

**TITLE 16. Speech-Language Pathology and Audiology
And Hearing Aid Dispensers Board
DEPARTMENT OF CONSUMER AFFAIRS**

UPDATE TO THE FINAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations

Speech-Language Pathology Assistant (SLPA) Supervision Requirements

Sections Affected

Sections 1399.170, 1399.170.2, 1399.170.15, 1399.170.16, 1399.170.17, and 1399.170.18 of Article 12 of Division 13.4 of Title 16, California Code of Regulations (CCR).

Updated Information

The information contained in the FSOR is updated as follows:

The Board submitted the rulemaking file on November 15, 2023, and withdrew it on December 29, 2023, to modify the text to include recommendations made by the Office of Administrative Law. The text was modified and published for 15-day public comment between January 12 – January 29, 2024, with the modifications as described below. On February 2, 2024, the Board considered the comments received during the 15-day public comment period and subsequently ratified the modifications.

1. *Amended section 1399.170 to add subsection (k) to define “assistant” to mean “speech-language pathology assistant” and amend statutory citations under the note.* This is necessary as the word “assistant” is used instead of “speech-language pathology assistant” throughout the regulations and the form incorporated by this regulation. Amending statutory citations increases clarity as subsections and paragraph frequently change with legislative changes thereby making statutory citations under the note outdated.
2. *Amended section 1399.170.2(d) to remove duplicative requirements, clarify that 1399.170.15(b)(4) is a section from regulations, and amend statutory citations under the note.* The requirement is duplicative because it can be found in section 1399.170.15. 1399.170.15(b)(4) is amended to increase clarity because without it is not clear if this is a statutory or regulatory section. The statutory citations under the note are being amended for the same purpose and rationale as stated in #1.
3. *Amended section 1399.170.15 to revise the sentence in subsection (b)(3) regarding the monitoring and evaluating the SLPA’s ability to say, “monitor and evaluate the ability of the assistant to provide services to the particular clientele*

being treated at the setting where the service is being provided,” and amend subsection (c) to change the form revision date and require that it be signed, and amend statutory citations under the note. This change is necessary because speech-language pathology services can be provided to a board range of individuals and in a variety of location. This will maintain public safety as supervisors will be required to monitor and evaluate SLPA’s ability and ensure that they are providing services appropriate for the client being serviced and the setting they are in with the client. The form revision date is being amended because the form is being amended for the reason stated at the end. The Board will require signature from both the supervisor and SLPA to ensure full compliance and the laws and regulations and as such the regulation will state that. The statutory citations under the note are being amended for the same purpose and rationale as stated in #1.

4. *Amended section 1399.170.16 to amend statutory citations under the note.* The statutory citations under the note are being amended for the same purpose and rationale as stated in #1.
5. *Amended section 1399.170.17 to amend the form revision date and require that it be signed and amend the statutory citations under the note.* The form revision date and the statutory citations under the note are being amended, and the form is required to be signed for the same purpose and rationale as stated in #3.
6. *Amended section 1399.170.18(b) remove the “cause for denial of the application to terminate a supervision, or” and amend statutory citations under the note.* This language is removed because the termination of supervision is a notice and not an application. It is also removed because the Board doesn’t deny it but instead it doesn’t process it. Situations where the Board may receive a notice of termination and doesn’t process it are a supervision that were never registered with the Board or the termination of a supervision with a person who is not a licensed SLPA. The statutory citations under the note are being amended for the same purpose and rationale as stated in #1.
7. *Amended the new Responsibility Statement for Supervision of a Speech-Language Pathology Assistant to amend the instructions to supervisor to require them to read page 2 and 3, sign only page 3, and make corrections by crossing out the incorrect information and initialing next to the change. This is also amended to remove reference to fax.* These changes accurately reflect what is required of the supervisor to complete the form. This is necessary because the form is used to verify compliance with the requirements in CCR section 1399.170.15. In the event errors are made on the form, because the supervisor printed and filled out the form, the supervisor can correct the form in such a way that is clear to the Board by crossing out the incorrect information and initialing next to the change. This is necessary to avoid delays in processing the form because the Board uses the form to update license records which are available to

the public. The reference to fax is unnecessary as the Board does not have a fax at its office.

