

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

PROPOSED THIRD MODIFIED TEXT
Speech-Language Pathology Assistant Supervision Requirements

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Amend section 1399.170 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170. Definitions

As used in this article:

(a) “Accountability” means being legally responsible and answerable for actions and inactions of self or others during the performance of a task by the speech-language pathology assistant.

(b) “Client” shall have the same meaning and effect as the term “patient” and “student,” when referring to services provided in a school or other setting, for purposes of interpreting the provisions in this Article.

(c) “Immediate supervision” means the supervising speech-language pathologist is physically present during services provided to the client by the speech-language pathology assistant.

~~(c)~~(d) “Direct supervision” means on-site observation and guidance or synchronous audiovisual observation and guidance by the supervising speech-language pathologist while a clinical activity is performed by the speech-language pathology assistant. Direct supervision performed by the supervising speech-language pathologist may include, but is not limited to, the following: observation of a portion of the screening or treatment procedures performed by the speech-language pathology assistant, coaching the speech-language pathology assistant, and modeling for the assistant.

(d) ~~“Immediate supervision” means the supervising speech-language pathologist is physically present during services provided to the client by the speech-language pathology assistant.~~

(e) “Indirect supervision” means the supervising speech-language pathologist is not at the same facility or in close proximity to the speech-language pathology assistant, but is available to provide supervision by asynchronous electronic means. Indirect supervision activities performed by the supervising speech-language pathologist may include, but are not limited to, demonstration, record review, review and evaluation of audio or ~~videotaped~~ video-taped sessions, interactive television, and supervisory conferences that may be conducted by telephone or electronic mail.

(f) “Medically fragile” is the term used to describe a client that is acutely ill and in an unstable condition and if treated by a speech-language pathology assistant, immediate supervision by a speech-language pathologist is required.

(g) “Screening” is a pass-fail procedure to identify, without interpretation, clients who may require further assessment following specified screening protocols developed by the supervising speech-language pathologist.

(h) “Supervision” for the purposes of this article, means the provision of direction and evaluation of the tasks assigned to a speech-language pathology assistant. Methods for providing supervision include ~~direct supervision~~, immediate supervision, direct supervision, and indirect supervision.

(i) “Support personnel” means individuals who, following academic and/or on-the-job training, perform tasks as prescribed, directed and supervised by a speech-language pathologist. There are different levels of support personnel based on training and scope of responsibilities.

(j) “Full-time equivalent” means at least thirty (30) hours per week.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Section 2538.1(b), Business and Professions Code.

Amend section 1399.170.2 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.2. Types of Supervision Required for Duties Performed by a Speech-Language Pathology Assistant.

(a) Duties performed by the speech-language pathology assistant that require immediate supervision may include, but are not limited to, any direct client activity involving medically fragile patients. In such instances, the speech-language pathology assistant shall act only under the direction of the supervisor.

(b) Duties performed by the speech-language pathology assistant that require direct supervision may include, but are not limited to, any new screening or treatment activity that the assistant has been trained to perform by the supervisor, but has not yet been performed by the speech-language pathology assistant in direct client care.

(c) Duties performed by the speech-language pathology assistant that require indirect supervision may include, but are not limited to, the following:

(1) Screening or treatment activities where the supervisor has previously given instructions as to how to perform the task, has observed the assistant in the conduct of these activities, and is satisfied that the activities can be competently performed by the speech-language pathology assistant, i.e., repetitive drill exercises, generalization or carryover activities;

(2) Clerical tasks such as record keeping, materials preparation, scheduling, equipment maintenance; and,

(3) Other non-client care activities.

(d) Notwithstanding subdivisions (a), (b), and (c), the supervisor shall provide supervision to speech-language pathology assistant following their initial licensure in accordance with 1399.170.15(b)(4). immediate direct supervision that consists of on-site observation and guidance of all duties performed by a speech language pathology assistant at least twenty (20) percent per week of the speech language pathology assistant's work schedule during the first ninety (90) days of work following initial licensure. The supervisor shall maintain a record in the speech-language pathology assistant's personnel file that verifies that the speech-language pathology assistant meets the requirements in this subdivision.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Section 2538.1(b)(7), Business and Professions Code.

Amend section 1399.170.15 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.15. Requirements for the Supervision of the Speech-Language Pathology Assistant.

(a) The supervising speech-language pathologist (hereinafter called "supervisor") is responsible for designing and implementing a supervisory plan that protects client care and maintains the highest possible standards of quality. ~~The amount and type of supervision required should be consistent with the skills and experience of the speech-language pathology assistant, the needs of the clients, the service setting, the tasks assigned, and the laws and regulations that govern speech language pathology assistants.~~ Treatment of the client remains the responsibility of the supervisor.

(b) Any person ~~supervising~~ registering a speech-language pathology assistant ~~registered~~ with the Board on or after April 10, 2001, (hereinafter called "supervisor") shall submit, within thirty (30) days of the commencement of such supervision, the "Responsibility Statement for Supervision of a Speech-Language Pathology Assistant" (77S-60, New 12/99), which requires that: meet all of the following requirements:

(1) ~~The supervisor shall p~~Possess and maintain a current, active, and unrestricted valid California license as a speech-language pathologist as required in Section 2532 of the Code and Section 1399.160.3 of California Code of Regulations or may hold a valid and current, active, and unrestricted professional clear, clear, or life clinical or rehabilitative services credential in language, speech and hearing, or speech-language pathology services credential issued by the California Commission on Teacher Credentialing-, and have at least two years of full-time experience or 3,120 hours providing services as a licensed or credentialed speech-language pathologist. "Full-time experience" as used in this section means the individual works a minimum of thirty (30) hours per week for at least thirty-six (36) weeks in a calendar year or the individual works 3,120 hours.

