

CS FOR SENATE BILL NO. 365(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/16/04

Referred: Rules

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the regulation of speech-language pathologist assistants; and**
2 **providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 08.11.025(b) is amended to read:

5 (b) Subject to (c) and (d) of this section, the department may issue a temporary
6 license to the following:

7 (1) a nonresident for the practice of speech-language pathology as a
8 speech-language pathologist in the state for 60 days or less in a calendar year, if the
9 individual is licensed to practice speech-language pathology in another state, territory
10 of the United States, foreign country, or province that has requirements for a license to
11 practice speech-language pathology that are substantially equivalent to or higher than
12 the requirements of AS 08.11.015;

13 (2) a nonresident for the practice of speech-language pathology as a
14 speech-language pathologist in the state for 60 days or less in a calendar year, if the

1 individual meets the qualifications and requirements for a license under AS 08.11.015
 2 [,] and resides in a state or territory of the United States or a foreign country or
 3 province that does not license individuals to practice speech-language pathology;

4 **(3) a person, whether a resident or not, who is in the process of**
 5 **completing a year of supervised clinical experience required for a certificate of**
 6 **clinical competence in speech-language pathology from the American Speech-**
 7 **Language Hearing Association.**

8 * **Sec. 2.** AS 08.11.030(c) is amended to read:

9 (c) The department may reinstate a lapsed license **or registration** if the
 10 license **or registration** has lapsed for less than two years and if the individual submits
 11 to the department an application for renewal and pays a delinquency fee in addition to
 12 the renewal fee.

13 * **Sec. 3.** AS 08.11.030(d) is amended to read:

14 (d) A suspended license **or registration** is subject to expiration and must be
 15 renewed as provided in AS 08.01.100, but the renewal does not entitle the individual
 16 while the license **or registration** remains suspended to practice audiology, [OR]
 17 speech-language pathology, **or as a speech-language pathologist assistant,** or to
 18 engage in other activity or conduct that violates the order or judgment that suspended
 19 the license.

20 * **Sec. 4.** AS 08.11 is amended by adding new sections to read:

21 **Sec. 08.11.042. Activities of speech-language pathologist assistant.** (a) A
 22 person may not practice as a speech-language pathologist assistant in the state without
 23 registration under this chapter.

24 (b) Except as provided in (e) of this section, a person registered under this
 25 chapter and who is under the immediate supervision of a person licensed as a speech-
 26 language pathologist in the state may perform treatment of a person who is medically
 27 fragile, as determined by the licensed speech-language pathologist, or who otherwise
 28 demonstrates a need for assistance with feeding or swallowing.

29 (c) Except as provided in (b) and (e) of this section, a person registered under
 30 this chapter and who is under the direct supervision of a person licensed as a speech-
 31 language pathologist in the state may perform screening and treatment techniques or

1 activities and assist the speech-language pathologist during assessments, research, in-
2 service training, and public relations activities.

3 (d) Except as provided in (b), (c), and (e) of this section, a person registered
4 under this chapter and who is under the indirect supervision of a person licensed as a
5 speech-language pathologist in the state may

6 (1) perform screening and treatment activities, excluding
7 interpretation, if the supervising speech-language pathologist has previously given
8 instruction on the performance of those screening and treatment activities, has
9 observed the assistant in the performance of those activities, and has determined that
10 the speech-language pathologist assistant is competent to perform those activities;

11 (2) conduct clerical tasks, including record keeping, documentation of
12 a person's progress toward meeting established objectives as stated in the treatment
13 plan or individualized education plan, scheduling, and equipment maintenance;

14 (3) implement a documented treatment plan, individualized education
15 plan, or protocol developed by the supervising speech-language pathologist;

16 (4) sign treatment notes if the note is reviewed and cosigned by the
17 supervising speech-language pathologist; and

18 (5) discuss with the client and the client's family members or guardian
19 behaviors observed by the speech-language pathologist assistant during treatment of
20 the client when the behaviors are supported by documented objective data.