8. *Amended the new Responsibility Statement for Supervision of a Speech-Language Pathology Assistant to amend the instructions to SLPA to require them to read and sign page 2.* These changes accurately reflect what is required of the SLPA to help their supervisor complete the form. This is necessary because the form is used to verify compliance with the requirements in CCR section 1399.170.15.
9. *Amended the new Responsibility Statement for Supervision of a Speech-Language Pathology Assistant to amend Part C question 7 to be its own section and use check box instead of underline spaces.* This change is for the purpose of clarity and consistency. The previous question is in the similar style and format.
10. *Amended the new Responsibility Statement for Supervision of a Speech-Language Pathology Assistant to remove the statement between Part C and before the Duties and Responsibilities of SLPA.* This change removes duplicative information. Similar information can be found at the beginning of the form after the “instructions to speech-language pathology assistants.”
11. *Amended the new Responsibility Statement for Supervision of a Speech-Language Pathology Assistant to remove the characters before and after the title of “Duties and Responsibilities of SLPA” and add item 2 regarding the continuing education required for SLPAs.* This change is necessary for clarity because Business and Professions Code section 25381.1(b)(6) require SLPAs to continue their education after receiving the license with their supervisor acting as a professional development advisor. The characters are removed from the title as they are unnecessary and may confuse those who use screen readers to read this document online.
12. *Amended the new Responsibility Statement for Supervision of a Speech-Language Pathology Assistant to remove the characters before and after the title of “Duties and Responsibilities of Supervisor.”* The characters are removed from the title for the same purpose and rationale as stated in #11.
13. *Amended the new Responsibility Statement for Supervision of a Speech-Language Pathology Assistant to amend the “Duties and Responsibilities of Supervisor” item #1 to restate in the first person a simplified version of CCR section 1399.170.15(b)(1).* This change is necessary for the purpose of clarity. The form restates a simplified version of the regulation in the first person for the purpose of compliance with the requirements set forth in CCR section 1399.170.15. The proposed regulation require that supervise not only possess but maintain a current, active, and unrestricted California license or credential and as such the form shall state that. It also permits credential in speech-language

pathology services as well as language, speech, and hearing and as such the form shall state that. Language not found in the proposed regulations were removed from the form or modified to closely align with the proposed regulations.

14. *Amended the new Responsibility Statement for Supervision of a Speech-Language Pathology Assistant to amend the “Duties and Responsibilities of Supervisor” item #3 to align the form with the changes made to the proposed regulatory language in CCR section 1399.170.15(b)(3) regarding the monitoring and evaluating of the SLPA’s ability to say, “monitor and evaluate the ability of the assistant to provide services to the particular clientele being treated and at the setting where the service is being provided.”* The change is necessary for the purpose of consistency. Proposed regulatory language in CCR section 1399.170.15(b)(3) were changed and as such the form requires similar changes. The changes are made for the purpose and rationale as stated in #3.
15. *Amended the new Responsibility Statement for Supervision of a Speech-Language Pathology Assistant to amend the “Duties and Responsibilities of Supervisor” item #4 to align the form with the proposed regulatory language regarding the record supervisors must maintain on the initial supervision for newly licensed SLPAs.* The change is necessary for the purpose of consistency. The proposed regulation in CCR section 1399.170.15(b)(4) requires all supervisors to maintain a record of the initial supervision for newly licensed SLPAs.
16. *Amended the new Responsibility Statement for Supervision of a Speech-Language Pathology Assistant to amend the “Duties and Responsibilities of Supervisor” item #11 to align the form with the proposed regulatory language regarding the form needing to be signed .* This change is necessary for the purpose of consistency. The proposed regulation requires that the form is signed. The purpose and rationale of the signature is stated in #3.
17. *Amended the new Responsibility Statement for Supervision of a Speech-Language Pathology Assistant to move the title “Duties and Responsibilities of Supervisor cont’d” to be between item #12 and #13.* This is necessary to avoid an unnecessary amount of empty space between information. This accurately reflect where page 3 will begin.
18. *Amended the new Responsibility Statement for Supervision of a Speech-Language Pathology Assistant to remove brackets at the beginning and end of the form name, change the revision date, and identified actual page numbers.* The form revision date is amended because the content of the form was changed for the for the reason stated in #7 through #17. The brackets are removed because they are unnecessary and may confuse those who use screen readers to read this document online. The page numbers are identified for the purpose of clarity. The form has a total of three (3) pages.

The Board received eighteen (18) written comments during the fourth 15-day comment period on the fourth modified text:

- Seven (7) in support and
- Eleven (11) were not related to the modifications made to the proposed regulations.