(2) ~~The supervisor shall i~~Immediately notify the assistant of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure, which affects the supervisor's ability or right to supervise.

(3) ~~The supervisor shall e~~Ensure that the extent, kind, and quality of the clinical work performed is consistent with the training and experience of the person being supervised, and be accountable for the assigned tasks performed by the speech-language pathology assistant. The supervisor shall review client/patient records, monitor and evaluate assessment and treatment decisions of the speech-language pathology assistant, and monitor and evaluate the ability of the assistant to provide services at the site(s) where he or she they will be practicing assigned service setting(s) and the particular clientele being treated, and to ensure compliance with all laws and regulations governing the practice of speech-language pathology.

(4) Provide immediate direct supervision that consists of on-site observation and guidance at least twenty (20) percent per week of the speech-language pathology assistant's work schedule for the first ninety (90) days following initial licensure. The supervisor shall maintain a record in the speech-language pathology assistant's personnel file that verifies that the speech-language pathology assistant meets the requirements in this subdivision.

(45) ~~The supervisor shall c~~Complete not less than six (6) hours of continuing professional development in supervision training in the initial two year period from prior to assuming responsibility as a supervisor the commencement of

supervision, and three (3) hours in supervision training of continuing professional development every ~~two~~four (4) years thereafter. Continuing professional development training obtained by a Board-approved provider that meets the course content listed below, may be applied towards the continuing professional development requirement for licensees set forth in Section 1399.160.3 of the California Code of Regulations. The content of such training shall include, but is not limited to:

(A) Familiarity with supervision literature through reading assignments specified by course instructors; ~~and~~

(B) Improving knowledge and understanding of the relationship between the speech-language pathologist and the assistant, and the relationship between the speech-language pathologist and the client;

(C) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;

(D) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and

(E) The practice of clinical speech-language pathology including the mandated reporting laws and knowledge of ethical and legal issues.

~~(56) The supervisor shall m~~Maintain records of course completion in supervision training for a period of two years from the speech-language pathology assistant's renewal date.

~~(67) The supervisor knows and understands~~ Review with the speech-language pathology assistant the laws and regulations pertaining to supervision and practice of speech-language pathology assistants.

~~(78) As the professional development advisor, the supervisor shall assist in the d~~Development of a plan for the speech-language pathology assistant to complete twelve (12) hours of continuing professional development every two years through state or regional conferences, workshops, formal in-service presentations, independent study programs, or any combination of these concerning communication disorders.

~~(89) The supervisor shall communicate to the speech-language pathology assistant the manner in which emergencies will be handled.~~Provide the speech-language pathology assistant with a plan for how to handle emergencies.

(10) Assume responsibility for all services provided to clients by the speech-language pathology assistant that is being supervised.

~~(9c) Upon written request of the Board, the supervisor shall provide to the Board within thirty (30) business days from the start date of supervision any documentation~~ the “Responsibility Statement for Supervisors of a Speech-Language Pathology Assistant” (DCA-SLPAHADB-SPA-110 77S-60, Rev. 425/223), which is hereby incorporated by reference as if set forth in full herein. This form verifies the supervisor's compliance with the requirements set forth in this article. The supervisor shall provide a copy of the completed form to the assistant within forty-five (45) business days from the commencement date of supervision.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Sections 2530.2(f), 2538.1(b)(5), (6), (7) and (9), Business and Professions Code.

Amend section 1399.170.16 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.16. Maximum Number of Support Personnel.

A supervisor shall not supervise more than three (3) full-time equivalent support personnel, and shall not exceed more than (6) support personnel at any time. ~~more than two of which hold the title of speech-language pathology assistant.~~ Support personnel includes speech-language pathology assistants and speech-language pathology aides.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Section 2538.1(b)(8), Business and Professions Code.

Amend section 1399.170.17 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.17. Multiple Supervision.

If a speech-language pathology assistant has more than one supervisor, each supervisor shall submit a Supervisor-Responsibility Statement for Supervisors of a Speech-Language Pathology Assistant (DCA-SLPAHADB-SPA-110 77S-60, Rev. 425/223). Of the multiple supervisors, one shall be designated as the lead supervisor for purposes of assisting the speech-language pathology assistant in ~~his or her~~ their compliance with the continuing professional development requirement.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Sections 2530.2(f) and 2538.1(b)(5)-(9), Business and Professions Code.

Amend section 1399.170.18 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.18. Notice of Termination.

At the time of termination of supervision, the supervisor shall notify the Board in writing ~~complete the "Termination of Supervision" form (77S-61 New 12/99) .~~ This original signed form notification shall be submitted to the Board by the supervisor within fourteen (14) days of termination of supervision. The supervisor shall provide a copy of the form completed notification to the speech-language pathology assistant within forty-five (45) business days of termination of supervision.

(a) Written notification for the purposes of this section shall include the full legal name and license number of the speech-language pathology assistant; the effective date of the termination; and the supervisor's full legal name, license or credential number, business address, telephone number, and signature.

(b) The notification shall contain a certification under penalty of perjury that all statements made in the Termination of Supervision document are true in every respect and that misstatements or omissions of material facts may be cause for denial of the application to terminate supervision, or for suspension or revocation of a license.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Sections 2530.2(f) and 2538.1(b)(5)-(9), Business and Professions Code.