



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health- Board of Hearing and Speech

- Preproposal Statement of Inquiry was filed as WSR 09-15-114 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

Chapter 246-828 WAC Hearing and Speech. Amending the chapter to add the requirements, including fees, for the new speech-language pathology assistant profession.

Hearing location(s): Department of Health
Town Center Two
111 Israel Road SE, Room 158
Tumwater, WA 98504

Date: 6/14/2010

Time: 10:30 a.m.

Submit written comments to:

Name: Janette Benham
Address: Department of Health
PO Box 47852
Tumwater, WA 98504-7852
Website: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-2901 by (date) 05/28/2010

Assistance for persons with disabilities: Contact

Janette Benham by 05/28/2010

TTY (800) 833-6388 or () 711

Date of intended adoption: 06/14/2010

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The change in statute makes it necessary for the department to develop rules for the certification of speech-language pathology assistants. The proposed rules:

1. Define certification requirements for speech-language pathology assistants.
2. Define specific procedures and tasks speech-language pathology assistants are allowed to do under direct and indirect supervision levels.
3. Establish requirements to approve education programs.
4. Establish fees for speech-language pathology assistants.

Reasons supporting proposal:

Engrossed Substitute Senate Bill (ESSB) 5601 (Chapter 301, Laws of 2009) creates a new certification for speech-language pathology assistants effective July 26, 2010. The legislation expands the regulation of speech-language pathology services to include speech-language pathology assistants under the Hearing and Speech statute, Chapter 18.35 RCW.

Statutory authority for adoption:

RCW 18.35.161, RCW 43.70.250

Statute being implemented:

Chapter 18.35 RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 04, 2010

TIME: 11:49 AM

WSR 10-10-102

DATE 05/04/10

NAME (type or print)

Janette Benham / Mary C. Selecky

SIGNATURE

Janette Benham, Mary C. Selecky

TITLE

Program Manager, Board of Hearing and Speech / Secretary

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Department of Health, Board of Hearing and Speech

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Janette Benham	310 Israel Road SE, Tumwater WA 98501	360-236-4857
Implementation.....Janette Benham	310 Israel Road SE, Tumwater WA 98501	360-236-4857
Enforcement.....Janette Benham	310 Israel Road SE, Tumwater WA 98501	360-236-4857

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Janette Benham

Address: PO Box 47852
Tumwater, WA 98501-7852

phone 360-236-4857

fax 360-236-2901

e-mail janette.benham@doh.wa.gov

No: Please explain:

AMENDATORY SECTION (Amending WSR 06-19-109, filed 9/20/06, effective 10/21/06)

WAC 246-828-025 Definitions. (1) "Board-approved institution of higher education" means:

(a) An institution offering a program in audiology or speech-language pathology leading to a master's degree, or its equivalent, or a doctorate degree or its equivalent, that has been accredited by the council on academic accreditation in audiology and speech-language pathology, or an equivalent program.

(b) An institution offering a speech-language pathology assistant program or a speech, language, and hearing program approved by the state board for community and technical colleges, the higher education coordinating board, or an equivalent body from another state or province. This program must lead to an associate of arts or sciences degree, certificate of proficiency, or bachelor of arts or sciences degree.

(c) A board-approved institution shall integrate instruction in multicultural health as part of its basic education preparation curriculum under RCW 43.70.615.

(2) "Postgraduate professional work experience" means a supervised full-time professional experience, or the part-time equivalent, as defined in these rules, involving direct patient/client contact, consultations, ~~((record keeping))~~ recordkeeping, and administrative duties relevant to a bona fide program of clinical work.

(a) "Full-time professional experience" means at least 30 hours per week over 36 weeks. Postgraduate professional work experience must be obtained over a period of at least 36 weeks. Applicants who obtain an Au.D. at a board-approved institution of higher education are considered to have met the postgraduate professional work experience requirement.

(b) "Part-time equivalent" means any of the following:

(i) 15-19 hours per week over 72 weeks;

(ii) 20-24 hours per week over 60 weeks;

(iii) 25-29 hours per week over 48 weeks.

