

AN ACT RELATING TO LICENSURE; ADDING DEFINITIONS;

SCOPE OF PRACTICE AND LICENSURE REQUIREMENTS FOR SPEECH-LANGUAGE PATHOLOGY ASSISTANTS;

ADDING RENEWAL REQUIREMENTS AND FEES;

REQUIREMENTS AND RESPONSIBILITIES FOR SUPERVISING SPEECH-LANGUAGE PATHOLOGISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1.

DEFINITIONS—

- A. "apprentice" means a person working toward full licensure in speech-language pathology who meets the requirements for licensure as an apprentice in speech and language pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;
- B. "assistant" means a person working with an appropriate supervisor (New Mexico licensed Speech-Language Pathologist) who meets the requirements for licensure as a Speech-Language Pathology Assistant pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;
- C. "appropriate supervisor" means a person licensed in pursuant to the provision of the New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act who has a minimum of two years' experience as a Speech-Language Pathologist after the clinical fellowship year;
- D. "board" means the speech-language pathology, audiology and hearing aid dispensing practices board;
- E. "business location" means a permanent physical business location in New Mexico where records can be examined and process served;
- F. "certification by a national professional association" means certification issued by a board-approved national Speech-Language Pathology association;
- G. "clinical fellow" means a person who has completed all academic course work and practicum requirements for a master's degree or the equivalent in speech-language pathology and engages in the practice of speech-language pathology as set forth in the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

- H. "clinical fellowship" or "CF" means the time following the completion of all academic course work and practicum requirements for a master's degree in speech-language pathology and during which a clinical fellow is working toward certification by a national professional association;
- I. "direct contact time" means any direct therapy and direct supervision time of Speech-Language Assistant with a patient/client/student;
- J. "department" means the regulation and licensing department;
- K. "direct supervision" means on-site, in-view observation and guidance by a supervisor of a speech-language pathology assistant while the speech-language pathology assistant performs a clinical activity. This may include viewing and communicating with the supervisee via telecommunication technology so long as the supervisor or qualified sponsor is able to provide ongoing immediate feedback. Direct supervision does not include reviewing a recorded session at a later date.
- L. "indirect supervision" means overall directions and control by a supervisor of a speech language pathology assistant's work without the supervisor presence during the performance of the work;
- M. "medically fragile" means a person who meets one of the following: (a) acutely ill, (b) in an unstable condition, or (c) unstable speech, language, or cognitive status. This includes all individuals in an acute care or rehabilitation hospitals as well as other settings (nursing homes, schools, etc.) where these individuals are present.
- N. "paraprofessional" means a person who provides adjunct speech-language pathology services under the direct supervision of a New Mexico licensed Speech-Language Pathologist;
- O. "practice of speech-language pathology" means the rendering or offering to render to individuals, groups, organizations or the public any service in speech or language pathology involving the application of principles, methods and procedures for the measurement, testing, diagnosis, prognostication, counseling and instruction related to the development and disorders of communications, speech, fluency, voice, verbal and written language, auditory comprehension, cognition, dysphagia, oral pharyngeal or laryngeal sensorimotor competencies and treatment of persons requiring use of an augmentative communication device for the purpose of nonmedical diagnosing, preventing, treating and ameliorating such disorders and conditions in individuals and groups of individuals;
- P. "repetitive, mechanical, or routine" tasks or RMR" tasks refers to tasks that are simple, predictable or rote and do not requiring the expertise of the Speech-Language Pathologist;

- Q. "screening" means a pass-fail procedure to identify individuals who may require further assessment in the areas of speech-language pathology, audiology or hearing aid dispensing;
- R. "Speech-Language Pathologist" means a person who engages in the practice of speech-language pathology and who meets the qualifications set forth in the New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;
- S. "speech-language pathology assistant" means a person who assists the in the practice of speech-language pathology and who meets the qualifications set forth in the New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;
- T. "speech-language pathologist/speech-language pathology assistant team" or "SLP/SLPA team" means the speech-language pathologist supervisor and the assigned speech-language pathology assistant who work as a team in a clinical or research speech-language program.
- U. "supervisor" means a Speech-Language Pathologist licensed pursuant to the provisions of the New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act who maintains a national certification and provides supervision in the area of speech-language pathology.

