

# DRAFT RULES JUNE 17, 2019

## Chapter 335

### Division 95 SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

#### 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.~~ **One of the following degrees or certificates from a regionally-accredited program:**

- (a) **Associate's degree in speech-language pathology assisting or**
- (b) **Bachelor's degree in communication sciences and disorders or**
- (c) **Post baccalaureate certificate in communication sciences and disorders.**

(2) **Assessment:** A qualitative and quantitative process, conducted by a licensed **SLP speech-language pathologist (SLP)**, that measures the degree of communication impairment 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 clinical fieldwork participant (provisional speech-language pathology assistant certificate holder or practicum student) is actively participating in or leading a therapy session, or speech or hearing screenings.

(4) **Supervision:** A process in which two or more people participate in a joint effort to promote, establish, maintain and/or evaluate a level of performance. The speech-language pathologist is responsible for evaluation, monitoring of practice outcomes, and documentation to accomplish the goals and objectives.

~~(4)~~ (5) **Direct Supervision:** On-site, within sight and/or sound, or live videoconference observation and guidance by a speech-language pathologist while a speech-language pathology assistant performs a clinical interaction.

~~(5)~~ (6) **Indirect Consultative Supervision:** Those activities other than direct observation and guidance conducted by a speech-language pathologist that may include consultation, record file or chart review, and intervention planning. ~~lesson planning, and review and evaluation of audio or videotaped sessions.~~ **Indirect Consultative supervision may be done in person or via live telephone or electronic communication modes such as live video-conferencing but excluding e-mail, texting and other non-dynamic communication modes.**

~~(6)~~ (7) **Speech-Language Pathology Assistant:** A person certified under ORS 681.360 who provides speech-language pathology services within the scope of duties outlined in OAR 335-095-0060 under the direction and supervision of a speech-language pathologist licensed under ORS 681.250.

(8) **Medically fragile:** Severe health condition and/or disability which requires ongoing monitoring and interpretation of signs, symptoms, and interventions.

**Statutory/Other Authority:** ORS 681.205, 681.360, 681.370, 681.375, 681.420 & 681.460

**Statutes/Other Implemented:** ORS 681.360, 681.370 & 681.375

**History:**

SPA 5-2013, f. & cert. ef. 11-13-13

SPA 4-2013(Temp), f. & cert. ef. 9-13-13 thru 12-28-13

SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09

SPA 3-2008, f. & cert. ef. 4-10-08

SPA 3-2006, f. & cert. ef. 5-8-06

SPA 1-2003, f. & cert. ef. 5-7-03

**335-095-0030**

**Certification of Speech-Language Pathology Assistants**

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

(1)(a) **If applying on or before August 31, 2021,** 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~~ **or,**

**(b) If applying after September 1, 2021, official transcripts showing successful conferral of a degree from an Approved Training Program as defined in 335-095-0010(1).**

~~(3)~~ (2) Written evidence of completion of clinical fieldwork that builds skills and competencies needed to practice as a speech-language pathology assistant.

(a) During clinical fieldwork in Oregon, the fieldwork participant must be enrolled in a speech-language pathology practicum course at an accredited college or university, or hold an Oregon provisional speech-language pathology assistant certificate.

(b) Clinical fieldwork must consist of a minimum of 100 clock hours of clinical interaction and 8 hours of consultation and assessment over a recommended 8-12 week period. Clinical interaction must be face to face interaction with clients and directly supervised 100% of the time. Clinical interaction must consist of actively participating in or leading individual, small group, **co-treatment**, or classroom therapy sessions, and may include speech or hearing screenings. The fieldwork participant must also meet with the supervising speech-language pathologist for at least two hours for every 25 hours of clinical interaction to assess the participant's developing clinical skills and competencies, for a total of 8 hours of consultation and assessment. Tasks such as clerical tasks, passive observations, and materials preparation may not be included in clinical fieldwork hours. Meetings with the supervisor may not be included in the 100 hours of clinical interaction.

