remove the previous loophole that allowed an applicant holding their CCC's to practice while their application is processed (ORS 681.280).
- Remove the exemption for licensure from those working in university or federal settings (ORS 681.230)

Many of these provisions are effective immediately; some go into effect on January 1, 2012. Rule changes are already drafted—see the insert for details.

## Smarter Form for Supervision?

**Tim Anderson**  
Administrative Assistant



Following the 2011 SLPA Supervision audit, we made some improvements to the "smart form". It is not mandatory for the SLPA to use this form to track their supervision. However, the form features reminders about supervision requirements and make it easy to see how much supervision has been done in each month.

Changes to the form:

- *Restricted to one "page" of entries*  
The reasoning behind this change was to reinforce the idea that supervision should be tracked for each month. There are now 35 rows to enter entries on. Let us know if there are too few rows for one month's worth of clinical interactions.
- *Lists one supervisor*  
There is only one space for a signature by the supervisor at the bottom of the form now. The idea is that an Excel workbook will be done for each supervisor or caseload, each month.
- *Hours or Minutes? Either.*  
As long as you are consistent in putting in either hours in decimal format (1.5) or minutes in the columns, the form should calculate the correct percentage of supervision.

## 2011 SLPA Supervision Audit Results

**Sandy Leybold, MPH**  
Executive Director

Thank you for your cooperation in responding to the 2011 Audit!

This year, the Board audited 12 ESDs and 12 other school districts, as well as 10 individual SLPAs who do not work for districts. We requested supervision logs for October 2010 and February 2011 for all SLPAs audited, as well as a list from each district of all SLPAs and SLP supervisors with the dates of supervision and licensing status.

Our review of a total of 133 SLPAs, submitting 297 clinical logs, found:

- Inadequate supervision (less than 10% direct or 20% indirect hours) in 36 logs, or 12%;
- Documentation errors (missing signatures, missing initials, etc.) in 24 logs, or 8%;

- Supervision changes not reported within 30 days in 15 logs, or 5%; and
- Supervisors not meeting the qualifications in rule in 2 logs, or <1%.

We are pleased that this third audit showed strong improvement from past years!

Board statutes and rules are intended to ensure that students/other clients receive appropriate services from well-qualified providers. We will continue to audit SLPA supervision, since this is a Key Performance Measure for the Board.

SLPAs and their SLP supervisors are responsible for knowing Oregon Administrative Rules regarding SLPA supervision, and for making sure that they are qualified for their roles, maintain proper licensure, and practice within these guidelines. Recently passed updates to Board statutes (SB141) clarify this responsibility for both TSPC- and Board-licensed SLPs. TSPC-licensed administrators who hire and supervise SLPs

and SLPAs also must comply with OARs in making staffing decisions and providing SLP services.

We recommend that SLPAs, supervising SLPs, and administrative staff review relevant OARs together at beginning of each school year, and thereafter as needed.

Current rules are available at the Board's website: [www.oregon.gov/bspa/rules.shtml](http://www.oregon.gov/bspa/rules.shtml). Draft rules inserted in this newsletter include a couple of suggested changes for clarification that came out of the audit. Please take a look!



## Renewal / Professional Development Deadline Changed to New Year's Eve

Recent statute and rule changes implemented a change in the deadline for license renewals and PD reports for all licensees (except conditional licensees).

**Licenses will still expire on January 30, 2012.** However, your renewal application (including fees and PD requirements) must be completed **by December 31, 2011**. A late fee will apply for renewals postmarked or submitted electronically after December 31<sup>st</sup>.

Start planning now to complete your required PD hours during the period January 31, 2010 – December 31, 2011 for your 2012 renewal. *This is only a 23-month period for this renewal cycle.* For future cycles, you will count your PD hours based on the two full prior *calendar* years, which will make it easier to track and report.

This earlier deadline will allow us to review your PD and process, print and mail your renewed license *before* your current license expires. It will also reduce the likelihood that anyone practices without a valid license, even for a few days.