21 (e) A registered speech-language pathologist assistant may not

22 (1) administer diagnostic assessment tools, perform formal or informal
23 evaluations, or interpret test or evaluation results;

24 (2) participate in family conferences, on an interdisciplinary team, at a
25 staff meeting, or at an individualized education plan meeting in which diagnostic
26 information is interpreted or in which plans for a client's treatment are developed or
27 reviewed without the presence of a licensed speech-language pathologist;

28 (3) write, develop, or modify a client's treatment plan or individualized
29 education plan;

30 (4) assist a client without following a documented treatment plan or
31 individualized education plan that has been prepared by a licensed and adequately

1 trained speech-language pathologist;

2 (5) sign a client record or billing record that does not contain the
3 signature of a licensed speech-language pathologist;

4 (6) select a person for speech-language pathology services;

5 (7) provide counseling to a client or a client's family or guardian;

6 (8) disclose clinical or confidential information, either orally, in
7 writing, or by electronic means, to anyone not designated in writing to receive the
8 communication by a licensed speech-language pathologist; or

9 (9) perform screening of feeding or swallowing functions.

10 **Sec. 08.11.043. Qualifications for speech-language pathologist assistant**
11 **registration.** (a) The department shall register an individual as a speech-language
12 pathologist assistant if the individual submits an application on a form approved by the
13 department, pays the required fee, and

14 (1) submits proof satisfactory to the department that the individual has
15 successfully completed

16 (A) an associate of applied science degree in disabilities with a
17 speech-language support emphasis either from the University of Alaska
18 Anchorage in affiliation with Prince William Sound Community College or
19 from another approved program; or

20 (B) a bachelor's degree in speech-language pathology from an
21 accredited institution;

22 (2) submits proof satisfactory to the department that the individual has
23 successfully completed 100 hours of field work supervised by a licensed speech-
24 language pathologist; and

25 (3) appears to the department to suffer from no mental illness or
26 chemical or alcohol dependency that would interfere with the applicant's ability to
27 perform safely as a speech-language pathologist assistant.

28 (b) Notwithstanding the requirements of (a) of this section, the department
29 shall register an individual as a speech-language pathologist assistant if the individual
30 provides proof satisfactory to the department that the individual has been employed in
31 a position for at least one year preceding July 1, 2004, that includes the practice of

1 speech-language pathologist assistant as set out in AS 08.11.042 and if the individual

2 (1) submits an application on a form approved by the department;

3 (2) pays the required fee;

4 (3) submits proof satisfactory to the department that the individual has
5 passed a competency-based checklist examination adopted by the department; and

6 (4) submits a written recommendation from a licensed speech-
7 language pathologist in support of the application.

8 (c) The department shall maintain a registry of individuals registered under
9 this section and shall notify an applicant in writing of a decision to approve or deny an
10 application under this section. An approval is valid for two years, except as provided
11 under AS 08.11.083.

12 (d) The department shall renew a valid registration issued under this chapter if
13 the speech-language pathologist assistant submits a timely application on a form
14 approved by the department accompanied by a sworn statement that the applicant has
15 available documentation of approved continuing education consisting of 15 clock
16 hours for the preceding two years. The department shall approve continuing education
17 if the education is provided at state or regional conferences, workshops, formal in-
18 service training, independent study programs, or a combination of these, and pertains
19 to communication disorders.

20 **Sec. 08.11.045. Supervision of speech-language pathologist assistant.** (a)

21 A speech-language pathologist qualified under (b) of this section shall design and
22 implement a plan for supervision of a speech-language pathologist assistant that
23 protects the client and that maintains the highest possible standard of care. The
24 amount of supervision required in the plan must be documented and must take into
25 account the experience and skills of the speech-language pathologist assistant, the
26 client's needs, the service setting, the tasks assigned, and the laws governing the
27 activities of the speech-language pathologist assistant. A plan for supervision must
28 provide for direct supervision of the speech-language pathologist assistant for at least
29 50 percent of the speech-language pathologist assistant services during the first 90
30 days of employment of the speech-language pathologist assistant and, after the first 90
31 days of employment, for at least 20 percent of the speech-language pathologist

1 assistant services.