(c) Clinical interaction documentation must show the date, clinical activity, amount of time and the supervisor's initials for each activity, and be signed by both the supervisor and fieldwork participant. The clinical fieldwork supervisor must be licensed by the Board, or hold the ASHA Certificate of Clinical ~~Competency~~ **Competence** during the fieldwork. **Clinical interaction must be completed within seven years prior to the date the application for licensure is received by the Board.**

(d) The supervising speech-language pathologist and the fieldwork participant must complete the Board's SLPA Competency Checklist during and at the completion of 100 hours of clinical interaction to document the fieldwork participant's developing skills and competencies. The fieldwork participant must be rated as meeting or exceeding all skills upon completion of the fieldwork to qualify for certification as a speech-language pathology assistant. If there is more than one fieldwork supervisor, each supervisor ~~must complete and sign a Board SLPA Competency Checklist~~ **who supervises 15 or more hours of fieldwork must complete and sign the Board's Competency Checklist.**

(e) In extenuating circumstances where the fieldwork participant is unable to obtain the signature of their clinical fieldwork supervisor, the Board may accept a Board SLPA Competency Checklist signed by another supervising speech-language pathologist who is licensed by the Board or holds the ASHA Certificate of Clinical ~~Competency~~ **Competence** and is able to render a professional opinion of the applicant's level of competence.

(f) Applicants who completed fieldwork in another state must provide documentation of at least 100 clinical interaction hours and ~~a final assessment of their skills and competencies completed~~ **The Board's Competency Checklist which must be completed** and signed by their supervising speech-language pathologist. The supervisor must have held the ASHA Certificate of Clinical ~~Competency~~ **Competence** while supervising the applicant. The Board will review the fieldwork log and final assessment in accordance with its clinical interaction requirements and SLPA Competency Checklist. If the fieldwork is not deemed equivalent to Oregon standards, the applicant must obtain a provisional speech-language pathology assistant certificate to complete fieldwork requirements for certification in Oregon.

(4) Applicants whose academic instruction was not conducted in English may be required to submit scores from the following standardized tests to demonstrate English language proficiency:

(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) Applicants must demonstrate current professional competence as follows:

(a) Completion of clinical interaction as described in OAR 335-095-0030~~(3)~~ (2) within the 12 months prior to application; or

(b) Completion of 7.5 hours of professional development within the 12 months prior to application.

(c) Any hours completed in the current professional development period may also be counted towards meeting the professional development requirement for the next active license renewal.

**Statutory/Other Authority:** ORS 681.360, 681.375, 681.420 & 681.460

**Statutes/Other Implemented:** ORS 681.360 & 681.375

**History:**

SPA 5-2013, f. & cert. ef. 11-13-13

SPA 4-2013(Temp), f. & cert. ef. 9-13-13 thru 12-28-13

SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13

SPA 2-2012, f. & cert. ef. 12-14-12

SPA 2-2011, f. & cert. ef. 10-10-11

SPA 1-2011, f. 1-28-11, cert. ef. 2-1-11

SPA 1-2010(Temp), f. & cert. ef. 8-11-10 thru 2-4-11

SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09

SPA 3-2008, f. & cert. ef. 4-10-08

SPA 3-2006, f. & cert. ef. 5-8-06

SPA 2-2004, f. & cert. ef. 5-26-04

SPA 1-2004, f. & cert. ef. 2-6-04

SPA 1-2003, f. & cert. ef. 5-7-03

### 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)~~ (1) 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)~~ (1), 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.
- (4) The supervising speech-language pathologist must have a minimum of two (2) hours of qualifying professional development regarding speech-language pathology assistant supervision on file with the Board office. All current supervisors must meet this rule within one year of the effective date of the rule.**

**Statutory/Other Authority:** ORS 681.360, 681.375, 681.420 & 681.460

**Statutes/Other Implemented:** ORS 681.360 & 681.375

**History:**

SPA 2-2012, f. & cert. ef. 12-14-12

SPA 2-2011, f. & cert. ef. 10-10-11

SPA 1-2011, f. 1-28-11, cert. ef. 2-1-11

SPA 1-2010(Temp), f. & cert. ef. 8-11-10 thru 2-4-11

SPA 3-2008, f. & cert. ef. 4-10-08

SPA 1-2003, f. & cert. ef. 5-7-03

### 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. **Speech-language pathologists and speech-language pathology assistants are equally responsible for developing a collaborative plan for supervision. The speech-language pathologist is ultimately responsible for the implementation of appropriate and adequate supervision, but the speech-language**

**pathology assistant also has the responsibility to seek and obtain the appropriate supervision to ensure safe and effective speech and language therapy service delivery.**

~~(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.~~

**(a) A minimum of one hour per month of consultative supervision time must be documented per each speech-language pathology assistant.**

**(b) Every 60 days the speech-language pathologist must treat, or co-treat with the SLPA, every patient/client/student on the SLP's caseload.**