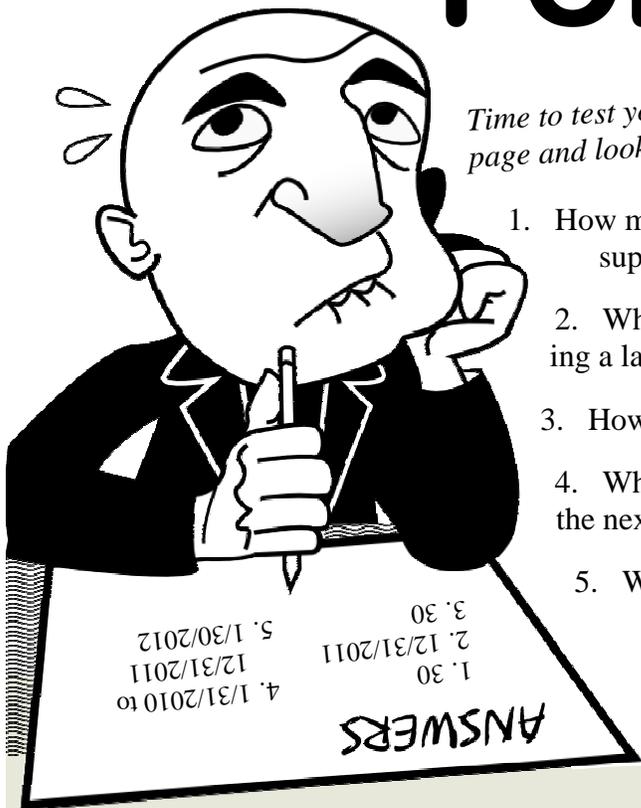


**Be Sure to Read the Proposed Rule Changes!**

Be sure to read the rulemaking notice included with this newsletter – the Board is proposing various updates to the administrative rules as a result of changes to our statute, legal advice, and findings from the 2011 SLPA audit.

You may provide input at the public hearing on **July 20, 2011 at 10:00 am**, and/or submit written comments by **August 1, 2011 at 5:00 pm**.

## POP QUIZ!



*Time to test your knowledge of some important dates! Turn over the page and look on the test-taker's page to see the answers!*

1. How many days does a SLPA have to report a change in their supervision to the Board?
2. When is the deadline for renewing my current license to avoid paying a late fee?
3. How many professional development hours are required for SLPs?
4. What is the date range for PD activities that are OK to report for the next renewal?
5. When will my current license expire?

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**

Outlines licensing requirements; designates accrediting bodies; clarifies SLPA supervisor qualifications; clarifies reporting requirements

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

July 20, 2011	10:00 AM	800 NE Oregon St., Room 445, Portland OR 97232	Sandy Leybold
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

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

**ADOPT:** OAR 335-060-0006, OAR 335-060-0007

**AMEND** OAR 335-010-0005, OAR 335-005-0010, OAR 335-080-0005, OAR 335-080-0010, OAR 335-080-0015, OAR 335-080-0025, OAR 335-095-0030, OAR 335-095-0040, OAR 335-095-0050

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

**Stat. Auth.: ORS 681**

Other Auth.:

**Stats. Implemented: ORS 681, ORS 676**

**RULE SUMMARY**

- Outlines educational and other requirements for licensure of speech-language pathologists (SLPs) and audiologists to be consistent with updated American Speech-Language Hearing Association (ASHA) standards
- Specifies requirements for all licensees regarding English language fluency
- Specifies approved accrediting bodies for training programs
- Clarifies SLPA supervision requirements and reporting guidelines
- Lists qualifications for SLPA supervision by SLPs licensed by Board or Teacher Standards and Practices Commission
- Conforms rules to changes in ORS 681 made in 2011 and ORS 676 made in 2009 Legislative Session
- 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.