~~(3) ((Applicants who obtain an Au.D. at a board approved institution of higher education are considered to have met the postgraduate professional work experience requirement.))~~

"Supervising speech-language pathologist" means a licensed speech-language pathologist or speech-language pathologist certified as an educational staff associate by the superintendent of public instruction.

(4) "Direct supervision of a speech-language pathology assistant" means the supervising speech-language pathologist is on-site and in view during the procedures or tasks.

(5) "Indirect supervision of a speech-language pathology

assistant" means the procedures or tasks are performed under the speech-language pathologist's overall direction and control, but the speech-language pathologist's presence is not required during the performance of the procedures or tasks.

AMENDATORY SECTION (Amending WSR 06-19-109, filed 9/20/06, effective 10/21/06)

WAC 246-828-075 Supervisors of students. (1) Students enrolled in a board approved program may perform the duties of a hearing instrument fitter/dispenser, audiologist ~~((or))~~, speech-language pathologist, or speech-language pathology assistant in the course of their training under appropriate supervision.

(a) Speech-language pathology students must be supervised by a speech-language pathologist licensed under chapter 18.35 RCW, in good standing for at least two years.

(b) Audiology students must be supervised by an audiologist licensed under chapter 18.35 RCW, in good standing for at least two years.

(c) Hearing instrument fitter and dispenser students must be supervised by either a hearing instrument fitter/dispenser or a licensed audiologist licensed under chapter 18.35 RCW, in good standing for at least two years.

(2) Students may perform only those activities that are within the scope of the profession as defined by the training program in which they are enrolled.

(3) The student shall at all times wear an identification badge readily visible to the public that identifies him or her as a student.

(4) The licensee who is supervising hearing instrument fitting and dispensing students must be physically present on the premises at all times. The supervisor must cosign all purchase agreements for the sale of hearing instruments.

(5) The licensee who is supervising speech-language pathology or audiology students may include simultaneous observations with the student or the submission of written reports or summaries by the student for supervisor monitoring, review and approval. At least fifty percent of each student's time in each diagnostic evaluation, including screening and identification, must be observed directly by a supervisor. The observations may take place on site or by closed-circuit television.

NEW SECTION

WAC 246-828-112 Speech-language pathology assistants--Minimum standards of practice. (1) A speech-language pathology assistant may only perform procedures or tasks delegated by the speech-language pathologist and must maintain patient/client/student confidentiality as directed by the speech-language pathologist.

(2) Speech-language pathology assistants may not represent themselves as speech-language pathologists.

(3) The speech-language pathology assistant must be continually supervised by the speech-language pathologist. At least ten percent of the speech-language pathology assistant's time must be providing direct service to patients/clients/students. The following procedures or tasks may only be performed under direct supervision and at the speech-language pathologist's discretion:

(a) Participating during parent conferences, case conferences, or interdisciplinary team meetings with the speech-language pathologist present.

(b) Assisting the speech-language pathologist during evaluations/assessments of patients/clients/students.

(4) The following procedures or tasks may be performed under direct or indirect supervision at the discretion of the supervising speech-language pathologist:

(a) Perform speech-language and hearing screenings for the speech-language pathologist. The speech-language pathology assistant may not interpret the results.

(b) Document patient/client/student performance (such as data, charts, graphs, progress notes, and treatment notes) and report this information to the speech-language pathologist.

(c) Implement treatment plans and protocols including individualized education programs (IEP) or individualized family service plans (IFSP) developed by the speech-language pathologist. These plans, programs, and protocols may include speech, language, augmentative and alternative communication (AAC), assistive technology (AT), and oral-motor therapies.

(d) Perform clerical duties such as preparing materials and scheduling activities as directed by the speech-language pathologist.

(e) Check and maintain equipment as directed by the speech-language pathologist.

(f) Sign treatment notes, progress notes, and other paperwork as directed by the speech-language pathologist.

(5) The following procedures and tasks are excluded from the speech-language pathology assistant scope of practice:

(a) Tasks that require diagnosis, evaluation, or clinical interpretation.

(b) Screening and diagnosis of feeding and swallowing disorders.

(c) Development or modification of treatment plans.

(d) Implementation of therapy outside of the treatment plan.

(e) Selection of caseload.

(f) Discharge or exit patients/clients/students.