#### SCOPE OF PRACTICE—SPEECH-LANGUAGE ASSISTANT

The scope of practice for a Speech-Language Pathology Assistant is to assist the Speech-Language Pathologist with administrative, clinically-related, and clinical tasks that are planned, selected, directed, or designed by a Speech-Language Pathologist. The speech-language pathology assistant's supervisor may delegate to a speech-language pathology assistant and supervise certain repetitive, mechanical or routine (RMR) acts, tasks or procedures that fall within the scope of the speech-language pathology practice but do not exceed the speech-language pathology assistant's education or training. Under no circumstances should quality of services be diluted or circumvented by the use of a speech-language pathology assistant. The speech-language pathologist supervisor retains full legal and ethical responsibility for every client. The board shall promulgate additional rules pertaining to those acts, tasks or procedures that a speech-language pathology assistant may or may not perform under the supervision of the speech-language pathology assistant's supervisor.

- A. A speech-language pathology assistant shall in service delivery—
  - a. self-identify as an assistant in speech-language pathology at all times to all families, students, patients, clients, staff and others, which includes using either the terms "speech language pathology assistant" or "SLP-Assistant."
  - b. exhibit compliance with The Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA)

regulations, reimbursement requirements, and Speech-Language Pathologist-Assistants' responsibilities.

- c. at the discretion of the supervising Speech-Language Pathologist, assist with or conduct speech, language, and hearing screenings without clinical interpretation;
- d. assist the Speech-Language Pathologist during assessment of students, patients, and clients exclusive of administration and/or interpretation;
- e. assist the Speech-Language Pathologist with bilingual translation/interpretation during screening and assessment activities exclusive of interpreting results if she/he has met the criteria for the New Mexico Speech-Language Pathologist Bilingual Endorsement;
- f. provide up to 50% of a student/patient/client's treatment (RMR activities) **unsupervised while** following the documented and approved treatment or session plan developed by a Speech-Language Pathologist;
- g. document patient/client/student performance (e.g., collect data and calculate percentages, etc.) and report this information to the supervising Speech-Language Pathologist weekly;
- h. serve as interpreter for patients/clients/students and families who do not speak English results if she/he has met the criteria for the New Mexico Speech-Language Pathologist Bilingual Endorsement;
- i. provide services under Speech-Language Pathologist supervision in another language for individuals who do not speak English and English-language learners if she/he has met the criteria for the New Mexico Speech-Language Pathologist Bilingual Endorsement;
- j. program and provide instruction in the use of augmentative and alternative communication devices;
- k. may assist a Speech-Language Pathologist providing treatment to medically fragile patients/clients/students with 100% supervision; AND
- l. may assist, in person, a New Mexico licensed Speech-Language Pathologist, providing speech-language services via tele-health and has met the supervision requirements;

B. A speech-language pathology assistant shall provide administrative and clinically related support as directed by the Speech-Language Pathologist with—

- a. clerical duties, such as preparing materials and scheduling activities;
- b. performing checks and maintenance of equipment;
- c. assisting with departmental operations (scheduling, recordkeeping, safety/maintenance of supplies and equipment); AND
- d. signing or initialing treatment notes for review by and co-signed by her/his supervising Speech-Language Pathologist.

C. A speech-language pathology assistant shall provide prevention and advocacy as directed by the Speech-Language Pathologist to—

- a. distribute prevention information related to communication and promote early identification and early intervention activities;
- b. assist the supervising Speech-Language Pathologist in advocating for individuals and families through community awareness, health literacy, education, and training programs to promote and facilitate access to full participation in communication, including the elimination of societal, cultural, and linguistic barriers; AND
- c. provide information to emergency response agencies for individuals who have communication and/or swallowing disorders;
- d. advocate at the local, state, and national levels for improved public policies affecting access to services and research funding;
- e. support the supervising Speech-Language Pathologist in research projects, in-service training, public relations programs, and marketing programs; AND
- f. participate actively in professional organizations.

