

**SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY &
HEARING AID DISPENSERS BOARD
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: No public hearing has been scheduled

Subject Matter of Proposed Regulations: Speech-Language Pathology and Audiology Assistants

Section(s) Affected: 1399.152.2, 1399.153, 1399.170, 1399.170.4, 1399.170.6, 1399.170.10, 1399.170.11, and 1399.170.15.

Specific Purpose of each Adoption and Amendment:

1. Amend Section 1399.152.2:

Amend the section to add to the supervised clinical experience qualifications two years of experience providing services as fully licensed speech-language pathologists (SLP) or audiologists.

The amendment includes a provision to allow experience gained in settings or states that do not license these professions, but; are legally allowed to provide the services, to the qualifications.

Problem being addressed:

Currently, SLP's and audiologists can become clinical experience supervisors to speech-language pathology or audiology assistants without having experience providing services as fully licensed practitioners . This does not allow the SLP or audiologist time to gain experience prior to approval as a clinical experience supervisor.

Anticipated benefits from this regulatory action:

Adding two years of experience providing services, in their field, to the supervised clinical experience qualifications will benefit speech-language pathology or audiology assistants by assuring those approved to supervise have experience in providing services as fully licensed practitioners before they are approved as clinical experience supervisors.

In addition, the amendment allows SLP's and audiologists use the experience gained working in jurisdictions that do not require licensure but, where they hold the legal authorization to provide these services, qualify to become clinical experience supervisors.

The amendment will benefit those being supervised by ensuring supervisors have the experience to properly coach, train, mentor, and/or assess the clinical activities of speech-language pathology or audiology assistants.

Factual Basis/Rationale:

The amendments will enhance public protection by broadening the experience base of clinical experience supervisors so they can effectively mentor, coach, train and assess the clinical activities of speech-language pathology or audiology assistants.

Current law allows newly licensed SLP's to become a SLPA supervisor. Requiring an SLP to work for a minimum of two years allows them time to acquire minimum competency in their field prior to supervising an SLPA.

2. Amend Section 1399.153:

Amends the existing required professional experience (RPE) language to include two years full-time experience providing services as fully licensed practitioners and includes a provision to address settings or states that do not license speech-language pathologists or audiologists but, where they are legally allowed to provide those services, to the definition of a Required Professional Experience supervisor (RPE supervisor).

Problem being addressed:

The definition of an RPE supervisor does not include the proposed professional experience language.

Anticipated benefits from this regulatory action:

Updating the RPE supervisor definition will benefit those who aspire to supervise SLP and audiology assistants by ensuring they know the supervisory requirements prior to applying as an RPE supervisor. SLP and audiology applicants will know RPE supervisors have experience to effectively mentor, coach, train and assess them in their clinical activities. In addition, consumers will benefit from the additional knowledge assistants gain by receiving supervision from experienced RPE supervisors.

Factual Basis/Rationale:

Updating the definition of an RPE supervisor to include the proposed experience requirement ensures the language is consistent throughout the regulation.

Current law allows newly licensed SLP's to become a SLPA supervisor. Requiring an SLP to work for a minimum of two years allows them time to acquire minimum competency in their field prior to supervising an SLPA.

3. Amend Section 1399.170:

Amend the definition of “direct supervision” to include observation and guidance via live electronic means.

Problem being addressed:

Currently, RPE supervisors must be in the same room as the speech-language pathology assistant (SLPA) when any clinical activity requiring direct supervision is being performed. While all clinical activity does not require the RPE supervisor to directly supervise the SLPA it is arduous to require the RPE supervisor to be in a room to observe clinical activity when this can be accomplished in real-time, via live electronic means.

Anticipated benefits from this regulatory action:

Including live electronic means in the definition of direct supervision will allow an RPE supervisor, if they choose; to observe a SLPA providing clinical services in real-time without the burden of having to be in the same room.

Factual Basis/Rationale:

The intent of allowing an RPE supervisor, if they choose; to supervise a SLPA providing clinical services requiring direct supervision is to use this type of electronic technological advancement, allow the RPE supervisor to continue with their day until the moment they are needed and keep a patient’s waiting time to a minimum. The used of live electronic means is consistent with the American Speech-Language-Hearing Association (ASHA) SLP scope of practice.

4. Amend Section 1399.170.4:

Requires a director of a SLP training program (program) hold a valid and clear license or equivalent credential in speech-language pathology.

Problem being addressed:

Currently, a director of a SLP training program (program) is not required to hold a SLP license or equivalent credential in order to be the director of such program.

Anticipated benefits from this regulatory action:

The director of a program who holds a clear and valid SLP license or equivalent credential has the in-depth knowledge and experience to support and mentor the

students enrolled in the program.

Factual Basis/Rationale:

Requiring the director of a program hold a clear and valid SLP license or equivalent credential will ensure that programs are managed and coordinated by individuals who possess the knowledge of speech-language pathology and can support the students enrolled in the program.

5. Amend Section 1399.170.6:

Amends the sponsoring institution requirement language to reflect technical changes that have been made to the American Speech-Language-Hearing Association (ASHA's) guidelines regarding SLPA education.

Problem being addressed:

The documents referred to in this section of law have been rescinded or updated therefore; the current information needs to be reflected in the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act (Law book).

