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Proposed Regulation Agency Background Document

Agency name	Board of Audiology & Speech-Language Pathology
Virginia Administrative Code (VAC) citation(s)	18VAC30-20-10 et seq.
Regulation title(s)	Regulations Governing the Practice of Audiology & Speech-Language Pathology
Action title	Practice of assistant speech-language pathologists
Date this document prepared	3/3/15

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Proposed regulations for supervision of unlicensed assistants include the responsibility of the licensed speech-language pathologist for the training and assignment of duties commensurate with training of the assistant, the qualifications for an assistant, the duties or tasks that may be performed by an assistant, the scope of practice for a speech-language pathologist that is not to be delegated to an assistant, and the level and limitation on supervision of assistants. Regulations specify that the licensee must provide the level of supervision necessary to ensure quality of care to include on-site observation of at least two client sessions for each assistant every 30 days and direct delivery of service to each client at least every 30 days.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

SLP = speech-language pathologist

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.

18VAC30-20-10 et seq. Regulations Governing the Practice of Audiology & Speech-Language Pathology are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400 (6) provides the Board of Audiology & Speech-Language Pathology the authority to promulgate regulations to administer the regulatory system:

§ 54.1-2400 -General powers and duties of health regulatory boards

The general powers and duties of health regulatory boards shall be:

- ...
- 6. *To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...*

Authority for the Board to adopt regulations for persons practicing as an assistant speech-language pathologist is found in the amendment to § [54.1-2600](#) in Chapter 661 of the 2014 Acts of the Assembly:

§ 54.1-2605. Practice of assistant speech-language pathologists.

A person who has met the qualifications prescribed by the Board may practice as an assistant speech-language pathologist and may perform duties not otherwise restricted to the practice of a speech-language pathologist under the supervision of a licensed speech-language pathologist.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

Chapter 661 (HB764) of the 2014 General Assembly authorizes a person “who has met the qualifications prescribed by the Board” to practice as an assistant speech-language pathologist under the supervision of a licensed speech-language pathologist. The purpose of the proposed regulatory action is to set out the qualifications for such a person, the scope of his practice, and the responsibilities of the licensed supervisor.

The practice of speech-language pathology includes “facilitating development and maintenance of human communication through programs of screening, identifying, assessing and interpreting, diagnosing, habilitating and rehabilitating speech-language disorders” (§ 54.1-2600). Unlicensed assistants may be utilized to extend but not replace the practice of a licensed SLP. The American Speech-Language-Hearing Association white paper on the scope of practice for assistants states: “The decision to shift responsibility for implementation of the more repetitive, mechanical, or routine clinical activities to SLPA’s should be made only by qualified professionals and only when the quality of care and level of professionalism will not be compromised.” The proposed regulatory action for the establishment of assistant competency and scope of practice is essential to ensure the quality and continuity of care under the legal and professional responsibility of a licensed SLP to protect the health and safety of clients receiving speech-language services.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of changes” section below.

Current regulations in section 240 specify that a licensed speech-language pathologist shall provide documented supervision to unlicensed assistants, shall be held fully responsible for their performance and activities, and shall ensure that they perform only those activities which do not constitute the practice of speech-language pathology and which are commensurate with their level of training. Further, regulations provide that the identity of the unlicensed assistant shall be disclosed to the client prior to treatment and shall be made a part of the client's file.

Amendments to that section set out the qualifications of an assistant speech-language pathologist, to include a bachelor's or associate's degree and specific training as necessary to be determined by the supervising SLP. Minimal competency in performance must be documented before the supervising SLP can assign tasks to the assistant. After demonstration of competency, the assistant may perform duties planned, designed and supervised by a licensed SLP. Regulations specify which duties are appropriate to the practice of an assistant and which would constitute licensed practice of an SLP and are therefore not to be performed by an unlicensed assistant. Generally speaking, activities which require assessment and professional judgment in speech-language pathology are not appropriate for delegation to an assistant. Finally, regulations specify the supervisory responsibilities of the licensed SLP for the activities of the assistant, the number of assistants who may be supervised, the frequency with which there must be on-site supervision of assistants, and the frequency with which the licensed SLP must personally see and evaluate the client. Ultimate responsibility for the client and the outcomes of his care and treatment remains with the licensed SLP.