D. A speech-language pathology assistant SHALL NOT—

- a. represent himself or herself as a Speech-Language Pathologist;
- b. disclose clinical or confidential information either orally or in writing to anyone other than the supervising Speech-Language Pathologist (the Speech-Language Pathologist-Assistant must comply with current HIPAA and FERPA guidelines) unless mandated by law;

- c. perform or interpret standardized/formal or non-standardized/informal diagnostic tests, or clinical/bedside swallowing assessments;
- d. perform procedures that require the unique skills, knowledge, judgment or credentials that are within the scope of practice of the supervising Speech-Language Pathologist. Example: high level of clinical acumen and technical skill (e.g., vocal tract prosthesis shaping or fitting, vocal tract imaging and oral pharyngeal swallow therapy with bolus material);
- e. write, develop, or modify a student's, patient's, or client's treatment plan in any way;
- f. provide interpretative information to the student/patient/client, family, or others regarding the patient/client status or service;
- g. interpret session data and plan future treatment sessions;
- h. submit treatment notes that have not been reviewed and approved by the supervising Speech-Language Pathologist;
- i. design or select augmentative and alternative communication systems or devices;
- j. develop or determine the swallowing strategies or precautions for patients/clients/students, family, or staff;
- k. participate in formal parent conferences, case conference, or any interdisciplinary team meetings without the presence of the supervising Speech-Language Pathologist or other designated Speech-Language Pathologist;
- l. sign any formal documents (e.g., treatment plans, reimbursement forms, or reports) without the review/co-signature of the supervising Speech-Language Pathologist;
- m. select patients/clients/students for therapy service;
- n. discharge a patient/client/student from therapy service;
- o. make referrals for additional service;
- p. treat medically-fragile patients/clients/students independently; OR
- q. provide treatment or services to patients/clients/students via tele-health.

## REQUIREMENTS FOR LICENSURE--SPEECH-LANGUAGE PATHOLOGY ASSISTANT—

A. An initial license to practice as a speech-language pathology assistant for two years shall be issued by the board to a person who:

- 1) files a completed application accompanied by the required fees and documentation;
- 2) is employed in a position that requires licensure as a speech-language pathology assistant;
- 3) demonstrates competency in the skills required of a speech-language pathology assistant; and
- 4) provides satisfactory evidence that the applicant has met educational, supervisory, and employment requirements pursuant to any one of the following options, which shall include documentation showing that the applicant completed the following:
  - a) One of these educational models:
    - i) completion of an Associate's Degree in a Speech-Language Assistant Program from a regionally or nationally accredited institution, that includes 100 supervised clinical clock hours;

OR

- ii) completion of a Bachelor's Degree in a Communication Sciences and Disorders or Speech-Language Pathology Program from a regionally or nationally accredited institution, that includes at least 100 supervised clinical clock hours.
  - b) AND
    - i) successful completion of or passing score on a National Certification exam.

## LICENSE RENEWAL--

A. After the two-year initial licensure, each licensee shall renew the licensee's license biennially by submitting a renewal application as provided for in the board's regulations **along with a Speech-Language Pathologist's supervisors' competency checklist form with signature stating the licensee has met the established competencies requirements.**

- i) The board will require twenty (20) hours of continuing education every two years. These may be distributed over the two-year period, or they may all be obtained in one year. These continuing education hours must be in the field of his or her licensure, or in a related field if justified to the board office. The board office will consult with the board and/or with the New Mexico speech-language and hearing association (or similar statewide professional association) to resolve questions as to appropriate continuing education hours. Renewal of a license shall be contingent upon the fulfillment of the continuing education standards and the

supplying of evidence thereof by the licensee. The board shall be the final authority on acceptance of any educational activity submitted by a licensee to meet the continuing education requirement.

The number of continuing education hours required for renewal of a license may be prorated by the board office. A newly licensed individual or a person who reinstates his or her license and whose next renewal date occurs less than twelve (12) months after the license is issued will be required to earn continuing education hours equivalent to one (1) hour per month each month the license is issued or reinstated to the last day of the renewal month up to a maximum of ten (10) clock hours.

- B. A sixty-day grace period shall be allowed to each licensee after each licensing period. A license may be renewed during the grace period upon payment of a renewal fee and a late fee as prescribed by the board.
- C. Any license not renewed by the end of the grace period will be considered expired and the licensee shall not be eligible to practice within the state until the license is renewed. The board shall develop rules regarding requirements for renewal of an expired license and may require the licensee to reapply as a new applicant.
- D. An apprentice in speech-language pathology may continue to practice for the duration of their current license or until the current apprentice in Speech-Language Pathology license sunsets and Speech-Language Pathologist—Assistant license goes into practice. Upon that time, if she/he wish to continue to work as a paraprofessional, they must fulfill the requirements to become a Speech-Language Pathologist—Assistant.
- E. The board may issue rules providing for inactive status of licenses."

