

**HOUSE CS FOR CS FOR SENATE BILL NO. 365(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 5/6/04**

**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; and

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.

25 (b) Notwithstanding the requirements of (a) of this section, the department  
26 shall register an individual as a speech-language pathologist assistant if the individual  
27 provides proof satisfactory to the department that the individual has been employed in  
28 a position for at least one year preceding July 1, 2004, that includes the practice of  
29 speech-language pathologist assistant as set out in AS 08.11.042 and if the individual

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

31 (2) pays the required fee;

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

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

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

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

17 **Sec. 08.11.045. Supervision of speech-language pathologist assistant.** (a)  
18 A speech-language pathologist qualified under (b) of this section shall design and  
19 implement a plan for supervision of a speech-language pathologist assistant that  
20 protects the client and that maintains the highest possible standard of care. The  
21 amount of supervision required in the plan must be documented and must take into  
22 account the experience and skills of the speech-language pathologist assistant, the  
23 client's needs, the service setting, the tasks assigned, and the laws governing the  
24 activities of the speech-language pathologist assistant. A plan for supervision must  
25 provide for direct supervision of the speech-language pathologist assistant for at least  
26 50 percent of the speech-language pathologist assistant services during the first 90  
27 days of employment of the speech-language pathologist assistant and, after the first 90  
28 days of employment, for at least 20 percent of the speech-language pathologist  
29 assistant services.

30 (b) A speech-language pathologist is qualified to supervise a speech-language  
31 pathologist assistant only if the speech-language pathologist is familiar with all

1 applicable laws and

2 (1) is licensed under this chapter; or

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

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

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

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

14 (3) direct the handling of emergencies by the speech-language  
15 pathologist assistant.

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

20 \* **Sec. 5.** AS 08.11.050 is amended to read:

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

23 (1) application;

24 (2) credential review;

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

26 (4) temporary license;

27 (5) renewal of license;

28 (6) delinquency;

29 (7) reinstatement;

30 (8) duplicate license;

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

1           and renewal.

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

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

7                           (1) secured a registration through deceit, fraud, or intentional  
 8           misrepresentation;

9                           (2) fraudulently or deceptively used a registration;

10                          (3) altered a registration;

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

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

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

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

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

22                          (9) continued to practice speech-language pathology after becoming  
 23           unfit due to

24                                   (A) professional incompetence or gross negligence;

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

27                                   (C) a physical or mental disability;

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

29                          (11) has been disciplined by an official government body with  
 30           jurisdiction over licensure, certification, or registration of a health care or teaching  
 31           practice; a certified copy of the final disciplinary action constitutes conclusive

1 evidence against the person;

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

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

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

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

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

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

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

15 (4) issue a letter of reprimand;

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

18 (A) report regularly to the department on matters involving the  
19 basis of probation;

20 (B) limit practice to those areas prescribed;

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

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

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

27 (c) The department may summarily suspend a license **or registration** before  
28 final hearing or during the appeals process if the department finds that the licensee **or**  
29 **registrant** poses a clear and immediate danger to the public welfare and safety if the  
30 licensee **or registrant** continues to practice. An individual whose license **or**  
31 **registration** is suspended under this subsection is entitled to a hearing by the

1 department no later than seven days after the effective date of the order. The  
2 individual may appeal the suspension after the hearing to the superior court.

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

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

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

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

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

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

15 (1) in lieu of revocation or suspension;

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

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

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

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

25 (8) "direct supervision" means supervision that is on-site or available  
26 by visual or real-time electronic means through which a supervising speech-language  
27 pathologist observes and guides a speech-language pathologist assistant while the  
28 assistant performs a clinical activities; "direct supervision" may include  
29 demonstration, coaching, and observation to the extent that the demonstration,  
30 coaching, or observation otherwise meets the requirements of this paragraph;.

31 (9) "immediate supervision" means supervision in the physical

1 presence of the speech-language pathologist assistant during the provision of client  
2 services by the speech-language pathologist assistant;

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

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

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

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