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

- 1) The primary advantage to the public is minimal qualifications for unlicensed assistants who are providing direct services to clients and clearer specifications about the appropriate role of an assistant and responsibility of a supervisor. There are no disadvantages as persons receiving services are better protected by proposed regulations.
- 2) There are no real advantages and disadvantages to the agency or the Commonwealth, except greater clarity and specification in regulation to reduce ambiguity for licensees.
- 3) There are no other pertinent matters of interest to the regulated community, government officials, and the public.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There are no localities particularly affected.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the Board of Audiology and Speech-Language Pathology is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the board is seeking information on impacts on small businesses as

defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Elaine Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Henrico, VA 23233 or at elaine.yeatts@dhp.virginia.gov or at (804) 527-4434. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

<p>Projected cost to the state to implement and enforce the proposed regulation, including: a) fund source / fund detail; and b) a delineation of one-time versus on-going expenditures</p>	<p>There are no costs to the state to implement the proposed regulation. To the extent the practice of an unlicensed assistant might result in a complaint, investigation and adjudication of a disciplinary case against the supervising SLP, there would be some enforcement costs. However, unlicensed assistants are currently utilized in many SLP practices, both private and in school settings. The Board does not anticipate an increase in complaints as a result of these regulations, which more clearly delineate the appropriate role for an assistant. Additionally, the Board received a very small number of complaints about SLP services in general, so there should be no appreciable increase in cost for enforcement.</p>
<p>Projected cost of the new regulations or changes to existing regulations on localities.</p>	<p>There are no costs on localities.</p>
<p>Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.</p>	<p>The individuals affected would be licensed SLP's who supervise unlicensed assistants.</p>
<p>Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:</p>	<p>That number is unknown since the Board does not register or regulate the assistants. There are 3662 persons who hold current licensure as SLP's, but it is unknown how many have assistants under their supervision. Many SLP's</p>

<p>a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>work in large health care institutions or school systems and would not be considered a small business entity. The workforce survey conducted by the Healthcare Workforce Data Center at DHP showed that 33% of SLP's work in schools, and 14% work in private practices in 2013.</p>
<p>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including: a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>The Board does not anticipate costs associated with compliance.</p>
<p>Beneficial impact the regulation is designed to produce.</p>	<p>More explicit regulations about the supervisory responsibilities for an unlicensed assistant and the duties that may be assigned should benefit patient outcomes and clarify the appropriate role for the assistant.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

In order to utilize the expertise needed to develop regulations for assistant speech-language pathologists, the President of the Board convened a Regulatory Advisory Panel or Ad Hoc Committee. The Committee was chaired by Laura Verdun, MA, CCC-SLP, board member and included Ronald Spencer, RN, board member, Scott Rankins, SLP, Speech-Language-Hearing Association of Virginia (SHAV), Darlene Robke, SLP, SHAV, and Marie Ireland, SLP, representing the Department of Education.

At its meeting on August 5, 2014, the Committee reviewed the legislative mandate (HB764) and the statutory authority for regulation, the Speech-Language Pathology Assistant Scope of Practice document from the American Speech-Language-Hearing Association (ASHA), a SHAV survey on the use of assistants in Virginia, and regulations from the states of Maryland, North Carolina, and Pennsylvania. The Committee agreed that there was no statutory authority to issue a “license” to assistants, that the responsibility for their training and practice falls on the supervising SLP, and that the duties to which they could be assigned cannot constitute the licensed practice of speech-language pathology. Subsequent to the Committee meeting, regulatory language was drafted and circulated for member comment. At the meeting of the full Board on September 25, 2014, the draft language and member comments were discussed. Several issues relating to the responsibilities and oversight by the supervising SLP were

identified. Following comment on the Notice of Intended Regulatory Action, the Regulatory Advisory Panel was reconvened on January 30, 2015 to consider the comments on draft regulations and make a recommendation to the Board for its adoption on February 12, 2015.

Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The Board does not have alternate regulatory methods, consistent with health and safety of consumers of speech-language pathology services.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
Ginger Shifflett Woodrow Wilson Rehabilitation Center	Qualification should include BA in speech-language pathology and passage of standardized test. Board should be able to issue a license so assistant can bill at a reduced cost. Want an exact percentage of supervision with each client in regulation and documentation of compliance with standard.	While the Board agrees that a BA in speech-language or a related field is preferable, all of the current programs available in Va. are MA-level so the requirement would be too burdensome. A BA or AA degree in any field is required with a “grandfathering” provision for those who have practiced in the past five years. There is no national praxis-type examination available. The proposed regulations do include requirements for supervision and direct client contact, as well as documentation.
Brenda Wallace Allegheny Co. Public Schools	Concerned that assistant position will not be adequately supervised and will impact quality of care. Concern about caseload and increased work for supervising. Educational requirements should be specific to speech-language disorders	Board shares concern about adequate supervision and increased caseload for SLP’s; proposed regulations address both concerns with specification about number of assistants who can be supervised by a licensed SLP and level of supervision required. While educational requirements are general in nature, the SLP has direct responsibility of ensuring that the assistant is adequately trained for any speech-language task assigned.

<p>Heidi Dellert & Marie Owens New Kent Co. Public Schools</p>	<p>BA degree is necessary Responsibilities for an assistant in New Kent schools enumerated. Supervision and disclosure required. Potential negative impact is compromised quality of therapy if not strictly regulated by supervised SLP.</p>	<p>The Board did not adopt a requirement for a BA in communication disorders. Duties or responsibilities enumerated are consistent with those specified in regulation. Appropriate supervision, limitation on number to be supervised and disclosure of assistant role are included in proposed regulations.</p>
<p>Carol Cornett</p>	<p>Holds a BS in speech language from JMU (before its program became a master-level). Has an interest in working in field in Va.</p>	<p>Proposed regulations should allow her employment.</p>
<p>Liza Sanders Central Va. Training Center</p>	<p>Provided information about the work and supervision of assistants at her facility. Asks for a grandfathering of assistants if bachelor's degree is the standard.</p>	<p>Proposed regulations should be consistent with duties current assigned. Proposed regulations specify an associate's degree as the minimal educational qualification and do include a provision for those currently working as assistants.</p>
<p>Amber Handon Charlottesville Public Schools</p>	<p>Regulations should have clear guidelines for scope of practice and for the amount and level of supervision, and clear documentation for supervision. Criteria for assistant should be a BA or BS.</p>	<p>The Board believes proposed regulations have sufficient specificity about scope of practice and level of supervision. Educational qualification is set as BA or associate degree.</p>
<p>Wise County Public Schools</p>	<p>Do not have enough masters-prepared SLP's, so assistants are necessary to provide services. Qualified assistants should be able to carry out instructions of SLP and help with practice of articulation and social skills training.</p>	<p>The proposed regulations would allow for the practice of assistants as needed in rural communities.</p>
<p>Laura Phillips</p>	<p>There are no standards in place for programs for assistants, such as those for occupational therapist assistants or physical therapy assistants; SLP assistants should received licensure and training as opposed to non-professionals providing services under the license of an SLP.</p>	<p>Without statutory authority to do so, the Board cannot license SLP assistants. This profession does not have national educational and examination standards such as occupational therapy and physical therapy for their assistants.</p>
<p>Jacquelyn Ragland</p>	<p>Concerned about proper training and credentialing of assistants; minimal requirement should BA from an accredited program. Purpose of the assistant should not be to increase or decrease caseload for SLP but to help SLP manage caseload in schools. Assistants should not have full responsibility for caseload or function autonomously.</p>	<p>See previous response on educational qualification. Proposed regulations will not allow for independent practice or clinical decision-making by an assistant.</p>
<p>Donna Bryant</p>	<p>Clearly specified regulation is</p>	<p>All recommendations were considered and</p>