#### FEES—

The board shall establish a schedule of reasonable fees for applications, licenses, renewal of licenses, exams, penalties and administrative fees. The license and license renewal fees shall not exceed:

- A. Fifty dollars (\$50) for speech-language pathology assistants renewable each year;
- B. fifty dollars (\$50) for clinical fellows;
- C. two hundred dollars (\$200) for audiologists or Speech-Language Pathologists renewable every other year;
- D. six hundred dollars (\$600) for hearing aid dispensers;
- E. four hundred dollars (\$400) for examinations;
- F. one hundred dollars (\$100) for late renewal fees;



- G. four hundred dollars (\$400) for hearing aid dispensing endorsement;
- H. five hundred dollars (\$500) for a hearing aid dispenser trainee license, which fee includes examination, both written and practical;
- I. one hundred dollars (\$100) for bilingual-multicultural endorsement; and reasonable administrative fees."

#### SPEECH-LANGUAGE PATHOLOGY ASSISTANT—SUPERVISION REQUIREMENTS

- A. A speech-language pathology assistant shall be supervised by a Speech-Language Pathologist who:
  - 1. is licensed pursuant to the New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act and maintains a national certification;
  - 2. is working at least half time as a Speech-Language Pathologist; AND
  - 3. possesses a minimum of two years' experience in the field of speech-language pathology beyond the Clinical Fellowship year; AND
  - 4. has completed a minimum of two hours of professional development in clinical instruction/supervision
- B. Speech-Language Pathologist Supervisor shall:
  - 1. delegate to a speech-language pathology assistant and supervise certain RMR acts, tasks or procedures that fall within the scope of speech-language pathology practice but do not exceed the speech-language pathology assistant's education or training; AND
  - 2. provide patient/client/student "contact" time at a minimum of 50% averaged over the patient's, client's, or student's progress reporting period during which a NM licensed Speech-Language Pathologist supervisor will provide treatment and directly supervise the speech-language pathology assistant at a ratio determined by the Speech-Language Pathologist totaling to the minimum 50% of the patient/client/student treatment time; AND
  - 3. provide a minimum of 10% direct supervision and 10% indirect supervision; AND
  - 4. provide supervision to no more than one speech-language assistant; Speech-Language Pathologist to speech-language assistant ratio 1:1; AND
  - 5. be responsible for the entire caseload/workload, the speech-language assistant will not have a caseload/workload separate from the Speech-Language Pathologist, thus every patient's, client's, student's case will be managed by the Speech-Language Pathologist in order to maintain high professional standards; AND

6. ensure that the Speech-Language Pathologist/Speech-Language Pathology Assistant team caseload/workload is dictated by setting, patient/client/student diagnosis and therapy need, and shall not exceed a 1.3 position of standard/full-time Speech-Language Pathologist caseload/workload; AND
7. comply with state and professional ethical standards; AND
8. provide a minimum of 10% direct supervision and 10% indirect supervision weekly; AND
9. provide, during the first 90 days with a new supervisor, a minimum of 30% supervision, including at least 20% direct supervision and 10% indirect supervision weekly; AND
10. directly supervise each patient's/client's/student's RMR treatment delivered by the Speech-Language Pathologist Assistant at least every reporting/billing period or at least every 30 days, whichever is shorter; AND
11. **complete a yearly competency checklist to be submitted with the Speech-Language Pathologist—Assistant's renewal application.**

C. Direct supervision shall be required during:

1. all direct patient/client/student activity involving medically fragile individuals; AND
2. any screening or treatment activity which the speech-language assistant has been trained, but that the speech-language assistant has not yet performed in direct patient/client/student care; AND
3. the 50% contact time with each patient/client/student as determined by the supervising Speech-Language Pathologist.

D. Indirect supervision shall only be allowable when the speech-language assistant performs:

1. patient/client/student screening or RMR treatment activities for which a supervisor has previously provided training, observed the speech-language pathology assistant perform these activities, and verified competency, and not exceeding the amount of time determined by the Speech-Language Pathologist of a client's direct treatment; AND
2. one hundred percent of the time when assisting with medically fragile patients/clients/students; AND
3. documents and updates quarterly direct supervision activities.