2 (b) A speech-language pathologist is qualified to supervise a speech-language
3 pathologist assistant only if the speech-language pathologist is familiar with all
4 applicable laws and

5 (1) is licensed under this chapter; or

6 (2) has a valid Type A or Type C teaching certificate issued under
7 AS 14.20 with an endorsement in speech-language pathology, speech and hearing
8 sciences, or communication disorders.

9 (c) A speech-language pathologist qualified under (b) of this section who
10 agrees to supervise a speech-language pathologist assistant shall

11 (1) monitor and evaluate the services provided and documentation
12 completed by the speech-language pathologist assistant, including the competency
13 level for the type of client and service site and compliance with all applicable laws;

14 (2) assist the speech-language pathologist assistant in the development
15 of a professional development plan that includes at least 15 clock hours of approved
16 continuing education under AS 08.11.043(d) biennially; and

17 (3) direct the handling of emergencies by the speech-language
18 pathologist assistant.

19 (d) A speech-language pathologist may not supervise more than two
20 individuals or carry a higher caseload of clients while supervising a speech-language
21 pathologist assistant than when the speech-language pathologist was not supervising a
22 speech-language pathologist assistant.

23 * **Sec. 5.** AS 08.11.050 is amended to read:

24 **Sec. 08.11.050. Fees.** The department shall set fees under AS 08.01.065 for
25 each of the following:

26 (1) application;

27 (2) credential review;

28 (3) audiologist license and speech-language pathologist license;

29 (4) temporary license;

30 (5) renewal of license;

31 (6) delinquency;

1 (7) reinstatement;

2 (8) duplicate license;

3 **(9) speech-language pathologist assistant registration application**

4 **and renewal.**

5 * **Sec. 6.** AS 08.11 is amended by adding a new section to read:

6 **Sec. 08.11.083. Grounds for imposition of disciplinary sanctions on a**
 7 **speech-language pathologist assistant.** After a hearing, the department may impose
 8 a disciplinary sanction on a registered speech-language pathologist assistant when the
 9 department finds that the registrant

10 (1) secured a registration through deceit, fraud, or intentional
 11 misrepresentation;

12 (2) fraudulently or deceptively used a registration;

13 (3) altered a registration;

14 (4) sold, bartered, or offered to sell or barter a registration;

15 (5) engaged in deceit, fraud, or intentional misrepresentation in the
 16 course of assisting in the practicing of speech-language pathology;

17 (6) advertised speech-language services in a manner that is false,
 18 misleading, or deceptive;

19 (7) has been convicted of a felony or other crime that affects the
 20 person's ability to continue to practice competently and safely, including a crime
 21 involving drugs or alcohol;

22 (8) engaged in unprofessional conduct, in sexual misconduct, or in
 23 lewd or immoral behavior in connection with the delivery of professional services to
 24 clients;

25 (9) continued to practice speech-language pathology after becoming
 26 unfit due to

27 (A) professional incompetence or gross negligence;

28 (B) use of drugs or alcohol in a manner that affects the person's
 29 ability to practice speech-language pathology competently and safely;

30 (C) a physical or mental disability;

31 (10) permitted another person to use the registrant's registration;

1 (11) has been disciplined by an official government body with
 2 jurisdiction over licensure, certification, or registration of a health care or teaching
 3 practice; a certified copy of the final disciplinary action constitutes conclusive
 4 evidence against the person;

5 (12) failed to maintain confidentiality except as otherwise required or
 6 permitted by law;

7 (13) failed to comply with a provision of this chapter or a regulation
 8 adopted under this chapter, or an order of the department.