The Administrative Procedure Act (APA) does not require the Board to review or respond to written comments in support of this regulatory action during the final rulemaking process. However, the Board is required to review or respond to written comments that object or makes a recommendation to the regulatory action or the procedures followed by the Board in proposing the regulatory action. The Board is also required to respond to any written comments received regarding the changes made to the proposed regulatory text if changes are made to the original text.

During the February 2, 2024, Board meeting, the Board reviewed and responded to written comments and determined to not make changes to the proposed regulatory text to accommodate the comments (discussed below).

Incorporation By Reference

This proposed regulation repeals the “Responsibility Statement for Supervision of a Speech-Language Pathology Assistant” (77S-60, New 12/99) and adopts the “Responsibility Statement for Supervision of a Speech-Language Pathology Assistant (DCA-SLPAHADB-SPA-110 Rev. 01/2024)” which is incorporated by reference in this proposed regulation. The document is incorporated by reference because it would be cumbersome, unduly expensive, or otherwise impractical to publish this document in the California Code of Regulations.

This proposed regulation repeals the “Termination of Supervision” form (77S-61 New 12/99). The proposed regulation will specify all the information required to terminate a supervision in this proposed regulation, CCR section 1399.170.18.

All documents were made available to the public through the Board’s website or upon request by contacting the persons named in the Notice of Proposed Action.

Summary of Comments and Board Responses (Fourth 15-Day Comment Period)

Summary: The Board received a comment regarding the rulemaking process and public comment.

- 1. Board Response:** The Board decided not to change the proposed regulatory text to accommodate this comment because no objection or recommendation was provided. *Note: Board staff responded to these comments and the responses are included in the Public Comments.*

Summary: The Board received a comment expressing concerns that SLPAs will be unable to fill positions that come available as many current supervisors will no longer be able to take on new SLPAs if their current SLPA leaves and noted that a newly licensed speech-language pathologist will be unable to start supervising three (3) years post-graduation because the two (2) year practice experience requirement after the one (1) year required professional experience (CF-RPE). The comment further noted that changes could result in a decrease of desirability to hire CF-RPEs and a decreased ability to hire SLPAs in the private practice setting.

2. Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the comment received was not related to the modifications made to the proposed regulations that was noticed to the public on January 12, 2024, pursuant to Government Code section 11346.8(c).

Summary: The Board received a comment expressing support to the proposed changes because it will significantly enhance the profession, elevate the respect and recognition received, and offer a transformative opportunity for Speech-Language Pathologists. The comment noted that it will enable a single Speech-Language Pathologist (SLP) to establish and grow a successful practice with the assistance of up to three full time Speech-Language Pathology Assistants (SLPAs) or 6 part time SLPAs and aligns the profession more closely with others, such as dentistry, where practitioners often own and manage their thriving practices. The comment further noted that embracing these regulations means embracing progress, opens doors for SLPs and SLPAs alike, creates more income opportunities and allows for a broader reach to clients in need who will benefit from expanded and improved speech-language services.

3. Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the comment received was not related to the modifications made to the proposed regulations that was noticed to the public on January 12, 2024, pursuant to Government Code section 11346.8(c).

Summary: The Board received a comment expressing support for the proposed changes and noted that, as a small SLP practice, this will allow the supervision of SLPAs in rural areas where services are greatly needed and where SLPAs live, but can't practice due to lack of supervisors in their area.

4. Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the comment received was not related to the modifications made to the proposed regulations that was noticed to the public on January 12, 2024, pursuant to Government Code section 11346.8(c).

Summary: The Board received a comment recommending that the proposed text say, "maintain a current, active and unrestricted California license or current clear

credential" and noted that it is not required for employment at a public school to have a license and therefore should include those with current, clear credentials from the Commission on Teacher Credentialing which would be the speech language pathology services credential or the clinical and rehabilitative services credential in speech language and hearing.

5. Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the regulatory text already states this in section 1399.170.15(b)(1). The Board modified the text the new *Responsibility Statement for Supervision of a Speech-Language Pathology Assistant* to restate in the first person a simplified version of this section. This change was necessary for the purpose of clarity. Language not found in the proposed regulations were removed from the form or modified to closely align with the proposed regulations.