(g) Referral of patients/clients/students for additional services.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-828-300 Expired license or certification. (1) If the license or certification has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license or certification has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license or certification has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Successfully pass the examination as provided in RCW 18.35.050;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

NEW SECTION

WAC 246-828-617 Requirements for speech-language pathology assistant certification. An applicant for certification as a speech-language pathology assistant must have the following minimum qualifications:

(1) An associate of arts or sciences degree, or a certificate of proficiency, with transcripts showing forty-five quarter hours or thirty semester hours of speech-language pathology course work and transcripts showing forty-five quarter hours or thirty semester hours of general education credit from a board-approved institution of higher education as defined in WAC 246-828-025 (1)(b). Transcripts must reflect, or applicant must demonstrate, one hundred hours of supervised patient/client/student work experience completed within a one-year time frame, or clinical experience practicum, with at least fifty of those hours under direct supervision; or

(2) A bachelor of arts or bachelor of sciences degree with transcripts from a speech, language, and hearing program from a board-approved institution of higher education as defined in WAC 246-828-025 (1)(b). Transcripts must reflect, or applicant must

demonstrate, one hundred hours of supervised patient/client/student work experience completed within a one-year time frame, or clinical experience practicum, with at least fifty of those hours under direct supervision; or

(3) A completed work experience verification form and competency checklist form developed by the board and submitted as part of the application verifying 600 hours of supervised experience within three years of application. Both forms must be submitted by July 1, 2011, to qualify for certification under this subsection. The competency checklist form shall indicate and verify that the applicant has demonstrated competencies in all the following categories:

- (a) Interpersonal skills;
- (b) Understanding of critical supervision issues;
- (c) Administering treatment protocols;
- (d) Maintaining clinical documentation and communication;
- (e) Upholding ethical behavior and maintaining confidentiality;
- (f) Following health and safety precautions;
- (g) Foundational knowledge of the profession.

AMENDATORY SECTION (Amending WSR 08-15-014, filed 7/7/08, effective 7/7/08)

WAC 246-828-990 Hearing instrument fitter/dispenser, audiologist ((and)), speech language pathologist((s)), and speech-language pathology assistant fees and renewal cycle. (1) ((Licenses)) Credentials must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) ((Licensees)) Practitioners must pay the following nonrefundable fees:

((Title of)) Audiologist/Speech-Language Pathologist

Fee Type:	Fee
((License application	\$125.00))
<u>Interim permit</u>	
<u>Application</u>	\$125.00
<u>Permit</u>	100.00

**((Title of) Audiologist/Speech-
Language Pathologist**

<u>Fee Type:</u>	<u>Fee</u>
Initial license	((+100.00
Interim permit	+100.00))
<u>Application</u>	<u>125.00</u>
<u>License</u>	<u>100.00</u>
Renewal	200.00
Inactive license	75.00
Late renewal penalty	100.00
Expired license reissuance	100.00
Expired inactive license reissuance	50.00
License verification	15.00
Duplicate license	15.00

Hearing Instrument Fitter/Dispenser

<u>Fee Type:</u>	<u>Fee</u>
<u>License application</u>	<u>\$125.00</u>
<u>Initial license</u>	<u>100.00</u>
<u>Renewal</u>	<u>200.00</u>
<u>Inactive license</u>	<u>75.00</u>
<u>Late renewal penalty</u>	<u>100.00</u>
<u>Expired license reissuance</u>	<u>100.00</u>
<u>Expired inactive license reissuance</u>	<u>50.00</u>
<u>License verification</u>	<u>15.00</u>
<u>Duplicate license</u>	<u>15.00</u>

Speech-Language Pathology Assistant

<u>Fee Type:</u>	<u>Fee</u>
<u>Application</u>	<u>\$125.00</u>
<u>Renewal</u>	<u>70.00</u>
<u>Inactive credential</u>	<u>50.00</u>
<u>Late renewal penalty</u>	<u>50.00</u>
<u>Expired credential reissuance</u>	<u>50.00</u>
<u>Expired inactive credential reissuance</u>	<u>50.00</u>
<u>Credential verification</u>	<u>15.00</u>
<u>Duplicate credential</u>	<u>15.00</u>