9 * **Sec. 7.** AS 08.11.090(a) is amended to read:

10 (a) When it finds that an audiologist has committed an act listed in
 11 AS 08.11.080, [OR] that a speech-language pathologist has committed an act listed in
 12 AS 08.11.085, **or that a speech-language pathologist assistant has committed an**
 13 **act listed in AS 08.11.083,** the department may impose the following sanctions singly
 14 or in combination:

15 (1) permanently revoke a license **or registration** to practice;

16 (2) suspend a license **or registration** for a determinate period of time;

17 (3) censure a licensee **or registrant**;

18 (4) issue a letter of reprimand;

19 (5) place a licensee **or registrant** on probationary status and require
 20 the licensee **or registrant** to

21 (A) report regularly to the department on matters involving the
 22 basis of probation;

23 (B) limit practice to those areas prescribed;

24 (C) continue professional education until a satisfactory degree
 25 of skill has been attained in those areas determined by the department to need
 26 improvement;

27 (6) impose limitations or conditions on the practice of a licensee **or**
 28 **registrant.**

29 * **Sec. 8.** AS 08.11.090(c) is amended to read:

30 (c) The department may summarily suspend a license **or registration** before
 31 final hearing or during the appeals process if the department finds that the licensee **or**

1 **registrant** poses a clear and immediate danger to the public welfare and safety if the
 2 licensee **or registrant** continues to practice. An individual whose license **or**
 3 **registration** is suspended under this subsection is entitled to a hearing by the
 4 department no later than seven days after the effective date of the order. The
 5 individual may appeal the suspension after the hearing to the superior court.

6 * **Sec. 9.** AS 08.11.090(d) is amended to read:

7 (d) The department may reinstate a license **or registration** that has been
 8 suspended or revoked if the department finds after a hearing that the individual is able
 9 to practice with reasonable skill and safety.

10 * **Sec. 10.** AS 08.11.090(e) is amended to read:

11 (e) One year after revocation of a license **or registration** issued under this
 12 chapter, the individual whose license **or registration** was revoked may reapply for the
 13 license **or registration**. The department may require an examination for
 14 reinstatement.

15 * **Sec. 11.** AS 08.11.090 is amended by adding new subsections to read:

16 (f) The department may place a registrant on probation, with the costs of
 17 probation to be born by the registrant

18 (1) in lieu of revocation or suspension;

19 (2) upon the issuance of a registration to an individual who has been
 20 found guilty of unprofessional conduct but who otherwise qualifies for registration
 21 under this chapter; or

22 (3) as a condition upon the reissuance or reinstatement of any
 23 registration that has been suspended or revoked by the department.

24 (g) The department may require a registrant who has been placed on probation
 25 or who has been suspended to obtain additional professional training, including
 26 continuing education or clinical or field work.

27 * **Sec. 12.** AS 08.11.200 is amended by adding new paragraphs to read:

28 (8) "direct supervision" means supervision that is on-site or available
 29 by visual or real-time electronic means through which a supervising speech-language
 30 pathologist observes and guides a speech-language pathologist assistant while the
 31 assistant performs a clinical activities; "direct supervision" may include

1 demonstration, coaching, and observation to the extent that the demonstration,
2 coaching, or observation otherwise meets the requirements of this paragraph;.

3 (9) "immediate supervision" means supervision in the physical
4 presence of the speech-language pathologist assistant during the provision of client
5 services by the speech-language pathologist assistant;

6 (10) "indirect supervision" means supervision by telephonic or
7 electronic means or by intermittent on-site visits while located either inside or outside
8 of the facility in which the speech-language pathologist assistant is located; "indirect
9 supervision" may include demonstrations, record review, evaluation of audiotaped or
10 videotaped client services, or communication by telephone or electronic mail to the
11 extent that these activates otherwise meet the requirements of this paragraph;

12 (11) "screening" means a procedure in which a client is identified by
13 either "pass" or "fail" for purposes of necessitating further evaluation of speech,
14 language, or hearing;

15 (12) "supervision" means the provision of direction and evaluation of
16 the tasks assigned.

17 * **Sec. 13.** This Act takes effect July 1, 2004.