Summary: The Board received a comment expressing the following concerns regarding the 20% direct supervision requirements:

- This will likely lead to less individuals getting speech pathology services in the long run given the amount of support an SLP must provide to these new SLPAs under this particular metric.
- 20% direct supervision looks different for a part-time SLPA vs. a full-time SLPA, with the requirements being much higher for a full time SLPA.
- Many SLPs, organizations, and school districts will not want to hire and support new SLPAs.
- This is not a metric that will ensure SLPAs are trained and consumers are getting valuable treatment and, in fact, it feels arbitrary and reductive.
- Newly licensed SLPAs will cause added workload to SLPs and less consumers will be able to participate in actual speech therapy services and assessments as a result.
- There simply would not be time for 6-8 hours of direct supervision for a new SLPA in a school setting and would lead to students missing out on therapy minutes, IEP timelines being missed, and school districts opting to not hire SLPAs at all.
- Private practices and outpatient medical setting would reduce the number of evaluations and treatment sessions that an SLP could complete, which therefore would reduce the number of individuals who could access treatment.
- These time constraints impact programs fiscally because programs cannot bill for services rendered if consumers are not treated, and 6-8 billable hours a week will be lost to supervision hours that otherwise could have been filled with evaluations and treatment done by the SLP.
- Private practices and outpatient medical programs may no longer hire new SLPAs because they cannot afford to spend 6-8 hours/week directly supervising them and would have to take a loss on the SLP salaries for those hours because programs have limited bottom-lines that cannot afford this type of sacrifice.
- Some supervisors may be pressured to lie and indicate that the SLPA

completed the 20% direct supervision during their first 90 days on the proposed form, which would result in the same situation we are currently in: lack of true supervision and oversight.

The comment recommend the following changes and noted that the proposed solutions are Specific, Measurable, Achievable, Relevant, and Time-Bound (SMART); will allow SLPAs to receive adequate supervision; will ensure that the supervising SLP is actively involved in the executed treatment plan of each consumer; will reduce the time constraints that would arise from the 20% direct supervision metric; will encourage organizations to continue to hire new SLPA grads; and will result in more consumers being able to participate in SLP assessments and treatment:

- Recommend supervisors to be available onsite to directly supervise SLPAs based on clinical judgement of consumer need in the first 90 days of licensure, and hold mandatory weekly 1-hour meetings with SLPAs throughout the duration of the supervisory relationship, regardless of if the SLPA is part-time or full-time.
- Prior to each weekly meeting, the supervising SLP will review the SLPA's treatment notes.
- During these weekly meetings, the supervising SLP will discuss the SLPAs cases and make treatment recommendations with the SLPA. If needed, the SLP will make a plan with the SLPA to participate in direct observation during treatment sessions based on the needs of the consumers.
- The SLP will maintain a written record of meeting notes for what is discussed and recommended at each weekly supervisory meeting.
- The board may choose to audit the supervising SLP's supervision notes at any time, similar to how they can audit SLP's proof of completed CEUs, to ensure the meetings are actually happening.

6. Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because, as stated in the ISOR, a SLPA's field work experience may be in a setting different from the work setting in which they are employed. On-site supervision provides supervisors with an opportunity to monitor and evaluate a newly licensed SLPA's ability to provide services while ensuring that the services provided by the SLPA are appropriate for the work setting and clients/patients being treated before allowing the SLPA to provide services at a lower level of supervision. Furthermore, on-site supervision provides supervisors with an opportunity to quickly intervene to correct any actions that could cause harm to a client/patient. Therefore, the Board is requiring a higher level of supervision for newly licensed SLPAs during their first ninety (90) days of licensure. After this initial ninety-day period, the supervisor can determine the amount and type of supervision consistent with the SLPA's skills and experience, the needs of the clients/patients, and work setting. The Board chose to specify a weekly percentage of twenty (20) hours per week and not just a number of hours total in the first ninety (90) days to create consistent standards by making the requirement proportional across different

work schedules. The Board does not believe this will negatively impact services, jobs, or business as SLPs were already required to provide this type of supervision to a SLPA who were trained to perform a screening or treatment, but have not performed it on a client/patient/student (16 CCR section 1399.170.2(b).) The Board doesn't find it necessary to specify practice activities like supervisor-supervise meetings as SLP should be communicating with their SLPA about their client/patient/student because the SLP is the one responsible for the treatment and care of those client/patient/student and the only one who can conduct evaluations, interpret data, and create or alter treatment plans. Because every person's speech need is different, the type and amount of communication may vary depending on the condition being treated.