August 1, 2011

**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 & Audiology

335

Agency and Division

Administrative Rules Chapter Number

Outlines licensing requirements; designates accrediting bodies; clarifies SLPA supervisor qualifications; clarifies reporting requirements

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):

**Changes Related to Modifications of ORS 681 Through Passage of SB141 (2011)**

SB 141 updated ORS681, which governs the regulation of speech-language pathology and audiology in Oregon. SB141 was passed by the 2011 Oregon Legislature and signed by the Governor on May 24, 2011 (Chapter 133, 2011 Laws). The following changes are needed to conform rules to statutory provisions now in effect.

SB-141-Enrolled, Section 2: Amended ORS 681.260, which previously detailed the educational and other requirements for licensure as an SLP. The statute now allows the Board to determine these in rule.

- The accrediting organizations for undergraduate and graduate speech-language pathology and audiology programs are now defined in OAR 335-060-0005(3)(d) for foreign training programs and in OAR 335-060-0005(4) for U.S. programs. Graduate programs must be accredited by ASHA. All other programs must be regionally accredited, or in the case of foreign programs, accredited by the appropriate regulatory authority for that country.
- Licensing requirements for speech-language pathologists are outlined in newly-adopted OAR 335-060-0006. For SLPs, the Board is adopting the current graduate program requirements that were effective January 1, 2006. SLPs trained prior to 2007 will need to meet the ASHA guidelines in effect at that time. See OAR 335-060-0006(1) and (5).
- Hours required for SLPs' supervised clinical experience are increased from 36 weeks of 30 hours a week (1,080 total) to 36 weeks of 35 hours per week (1,260 total), consistent with ASHA 2006 guidelines. Most applicants complete a clinical fellowship that meets ASHA standards, so this change will not affect licensing practice. See OAR 335-060-0006(2).
- The PRAXIS exam and its passing score are specified to meet the examination requirement for licensure. This codifies previous Board policy. See OAR 335-060-0006(3).
- The Board is proposing to establish a new rule regarding demonstration of English language fluency as a requirement for all license types. For SLPs, this is in OAR 335-060-0006(4).

SB141-Enrolled, Section 3: Amended ORS 681.264 regarding audiologist licensure requirements.

- Licensing requirements for audiologists are outlined in newly-adopted OAR 335-060-0007. For audiologists, the Board is adopting the 2007 ASHA standards. Applicants completing their training after August 1, 2007 are required to hold a doctorate in audiology, including the supervised clinical experience previously obtained after completing a graduate program. See OAR 335-060-0007(2). Those trained prior to 2007 will need to meet the ASHA guidelines in effect at that time, which include a master's degree and post-graduate fellowship year. See OAR 335-060-0007(1),(2), and (5).
- As with SLPs, rules codify existing Board policy requiring applicants to pass the PRAXIS examination prior to licensure. The new rule regarding English language fluency is applied to audiologists in OAR 335-060-0007(4).

SB141-Enrolled, Section 9: Amended 681.360(5) to allow Board to establish qualifications and conditions (not just "criteria") under which a person who holds a basic or standard teaching license in speech impaired or an initial or continuing teaching license in communication disorders may supervise an SLPA working in a school.

- Existing rule OAR335-095-0040(2) states that: “The supervising speech-language pathologist must have at least two years of professional speech-language pathology experience. The clinical post-graduate fellowship year may be counted as one year of professional experience.” The Board’s intent has been that the two years of professional experience are *after* the completion of one’s graduate (professional) training in SLP. This is made explicit in OAR335-095-0040(2)(a)
- While this requirement is clear and relatively easy to enforce for Board licensees, confusion has arisen regarding SLPs licensed by the Teacher Standards and Practices Commission (TSPC) supervising SLPAs. TSPC has allowed individuals to “practice SLP” while holding a Restricted Transitional License and completing their graduate work, or without any graduate training in SLP under a Conditional Assignment Permit (CAP). Indeed, there is NO license category within TSPC that requires a master’s degree. OAR335-095-0040(1)(b) is intended to exclude TSPC conditional or provisional license holders without speech impaired or communications disorders endorsements from supervising.
- Additionally, TSPC-licensed SLPs have occasionally been assigned to supervise SLPAs without having two years of experience following the completion of their graduate program. OAR 335-095-0040 (2)(b) attempts to “grandfather” TSPC licensees who may have graduated before a master’s degree in SLP was the standard entry point for the profession, so that they can use 5 years of professional SLP work experience to qualify for supervisor status.