Anticipated benefits from this regulatory action:

Addressing the current documents in the Law book will benefit students and sponsoring institutions by ensuring the content being taught and the scope of responsibilities delegated to SLPA's during field work experiences are current and consistent with the SLPA Scope of Practice.

Factual Basis/Rationale:

Referring to the SLPA Scope of Practice will assure current information is being taught and the responsibilities delegated to students during field work experiences are appropriate and consistent with the standards currently in place.

6. Amend Section 1399.170.10:

Amends the language to reflect technical changes to the ASHA guidelines and increases the field work experience clock hours to a minimum of one-hundred (100) hours.

Problem being addressed:

The documents referred to in this section of law have been rescinded or updated and that information needs to be reflected in the Law book. In addition, the required clock hours of field work experience listed in this section does not reflect the current clock

hours adopted by ASHA in its SLPA Scope of Practice and required to satisfy the required curriculum in many schools.

Anticipated benefits from this regulatory action:

Addressing the current documents in the Law book will benefit students and sponsoring institutions by ensuring the educational content being taught and the scope of responsibilities delegated to students during field work experiences are appropriate and consistent with the SLPA Scope of Practice.

An increased amount of field work experience required by SLPA's will benefit them by requiring additional time to learn the job requirements and responsibilities.

Factual Basis/Rationale:

Referring to the SLPA scope of practice will assure responsibilities delegated to students during field work experiences are appropriate and consistent with the standards currently in place.

ASHA recommends and approved programs have implemented standards to require 100 clock hours of field work experience to allow SLPA's adequate time to learn job requirements and responsibilities.

7. Amend Section 1399.170.11:

This section provides for the same amendments as proposed in Section 1399.170.10.

8. Amend Section 1399.170.15:

Amends the existing regulation to include the language listed in section 1399.152.2 to the Requirements for the Supervision of the SLPA which requires an RPE supervisor possess two years of full-time practice prior to assuming a supervisory role over a SLPA.

In addition, the proposed language requires an individual interested in supervising a SLPA complete six (6) hours of continuing professional development (CPD) training in supervision prior to serving in a supervisory role and obtain three (3) hours of supervision related CPD every four (4) years thereafter.

Problem being addressed:

Currently, newly licensed SLP's who want to serve as clinical experience supervisors to SLPA's need hold a clear and valid license or have the qualifications deemed equivalent by the Board and complete the required supervision related CPD hours within two years

of becoming an RPE supervisor. This does not allow the SLP time to gain experience in providing services and supervision prior to being approved as clinical experience supervisor.

Anticipated benefits from this regulatory action:

Requiring SLP's complete two years of experience and six (6) hours of CPD training in supervision prior to serving in a supervisory role then requiring three (3) hours of supervisory CPD every four (4) years will benefit those being supervised by ensuring supervisors have experience and education to properly coach, train, mentor, and/or assess the clinical activities of SLPA's.

Factual Basis/Rationale:

The amendments will enhance SLPA education by broadening the experience base of RPE supervisors so they can effectively mentor, coach, train and assess the clinical activities of SLPA's.

Underlying Data:

- January 26, 2011 Speech-Language Pathology Practice Committee Meeting Minutes
- July 15, 2011 Speech-Language Pathology Practice Committee Meeting Minutes and Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board Meeting Minutes
- January 13, 2012 Speech-Language Pathology Practice Committee Meeting Minutes
- April 20, 2012 Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board Meeting Minutes
- July 26-27, 2012 Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board Meeting Minutes
- October 10, 2013 Speech-Language Pathology Practice Committee Meeting Minutes; and, October 11, 2013 Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board Meeting Minutes
- February 6, 2014 Speech-Language Pathology Practice Committee Meeting Minutes; and, February 7, 2014 Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board Meeting Minutes

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts or evidence/documents/testimony.

Under current laws and regulations, the Board registers SLPA's, approves RPE supervisors and approves SLPA training programs. The proposed amendments make changes to the requisite qualifications the SLPA training program director of an approved institution must hold, and therefore, may limit the job opportunity of an individual who does not possess the necessary professional credentials. The Board currently approves six SLPA training programs, all of which employ an individual who possesses professional credentials/licensure as a speech-language pathologist (SLP).

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because existing regulations require SLP's and audiologists to obtain CPD from a Board-approved provider. As such, the Board does not believe requiring CPD in supervision will result in a cost impact to the licensee. In addition, CPD providers are already required to submit course approval applications and fees to the Board for any course offered to licensees. The proposed changes do not place additional requirements on CPD providers.
- It will not create new business or eliminate existing businesses within the State of California because the Board has determined that this regulatory proposal does not place additional requirements on small business. As stated above, licensees are already required to take CPD courses from Board-approved providers and CPD providers are already required to submit course approval applications and fees.
- It will not affect the expansion of businesses currently doing business within the State of California because CPD providers are already required to submit course approval applications and fees.
- This regulatory proposal does affect the health and welfare of California residents because the Board has determined that the citizens of California will receive care from SLPA's who have been trained, mentored, coached and assessed by experienced SLP's.

- This regulatory proposal will have no effect on worker safety or the States environment.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- Not adopt the regulations. This alternative was rejected because the Board has identified areas within the educational regulations which do not adequately serve the professional growth of licensees and applicants.
- The most reasonable solution in meeting the Board consumer protection mandate is to adopt the proposed changes.