<p>Spotsylvania Public Schools</p>	<p>critical to protect clients and students as well as licensees. Duties should be stated clearly so all, including employers, will understand the scope of practice for an assistant. Should include minimum percentage of time per month for direct supervision and observation. SLP's should not be assigned supervision of assistants without their consent.</p>	<p>incorporated into proposed regulations.</p>
<p>LaVae Hoffman Associate Professor, UVA</p>	<p>Similar comments to those above. Include limitation on number of assistants an SLP can be assigned to supervise.</p>	<p>Same response as above.</p>
<p>Melonie Melton New Horizons Regional Education Centers</p>	<p>Difficulties in schools included: 1) high caseloads; and 2) difficulty in finding substitutes. Need firm guidelines for supervision. Qualifications should be the minimum of BA or BS to reduce the burden of more extensive training by SLO. Scope of practice should include tasks at the discretion of the SLP plus administrative duties to support caseload of the SLP.</p>	<p>Same response as above.</p>
<p>Pat Bernard Charlottesville City Schools</p>	<p>BA or BS in communication disorders should be minimum. Process for registration and documentation of education and experience should be similar to current SLP licensure. Role of assistant and supervisor should be clearly stated. Supervision of assistant should be choice of SLP based on number of factors. Feedback should be sought via Townhall, VDOE, etc.</p>	<p>The Board has no authority to require licensure or any form of registration and submission of documentation.</p> <p>Regulations address comments relating to roles and consent of SLP to supervise.</p> <p>Townhall comment has been considered in development of proposed regulation, and supervisor of SLP services for VDOE was a member of the ad hoc committee.</p>
<p>Corrin Richels ODU</p>	<p>SLP assistant should have specialized training in the area of practice. Regulations should specify minimum percentage or number of hours per week the assistant must be supervised.</p> <p>Employers should not place SLP assistants with an SLP with less than 2 years of experience. There should be CE or coursework specific to supervision for SLP. The assistant scope of practice should exclude medically fragile clients.</p>	<p>Training and assurance of minimal competency is the responsibility of the supervising SLP. Regulations are somewhat general to allow for wide differences in the level of expertise, setting for practice and acuity of client needs. A minimum for oversight is set so supervision is assured.</p> <p>The Board does not regulate employers, who may set their own policy. Proposed regulations do not specify training and education relating to supervision.</p> <p>While regulations do not exclude such clients, feeding and swallowing services are prohibited.</p>
<p>Alisha Springle</p>	<p>Comments similar to those</p>	<p>Proposed regulations clearly limit the</p>

ODU	previously summarized. Assistants can function within prescribed activities but cannot be responsible for diagnosis or interpretation.	assistant to tasks that do not involve diagnosis or interpretation.
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Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no impact on the institution of the family and family stability.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

Current section number	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
240	Sets out the supervisory responsibility for an audiologist or speech-language pathologist who is supervising an unlicensed assistant	<p>Subsection A specifies the responsibility of a licensee for an unlicensed assistant.</p> <p>Currently, regulations provide that an audiologist and speech-language pathologist shall provide documented supervision to unlicensed assistants shall be held fully responsible for their performance and activities, and shall ensure that they perform only those activities which do not constitute the practice of audiology and which are commensurate with their level of training.</p> <p>The amendment will separate supervision by an audiologist and a SLP and include a requirement to document such supervision for both license types.</p> <p>Additionally, consistent with Chapter 661 of the 2014 Acts of the Assembly, the specific supervisory responsibilities of an SLP are listed, including: a. <u>A speech-language pathologist shall not supervise an assistant without the speech-language pathologist’s knowledge and consent by the assistant and the licensee documented prior to assumption of supervisory responsibilities.</u> <i>A consistent comment on the NOIRA and by members of the Ad Hoc Committee was concern that a licensee would be assigned an assistant without his knowledge or permission and then be held responsible for his competency and practice. While the Board does not regulate employers,</i></p>