### **Changes Related to Recent SLPA Supervision Audits**

As a result of the 2011 SLPA Supervision Audit, the Board identified needed clarifications to SLPA supervision rules:

- OAR 335-095-0050(1)(e) reinforces that the SLP supervisor must supervise any and all SLPAs assigned to the caseload. The SLP is responsible for the caseload, which includes all clients and all SLPAs who assist with that caseload.
- OAR 335-095-0050(4)(a) clarifies that required documentation of “time spent” means clinical interaction hours, direct and indirect supervision hours, which are terms defined in OAR 335-095-0010.
- OAR 335-095-0050(4)(a) clarifies that “clinical logs documenting supervision must be completed and supervision hours calculated for each calendar month for each caseload”. Since each caseload is defined by the SLP, there should be one log completed per supervising SLP supervisor per month; and supervision requirements should be met monthly. The Board does not require documentation that supervision for each client meets the numerical requirements each month, although it is a best practice that each client be seen by the supervising SLP at least every 60 days.

### **Changes Related to Statutory Changes in Disciplinary Actions and Duty to Report Criminal Background**

The Board’s Assistant Attorney General has advised updating and clarifying certain provisions of the Board’s Professional and Ethical Standards to conform to statutory changes in 2009 that affected all health professional regulatory boards (see ORS 676).

- The definition of unprofessional conduct as it relates to Board licensees includes that in ORS 676.150. This requires minor changes to OAR 335-005-0010(2) and the addition of OAR 335-005-0010(2)(o) to remind licensees of their obligations under ORS 676.150.
- OAR 335-005-0010(2)(m) codifies the duty of licensees to report their criminal activity in plainer English and with a specific time line. The proposed language states that licenses must report “a misdemeanor or felony conviction or arrest for a felony crime within 10 days after the conviction or arrest.”

### **Miscellaneous Changes**

- Changes to conform language to other rule references are in OAR 335-060-0005(2) and (3)(a); OAR 335-080-0005, OAR 335-080-0010, OAR 335-080-0015, and OAR 335-080-0025.
- As with SLPs and audiologists, a new rule is proposed regarding English language fluency for SLPA certification. See OAR 335-095-0030(2)(f).

Documents Relied Upon, and where they are available:

Chapter 133, 2011 Laws

Chapter 335, Division 95 Oregon Administrative Rules

Chapter 681, Oregon Revised Statutes

Minutes of Board meetings available on the Board’s website

Public meeting minutes, rules and statutes are available on the Board website, [www.oregon.gov/bspa](http://www.oregon.gov/bspa), or by contacting BSPA Administrative Assistant at 971-673-0220 or [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: If school districts employing SLPs and SLPAs have not been complying with intended Board direction regarding SLPA supervision, they may incur additional costs or revise procedures to ensure compliance.

Public: 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:

BSPA estimates that fewer than 20% of its licensees are employed in small private practices.

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

No additional costs of compliance are anticipated. Most of the changes listed are for clarification.

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 an audiologist in private practice and an SLP who serves as a contractor to provide SLPA supervision to school districts. These individuals included the perspective of small businesses in their deliberations. Relatively few of our licensees are employed by small businesses.

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

If not, why?:

This agency has a Board with seven positions: two audiologists, two speech-language pathologists, one ear/nose/throat physician, and two public members. One public member is also a consumer of hearing services. Board members provide the perspectives of their constituencies while assuming fiduciary and other responsibilities for agency functions. With only 1.4 FTE staff, the Board does not have the resources to create and staff multiple committees.