(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 belongs to the supervising speech-language pathologist who retains full legal and ethical responsibility for the individuals on the caseload. 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 and may not provide services to students/clients/patients of non-supervising speech-language pathologists.** 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. **The supervising speech-language pathologist will document an annual supervision plan for each speech-language pathology assistant supervised. The supervision plan must include the following elements: date, discussion of speech-language pathology assistant's competencies, and the plan for direct and consultative supervision. The supervising speech-language pathologist and the speech-language pathology assistant will both sign the supervision plan annually. The supervision plan must be completed within two weeks of beginning supervision of a speech-language pathology assistant. The supervision plan may be amended as needed by the speech-language pathologist and the speech-language pathology assistant and must be kept on file with all associated documents at the site.**

(a) ~~Consultative~~ documentation must include the following elements: date, ~~activity~~ **focus of discussion, areas where the SLPA is doing well, areas where the SLPA needs support, specific student/client/patient discussion, data review and treatment planning,** ~~clinical interaction hours,~~ and direct or ~~indirect~~ **consultative** supervision

hours. Clinical logs documenting supervision must be completed and supervision hours calculated ~~for each calendar month for each caseload~~ **every 60 days**. 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 **both the supervising speech-language pathologist and the** speech-language pathology assistant for four (4) years.

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

**(5) A speech-language pathologist who employs or otherwise uses the services of a speech-language pathology assistant shall:**

**(a) Ensure that persons who receive services from a speech-language pathology assistant receive prior written notification that services are to be provided by a speech-language pathology assistant and that it is documented in the student/client/patient record;**

**(b) Verify that the speech-language assistant is certified with the Board under ORS 681.360.**

**(6) A speech-language pathology assistant who does not receive adequate supervision as required by this section for two consecutive months shall immediately (within 10 days) file a report with the Board explaining the lack of supervision.**

~~(5)~~ (7) 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 31st 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.

**Statutory/Other Authority:** ORS 681.360, 681.370, 681.375, 681 420 & 681.460

**Statutes/Other Implemented:** ORS 681.360, 681.370 & 681.375

**History:**

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SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09

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SPA 4-2008(Temp), f. & cert. ef. 8-13-08 thru 2-8-09

SPA 3-2008, f. & cert. ef. 4-10-08

SPA 1-2007, f. & cert. ef. 2-1-07

SPA 4-2006, f. & cert. ef. 11-3-06

SPA 1-2003, f. & cert. ef. 5-7-03

**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 dysphagia, ~~(as opposed to feeding for nutritional purposes), to patients/clients identified by the supervising SLP by following written treatment plans or protocols developed by the supervising SLP.~~ **Provide feeding for nutritional purposes and provide direct treatment to medically fragile students/patients/clients, to meet communication needs in the areas of augmentative communication, cognitive rehabilitation, life skills, expressive and receptive communication, as deemed appropriate by the supervising speech-language pathologist.**

(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.

**(k) Provide treatment through telepractice as directed by the supervising speech-language pathologist.**

(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.

**Statutory/Other Authority:** ORS 681.360, 681.370, 681.375, 681.420 & 681.460

**Statutes/Other Implemented:** ORS 681.370 & 681.375

**History:**

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SPA 4-2006, f. & cert. ef. 11-3-06

SPA 1-2003, f. & cert. ef. 5-7-03

**335-095-0065**

**Scope of Duties for the Educational Assistant**

(1) A speech-language pathologist may assign the following tasks to an educational assistant:

(a) Non-instructional activities such as materials preparation.

(b) Clerical duties such as scheduling of appointments, maintenance of equipment and the set-up of materials for diagnostic and intervention sessions.

(2) A speech-language pathologist may not assign the following tasks to an educational assistant:

(a) May not assign the task of speech and language screenings.

(b) May not assign provision of direct treatment assistance. This does not mean to imply that carryover and practice activities are restricted to speech-language pathologists and speech-language pathology assistants.

(c) May not assign documentation of patient/client progress.

(d) May not assign the task of assisting the speech-language pathologist in collecting and tallying of data for assessment purposes.

(e) May not assign the task of independently collecting formal or informal documentation toward speech/language intervention goals.

(f) May not assign the task of signing and recording initial treatment notes.

**Statutory/Other Authority:** ORS 681.360, 681.370, 681.375, 681.420 & 681.460

**Statutes/Other Implemented:** ORS 681.360, 681.370 & 681.375

**History:**

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