		<p><i>such as school systems, this regulation should ensure that licensed SLP's do not agree to such an assignment.</i></p> <p><u>b. The frequency in which the speech-language pathologist personally delivers treatment or services to a client who is receiving some services from an assistant shall be up to the professional judgment of the speech-language pathologist and shall be determined by the treatment needs of the client, the type of services being provided, and the setting in which the client is being served, but shall occur at least every 30 days.</u> <i>There was much discussion about the frequency with which a client should receive treatment or services by the supervising SLP. Given the variety of assistants, treatment settings and needs of clients, the Board determined that the frequency would vary but that a minimal number was appropriate to ensure that the licensee is personally seeing the client during the treatment period. Once every 30 days is consistent with CMS requirements, so that was the time period agreed upon.</i></p> <p>3. The identity of the unlicensed assistant shall be disclosed to the client prior to treatment and shall be made a part of the client's file. <i>This is a current requirement in subsection B of section 240.</i></p> <p><u>Subsection B sets out the qualifications of a speech-language pathologist assistant to include: a) A bachelor's or associate's degree and documented training by a licensed speech-language pathologist in topics related to the client population to be served; or b) Employment as a speech-language pathologist assistant in a U. S. jurisdiction within the last five years preceding (the effective date of the regulations).</u> <i>Almost all of the commenters on the NOIRA advocated for a minimum educational level of a bachelor's degree, with many specifying the subject of the degree to be speech-language pathology or communication disorders. While there are bachelor's program available in Virginia, the Board did not choose to impose that degree as an entry-level qualification. The Board did believe it was necessary to have some minimal level of post-secondary education with the specialized training to be assured by the supervising SLP relating to the client population to be served. To ensure that those who are currently working or have recently worked as assistants (especially in school systems) could continue employment, the regulation would allow those without the college degree to continue as assistants.</i></p> <p><u>To ensure competency to practice, a speech-language pathologist supervising an assistant shall be responsible for: determining that the knowledge, skills and clinical experience of the assistant are sufficient to ensure competency to perform any tasks to which the assistant is assigned. The speech-language pathologist shall document competency after training and direct observation of the assistant's performance of such tasks, and a record of skills and competencies shall be maintained.</u> <i>Since speech-language assistants are not going to be registered or regulated by the Board, it is the responsibility of the supervising SLP to ensure minimal competency. The supervisor must not assign any task unless he has determined that the assistant has the knowledge, skills and clinical experience to perform that task. A record of skills and competencies should be documented and maintained. The Board will likely develop a checklist that may be used for such documentation. However, not every assistant would be proficient in every task, and the SLP must only assign tasks based on his professional judgment.</i></p>
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		<p>Subsection C sets out the scope of practice for a speech-language pathologist assistant.</p> <p><u>After demonstration and documentation of competency for the duties to be assigned, an assistant shall only engage in those duties planned, designed, and supervised by a licensed speech-language pathologist to include the following:</u></p> <ol style="list-style-type: none"> <u>1. Assist with speech, language and hearing screenings without clinical interpretation of results.</u> <u>2. Assist during assessment of a client exclusive of administration or interpretation.</u> <u>3. Perform activities for each session that are routine and do not require professional judgment, in accordance with a plan developed and directed by the speech-language pathologist who retains the professional responsibility for the client.</u> <u>4. Document a client's performance and report information to the supervising speech-language pathologist.</u> <u>5. Assist with programming augmentative and alternative communication devices and assist the client in repetitive use of such devices.</u> <u>6. Sign or initial informal treatment notes and, upon request, co-sign formal documents with the supervising speech-language pathologist.