Concepts contained in these proposed rules were discussed at public Board meetings throughout 2010. As SB141 progressed through the legislative process, licensees and other constituents were kept apprised of issues and its amendment. Proposed rules were reviewed and approved by the Board at its June 10, 2011 meeting. All of these meetings were duly noticed via our meeting notification list and agendas and minutes are available on the Board's website. SLPA supervision requirements were discussed with those audited in the 2009-11 annual audits, and largely clarify what is already Board direction and best practice. Statutory changes affecting TSPC licensees supervising SLPAs were supported by TSPC administration during the legislative process, and draft rules were discussed with TSPC prior to their publication.

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 and rationale for proposed rules will be distributed in electronic or hard copy no later than June 20, 2011 to all licensees. Licensees will have 30 days' notice of the formal hearing date and 40 days for comments.
- A hearing has been set for Wednesday, July 20<sup>th</sup>, and a formal comment period will end on August 1<sup>st</sup>. Notice will be sent to professional associations, the Oregon Department of Education (ODE), the Board's interested parties list, and will be posted for the public on our website to encourage testimony and written comments.

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Signature

Printed name

Date

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## 335-060-0005

### Definitions

(1) An Inactive License or Certificate may be obtained by those otherwise qualified individuals who are not employed in the field of speech-language pathology or audiology, not residing in Oregon, or are retired from the profession.

(2) A Conditional License is a license certificate issued by the Board to applicants ~~[meeting the requirements as stated in ORS 681.260(2). The license provides for the licensee to work under supervision while completing the required nine months of supervised post-educational professional experience and/or until the licensee successfully passes the required examination. ]~~ **who have completed degree requirements in OAR 335-060-010, and are engaged in post-graduate supervised clinical experience. The examination is not required for a conditional license.**

(3) Equivalent credentials for licensure are defined as follows:

(a) For regular licenses in speech-language pathology, if completing a doctoral program in which a master's degree has not been conferred, an applicant must submit a transcript showing completion of course work equivalent to, or exceeding, a master's degree that meets the requirements **in OAR 335-060-0006** ~~[of ORS 681.260]~~. In addition to the transcript, the Board may require a letter from the academic department chair or program director documenting that the applicant has completed coursework equivalent to or exceeding a master's degree.

(b) For applicants for conditional licenses in speech-language pathology or initial licenses in audiology, when the applicant has completed all degree requirements, but the university is not scheduled to confer the degree for up to 90 days from the date of application, the Board will accept a letter from the university registrar, documenting that the applicant has completed all degree requirements, and has been approved to receive the degree. An official transcript showing the conferral of the degree must be submitted within 60 days of license issuance.

(c) For applicants who completed their professional training in speech pathology or audiology outside of the United States, the Board requires a determination letter from a credential evaluation service approved by the American Speech-Language Hearing Association to determine equivalency to a master's degree or doctoral degree issued by an accredited program.

**(d) Applicants for licensure or certification educated in foreign countries must submit documentation that course work was completed in an institution of higher education that is regionally accredited or recognized by the appropriate regulatory authority for that country.**

**(4) For the purposes of licensing speech-language pathologists under ORS 681.260 or audiologists under ORS 681.264, and for purposes of student placement in supervised field work under ORS 681.230:**

**(a) the “accrediting organization” that approves graduate programs is the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA) of the American Speech-Language-Hearing Association.**

**(b) All graduate or undergraduate coursework must be completed at an institution of higher education that is regionally accredited by one of the following:**

**(i) Commission of Higher Education, Middle States Association of Colleges and Schools;**

**(ii) Commission on Institutions of Higher Education, New England Association of Schools and Colleges;**

**(iii) Commission on Institutions of Higher Education, North Central Association of Colleges and Schools;**

**(iv) Commission on Colleges, Northwest Association of Schools and Colleges;**

**(v) Commission on Colleges, Southern Association of Colleges and Schools;**

**(vi) Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges**

**335-060-0006**

#### **Licensure of Speech-Language Pathologists**

**(1) “Degree requirements” under ORS 681.260(2) for those speech-language pathologists completing their professional training after January 1, 2006 are those outlined in the 2005 Certification Standards for Speech-Language Pathologists as promulgated by the Council For Clinical Certification (CFCC) of the American Speech-Language-Hearing Association:**