Summary: The Board received a comment expressing agreement with the proposed changes and noted that the changes seem fitting as there should be two (2) or more years of full time (versus part time) experience before supervising a SLPA.

7. Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the comment received was not related to the modifications made to the proposed regulations that was noticed to the public on January 12, 2024, pursuant to Government Code section 11346.8(c).

Summary: The Board received a comment recommending that tele-supervision be allowed because children need services.

8. Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the comment received was not related to the modifications made to the proposed regulations that was noticed to the public on January 12, 2024, pursuant to Government Code section 11346.8(c).

Summary: The Board received a comment expressing agreement with increasing supervisors and support which can increase the amount of care provided to families and help SLPs focus on more detailed diagnostics and treatments whereas the SLPAs can focus on the less advanced areas. It further expressed agreement with using gender-neutral terms when addressing individuals and the inclusion of other areas of practice in section 1399.170, and suggested, when dealing with pediatric clients, to enquire with the parents to understand where they stand and what gender-term they are more comfortable with where their child is concerned.

9. Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the comment received was not related to the modifications made to the proposed regulations that was noticed to the public on January 12, 2024, pursuant to Government Code section 11346.8(c).

Summary: The Board received a comment noting that it will increase access to services up and down the state of California and noted that the licensee is asked all the

time if they can help cover SLP vacancies of which many of those positions have some SLPA supervision. The comment further noted that the change would help more schools rest easy knowing their students are getting all the services they need and deserve.

10. Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the comment received was not related to the modifications made to the proposed regulations that was noticed to the public on January 12, 2024, pursuant to Government Code section 11346.8(c).

Summary: The Board received a comment expressing support and noted that it will expand the licensee's career and the desire to serve people in need to the fullest extent possible.

11. Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because no objection or recommendation was provided.

Summary: The Board received a comment expressing concerns with the requirement for a supervising SLP to have at least two years of full-time experience or 3,120 hours providing services as a licensed or credentialed SLP and the Board should revisit the regulatory requirement for a supervising SLP to have a minimum of two years of experience before being eligible to supervise an SLPA. The comment noted that:

- This language would exclude experience that providers obtain during the RPE and would result in individuals needing to have a minimum of three years of experience.
- This requirement does not align with requirements of the American Speech Language Hearing Association (ASHA) which requires the completion of a minimum of nine months of experience after an individual has received ASHA certification and the completion of the nine-month Clinical Fellowship.
- Speech Language Pathologists with less than three years' experience, who have met the ASHA certification requirements are successfully supervising SLPAs.
- The imposition of a three-year minimum experience requirement will likely result in fewer SLPAs securing necessary supervision.

The comment recommended that:

- The language should be clarified to recognize that the experience gained during RPE will count towards the minimum experience requirement for an SLP to supervise an SLPA.
- The Board explain how the 3,120 hours providing services is calculated.
- The language allows an SLP who is already supervising SLPAs to continue their supervisory role even if the SLP has not gained the three years or 3,120 hours

of experience which will “grandparent” SLPs who are successfully supervising SLPAs and allow them to continue.

The comment expressed support for the allowance of tele-supervision of SLPAs because of the continued need for services and supervision to be done virtually, and noted that Providing tele- supervision of SLPAs as well as Clinical Fellows (Required Professional Experience or RPEs) has been extremely beneficial to addressing consumer needs and helping to address the acute staffing shortage of SLPs in California. The comment further noted that tele-supervision is a viable and effective option to serve consumer needs throughout the state and supports the efforts of the Board to create long-term solutions to tele-supervision of SLPAs and RPEs.

12. Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because RPE is experience required to become license for entry-level practice and not supervisory or management. Specifying a practice experience will ensure that SLPs who wish to be a supervisor have a higher level of knowledge and experience in the functions and duties related to the profession before observing and guiding others in the profession. As stated in the ISOR, the Board “finds that two (2) years of full-time experience is reasonable as this is the length of a renewal period for a SLP license.” The Board modified the text to include 3,120 hours as an equivalent for the two years of full-time experience because some SLPs may have an employment status different from the one defined in the proposed regulations. The Board determined that 3,120 hours is equivalent to two years of full-time experience based on that it is two (2) full calendar years for someone who works thirty (30) hours per week. The Board also modified the text to make these new requirements for supervision registered with the Board on and after the regulation’s effective date and as such anyone who supervises a SLPA can continue to do so until they need a register a new SLPA, at which point they will need to comply with the new requirements.