</u> <u>7. Engage in the following activities:</u> <ol style="list-style-type: none"> <u>a. Preparing materials;</u> <u>b. Scheduling of appointments and activities;</u> <u>c. Preparing charts, records, graphs and other clerical duties;</u> <u>d. Performing checks and maintenance of equipment; and</u> <u>e. Assisting a client with transitioning to and from therapy sessions.</u> <u>8. Perform duties not otherwise restricted to the practice of speech-language pathology.</u> <p><i>Consistent with the requests of comments and the advice of practitioners who served on the Ad Hoc Committee, regulations specifically delineate the tasks or duties that may be assigned to an assistant, consistent with his knowledge and skills and the professional judgment of the licensed SLP. The duties are assistive, routine, documenting and administrative; they do not include interpretation, diagnosis or development of treatment plans for a client.</i></p> <p>Subsection D sets out those duties that would constitute the practice of speech-language pathology and are therefore not permissible to assign to an assistant, including the following:</p> <ol style="list-style-type: none"> <u>1. Represent himself as a speech-language pathologist.</u> <u>2. Perform standardized or non-standardized diagnostic tests or any formal or informal evaluations.</u> <u>3. Perform procedures that require a professional level of clinical acumen and technical skill.</u> <u>4. Tabulate or interpret results and observations of feeding and swallowing evaluations or screenings performed by a speech-language pathologist.</u> <u>5. Participate in formal conferences or meetings without the presence of the supervising speech-language pathologist.</u> <u>6. Provide interpretative information to the client, the family of the client or others regarding the client's status or service.</u> <u>7. Write, develop, or modify a client's treatment plan.</u> <u>8. Assist in or provide services as specified in subsection C unless directed by the supervising speech-language pathologist.</u> <u>9. Sign any formal documents in lieu of the supervising speech-</u>
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		<p><u>language pathologist.</u></p> <p><u>10. Select a client for service or discharge a client from service.</u></p> <p><u>11. Make a decision on the need for additional services or make referrals for service.</u></p> <p><u>12. Disclose clinical or confidential information either orally or in writing to anyone other than the supervising speech-language pathologist, unless mandated by law or authorized by the supervising speech-language pathologist.</u></p> <p><u>13. Develop or determine the swallowing or feeding strategies or precautions for a client or provide feeding or swallowing treatment.</u></p> <p><i>The acts that may not be delegated or assigned include those that would require professional judgment and clinical knowledge or could compromise the condition of a medically compromised client.</i></p> <p>Subsection E specifies the requirements for supervision of an assistant in speech-language pathology.</p> <p><u>1. The practice of an assistant shall only be supervised by a speech-language pathologist who retains full legal and ethical responsibility for the client. A speech-language pathologist shall only supervise the equivalent of two full-time assistants.</u></p> <p><u>2. The speech-language pathologist shall provide the level of supervision to the speech-language pathologist assistant necessary to ensure quality of care to include on-site supervision of at least two client sessions for each assistant being supervised every 30 days to directly observe and evaluate the performance of the assistant. The speech-language pathologist shall document such on-site observation and evaluation in the client record for each session.</u></p> <p><i>At the request of speech-language pathologists and upon recommendation from VDOE, the Board establishes a limit on the number of assistants that could be supervised. The equivalency of two full-time assistants will allow for utilization of part-time persons who are often employed in public schools. The regulation again states that the legal and ethical responsibility for the client remains with the supervising SLP.</i></p> <p><i>While several comments requested a specified percentage of time for direct on-site supervision, the Board determined that the requirement for two client sessions for each assistant being supervised every 30 days was less confusing and more practical. The requirement to “directly observe and evaluate the performance” and then to document in the client record will offer some assurance of compliance and a record upon which the Board can rely in the event there is a complaint about the activities of an assistant.</i></p>
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