**(a) A minimum of 75 semester hours pertinent to speech-language pathology, which include:**

**(b) At least 36 graduate credits in speech–language pathology;**

**(c) A clinical practicum of 400 clock hours, of which 25 must be observational hours and 375 must be direct clinical interaction. Supervision must be provided by a speech-language pathologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association. At least 325 of these clock hours must be completed while in an accredited graduate program.**

**(d) Credit earned for a thesis or capstone project, if part of the accredited graduate program.**

**(2) For those speech-language pathologists completing their professional training after January 1, 2006 “supervised clinical experience” under ORS 681.260(3) means a program of clinical work that is:**

- (a) Begun after completing all graduate degree requirements;
- (b) Supervised by a speech-language pathologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association;
- (c) A minimum of 35 hours per week for 36 weeks of practice, or its equivalent, for a total of not less than 1,260 hours;
- (d) A minimum of 80% of the hours spent in direct client/patient contact (assessment/diagnosis/evaluation, screening, treatment, report writing, family/client consultation, and/or counseling), with the remainder in related record keeping and administrative duties.

(3) For those speech-language pathologists completing their professional training after January 1, 2006, “examinations” under ORS 681.260(4) means the Praxis Examination in Speech-Language Pathology as administered by the Educational Testing Service. Applicants must score a minimum of 600 to qualify for licensure.

(4) Applicants whose first language is not English may be required to submit scores from the following standardized tests to demonstrate English language fluency:

- (a) The internet-based Test of English as a Foreign Language (TOEFL) with minimum scores of 100 overall, 26 in writing, and 26 in speaking; or
- (b) The paper-based TOEFL and Test of Spoken English (TSE) with minimum scores of 600 overall; 5 on the essay; and 50 on the TSE; or
- (c) The computer-based TOEFL and TSE with minimum scores of 250 overall; 5 on the essay; and 50 on the TSE.

(5) For those speech-language pathologists completing their training before January 1, 2006, “degree requirements”, “supervised clinical experience” and “examinations” mean those in effect for ASHA certification at the time training was completed.

335-060-0007

### Licensure of Audiologists

(1) “Degree requirements” under ORS 681.264(2):

- (a) For those applicants completing their graduate program after 1993 but prior to August 1, 2007 are those outlined in the 1993 Certification Standards for Audiologists as promulgated by the Council For Clinical Certification (CFCC) of the American Speech-Language-Hearing Association.
  - (i) Completion of at least 75 graduate credits in audiology;
  - (ii) A clinical practicum of 350 clock hours of direct patient care, of which 250 must be at the graduate level. Supervision must be provided by an

audiologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association or certification from the American Board of Audiology.

(iii) Credit earned for a thesis or capstone project, if part of the accredited graduate program.

(b) For those applicants completing their graduate program after August 1, 2007 are those outlined in the 2007 Certification Standards for Audiologists as promulgated by the Council For Clinical Certification (CFCC) of the American Speech-Language-Hearing Association.

(i) Completion of a coursework required by an accredited program granting the clinical doctorate degree in audiology;

(ii) Includes supervised clinical experience of not less than 1,820 hours (52 weeks at 35 hours per week).

(2) “Supervised clinical experience” under ORS 681.264(3) means:

(a) For those applicants completing their graduate program after 1993 but prior to August 1, 2007 a program of clinical work that is:

(i) Begun after completing all graduate degree requirements;

(ii) Supervised by an audiologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association or certification from the American Board of Audiology;

(iii) A minimum of 35 hours per week for 52 weeks of practice, or its equivalent, for a total of not less than 1,820 hours;

(iv) A minimum of 50% of the hours spent in direct client/patient contact (assessment/diagnosis/evaluation, screening, treatment, report writing, family/client consultation, and/or counseling), with the remainder in related record keeping and administrative duties.

(b) For those applicants completing their graduate program after August 1, 2007 a program of clinical work that is:

(i) Incorporated into an accredited graduate program awarding a clinical doctorate (Au.D.) degree in audiology;

ii) Supervised by an audiologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association or certification from the American Board of Audiology;

(iii) A minimum of 1,820 hours.

(3) “Examinations” under ORS 681.264(4) means the Praxis Examination in Audiology as administered by the Educational Testing Service. Applicants must score a minimum of 600 to qualify for licensure.

(4) Applicants whose first language is not English may be required to submit scores from the following standardized tests to demonstrate English language fluency:

**(a) The internet-based Test of English as a Foreign Language (TOEFL) with minimum scores of 100 overall, 26 in writing, and 26 in speaking; or**

**(b) The paper-based TOEFL and Test of Spoken English (TSE) with minimum scores of 600 overall; 5 on the essay; and 50 on the TSE; or**

**(c) The computer-based TOEFL and TSE with minimum scores of 250 overall; 5 on the essay; and 50 on the TSE.**

**(5) For those audiologists completing their graduate program before 1993, “degree requirements”, “supervised clinical experience” and “examinations” mean those in effect for ASHA certification at the time training was completed.**

**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 to be considered.

(2) Unprofessional Conduct [~~means~~] **includes:**

(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.

(b) Making a false statement to the Board.

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

(d) Sexual misconduct with a client.

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

(f) Habitual or excessive use of intoxicants, drugs or controlled substances.

(g) Assisting or permitting any person to practice speech-language pathology or audiology without a license.

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

(i) Verbal or physical abuse of a client.

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

(A) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(B) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(C) 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.]~~ **Failing to report to this Board a misdemeanor or felony conviction or arrest for a felony crime within 10 days after the conviction or arrest.**

(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.

**(o) Unprofessional conduct as defined in ORS 676.150.**

**335-080-0005**

### **Definitions**

~~[(1) Agent means a licensee of the Board designated by a supervisor under section 335-080-0202.]~~

~~[(2) Business Entity includes an individual practitioner, partnership, corporation, or association.]~~

~~[(3) A Conditional License is a license certificate issued by the Board to applicants [meeting the requirements as stated in ORS 681.260(2). The license provides for the licensee to work under supervision while completing the required nine months of supervised post-educational professional experience and/or until the licensee successfully passes the required examination.]~~ **who have completed degree requirements in OAR**

**335-060-0006, and are engaged in post-graduate supervised clinical experience. The examination is not required for a conditional license.**

(4 ~~2~~) Supervisor means a licensed speech-language pathologist or audiologist who undertakes responsibility for managing and directing a conditional licensee in nine months of full-time post-educational professional employment. A supervisor must ~~[be a fully licensed speech language pathologist or audiologist.]~~ **hold an active license in speech-language pathology issued by the Board or hold their Certificate of Clinical Competency in Speech-Language Pathology issued by the American Speech-Language Hearing Association.**

### **335-080-0010**

#### **Licensing; Qualifications; Procedure**

(1) A person who intends to practice under a conditional license must apply with the Board on such forms as the Board shall provide for this purpose. Application shall include:

- (a) The name and address of the supervisor and place of supervision;
- (b) The area of employment; whether it will be speech-language pathology or audiology or both;
- (c) The education, training, and experience of the conditional licensee;
- (d) A description of the duties and tasks expected to be performed by the conditional licensee.

(2) The applicant must meet the **degree** requirements as stated in [~~ORS 681.260(1)(2)(3)~~]  
**OAR 335-060-0006.**

### **335-080-0015**

#### **Supervisor's Responsibility and Nature of Supervision**

- (1) The supervisor shall manage and direct the duties and functions of the conditional licensee and oversee the work performed by the conditional licensee.
- (2) The supervisor shall keep records of the tasks performed by the conditional licensee and whether the work is performed competently.
- (3) The board reserves the right to limit the number of conditional licensees [~~to by~~] supervised by any one supervisor at any one time.
- (4) Any changes in supervision must be reported to the B[~~b~~]oard immediately.

(5) ~~[For good cause shown, the Board may modify the requirements for supervision.]~~  
**Supervision will be provided to meet requirements for the supervised clinical experience as defined in OAR 335-060-0006.**

### **335-080-0025**

#### **Written Evidence of Conditional License Completion**

(1) At the conclusion of the conditional licensee's licensing period, the supervisor shall certify in writing that the conditional licensee has completed ~~[nine months of post-educational professional employment of at least 30 hours per week or the equivalent nine months of employment of at least 15 hours per week.]~~ **the required supervised clinical experience.**

(2) The supervisor shall also briefly describe the nature and extent of the duties and tasks performed by the conditional licensee; the nature and extent of the management and direction of the supervisor; and the competency of the work performed by the conditional licensee.

### **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. While the practicum student is in training, the supervisor for the clinical interaction must be licensed by Board, or hold the ASHA Certificate of Clinical Competency.

(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.

**(f) Applicants whose first language is not English may be required to submit scores from the following standardized tests to demonstrate English language fluency:**

**(a) The internet-based Test of English as a Foreign Language (TOEFL) with minimum scores of 100 overall, 26 in writing, and 26 in speaking; or**

**(b) The paper-based TOEFL and Test of Spoken English (TSE) with minimum scores of 600 overall; 5 on the essay; and 50 on the TSE; or**

**(c) The computer-based TOEFL and TSE with minimum scores of 250 overall; 5 on the essay; and 50 on the TSE.**

335-095-0040

### Qualifications for Supervising Speech-Language Pathology Assistants

(1) All supervision of services provided by a speech-language pathology assistant must be performed by a speech-language pathologist **who:**

**(a) holds an active, valid license issued by the Board of Examiners for Speech-Language Pathology and Audiology; or**

**(b) is exempt from licensure under ORS 681.230(2) and holds an active, valid basic or standard teaching license with an endorsement in speech impaired or an initial or continuing teaching license with an endorsement in communication disorders issued by the Teacher Standards and Practices Commission.**

(2) The supervising speech-language pathologist must have **the following professional work experience:**

**(a) at least two years of professional speech-language pathology work experience following completion of their graduate degree in speech-language pathology or communications disorders.** The clinical post-graduate fellowship year may be counted as one year of professional experience.

**(b) if exempt from licensure under ORS 681.230(2), and initially licensed by the Teacher Standards and Practices Commission prior to 1999, a minimum of five years of professional work experience in speech-language pathology within the ten years preceding the provision of supervision. The supervising speech-language pathologist must have held an active basic or standard teaching license with an endorsement in standard speech impaired or an initial or continuing teaching license with an endorsement in communication disorders issued by the Teacher Standards and Practices Commission during qualifying work experience. Work experience while holding a restricted transitional license, conditional assignment permit, or other provisional license issued by the Teacher Standards and Practices Commission is excluded from qualifying work experience.**

(3) The supervising speech-language pathologist must agree to supervise according to Board requirements, as outlined in OAR 335-095-0050.

### **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 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 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 speech-language pathologist is on extended leave, an interim supervising speech-language pathologist who meets the requirements stated in 335-095-0040 must be assigned.

(e) The caseload of the supervising speech-language pathologist must allow for administration, including speech-language pathology assistant supervision, evaluation of clients and meeting times. 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, **and to**

**supervise any speech-language pathology assistants assigned to assist with that 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 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, **clinical interaction hours**, [~~time spent~~], and direct or indirect supervision [~~level~~] **hours**. **Clinical logs documenting supervision must be completed and supervision hours calculated for each calendar month for each caseload.** 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 numbers issued by this Board and the Teacher Standards and Practices Commission if applicable. Supervision documentation must be retained by the 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.