

TITLE 16 - DEPARTMENT OF CONSUMER AFFAIRS SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY & HEARING AID DISPENSERS

NOTICE IS HEREBY GIVEN that the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board (Board) is proposing to take the action described in the Informative Digest. No public hearing has been scheduled on the proposed action. However, any interested person or such person's duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Section 11346.8. Written comments, including those sent by mail or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5 p.m. on November 23, 2015. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Business and Professions Code Sections 2531.95 and 2538.1, to implement, interpret or make specific Sections 2538.1(b), of the Business and Professions Code, the Board is considering changes to Division 13.4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board ("Board") is authorized by Business and Professions Code Section 2531.95 to adopt regulations necessary to implement the Speech-Language Pathology and Audiology Licensure Act. Section 2532.2 and Section 2538.1 set forth provisions for the training, registration, scope of responsibility, and supervision requirements for speech-language pathology assistants (SLPAs) and audiology assistants. Specifically Section 2538.1(b) provides standards for approval of SLPA training programs and mandates the Board to develop regulations regarding the supervision of the SLPA by a speech-language pathologist who shall remain responsible and accountable for the clinical judgments and services of the SLPA. As such, the Board is authorized to define the requirements and qualifications for an individual approved to supervise a SLPA.

The following substantive changes are being proposed:

Section 1399.152.2: The proposed amendment adds to the supervised clinical experience qualifications two years of experience providing services as fully licensed speech-language pathologists (SLP) or audiologists. The proposed language includes a provision to allow experience gained in settings or states which do not require licensure, but; where they are legally allowed to provide these services, to the qualifications.

The amendment will allow clinical supervisors to gain experience providing services, in their field, prior to being approved to supervise speech-language pathology or audiology assistants.

Section 1399.153: The proposed amendment adds two years of experience providing services in their field and includes a provision addressing settings or states which do not license these professions but where they are legally allowed to provide the services to the definition of a Required Professional Experience supervisor (RPE supervisor).

Section 1399.170: Amend the definition of “direct supervision” to include observation and guidance provided via live electronic means.

The amendment will allow an RPE Supervisor, if they choose; to observe a SLPA providing clinical services that require direct supervision in real-time via live electronic means without the burden of having to be in the same room.

Section 1399.170.4: Amends the standard for approval of a SLPA training program (program) by requiring the director of the program hold a valid and clear license or equivalent credential in speech-language pathology.

Specifying qualifications a director of program must meet ensures programs are managed and coordinated by individuals who possess the knowledge and have the professional credentials to support and mentor the students enrolled in a program.

Section 1399.170.6: Makes technical changes to the reference of the American Speech-Language-Hearing Associations (ASHA’s) guidelines regarding SLPA’s.

In 2000, when the initial regulations governing the paraprofessional category of SLPA were adopted, the Board relied upon the national guidelines established by ASHA in 1996. Later in 2004, ASHA amended its guidelines to remove “credentialing” standards and to make technical changes regarding the terminology of the proposed educational and clinical training. The Board reviewed the updated AHSA 2004 document, “Guidelines for the Training, Use, and Supervision of Speech-Language Pathology Assistants,” (Guideline) and found it to be consistent with the initial training standards documented in the ASHA 1996 guideline and, reflective of the registration, training, and supervision regulations adopted by the Board. In 2013, the Guideline was rescinded and replaced with the Speech-Language Pathology Assistant Scope of Practice.

Section 1399.170.10: Makes technical changes to the reference of the ASHA guidelines regarding SLPA’s as noted in the changes to section 1399.170.6 and also increases the required field work clock hours from a minimum of seventy (70) hours to one-hundred (100) hours.

The increase in field work clock hours is consistent with the training standards recommended by ASHA and currently offered by approved SLPA training programs.

Section 1399.170.11: Provides for the same amendments being proposed in Section 1399.170.10.

Section 1399.170.15: Adds provisions to the supervisor qualifications requiring a supervisor of an SLPA to possess two years of full-time practice prior to assuming a supervisory role. Also, the proposed changes would require that an individual interested in supervising a SLPA must first complete six (6) hours of continuing professional development (CPD) training in supervision prior to serving in a supervisory role. Current

provisions allow the supervisor to complete the CPD training within the first two years of becoming a SLPA supervisor.

The changes to the supervisor qualifications are consistent with ASHA guidelines and are well accepted as a necessary professional standard. It is vitally important that individuals, who assume the role of supervisor, have the clinical and professional experience to direct, coach, and monitor a SLPA in their responsibilities. In addition, supervision training provides the necessary tools a SLP needs in order to properly coach, train, mentor, and assess the clinical activities of an SLPA.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS:

After conducting a review for any regulations that would relate to or affect this area, the Board evaluated this regulatory proposal and it is not inconsistent or incompatible with existing state regulations.

BENEFITS OF THE PROPOSED REGULATION:

The proposed regulation will benefit the health and safety of the public by 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.

The amendment 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.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State:

None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17500-17630 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: Under current laws and regulations, the Board registers SLPA's and approves SLPA training programs. The proposed amendments makes changes to the requisite qualifications of an SLPA training program director of an approved institution, and therefore, may limit the job opportunity of an individual who does not possess the necessary professional credentials. The Board currently approves seven (7) SLPA training programs, all of which employ a director who possesses a professional credential/license as a speech-language pathologist (SLP). At one point, there was one approved SLPA training program which employed a training program director who was licensed in a health care field other than Speech-Language Pathology. This particular SLPA training program, however, is no longer in operation.

Cost Impact on Representative Private Persons or Business: The following provides detail regarding any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action:

Existing regulations require SLP's and audiologists obtain CPD from Board-approved providers. 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 the Board-approved providers.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that this regulatory proposal will not have an effect on small businesses. The proposed changes do 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.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by ensuring RPE supervisors have

the experience and knowledge to properly trained, coached and mentored SLPA's and audiology aids. The proposal will have no direct effect on worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board at 2005 Evergreen Street, Suite 2100, Sacramento, CA 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Karen Robison
Address:	2005 Evergreen Street, Suite 2100 Sacramento, CA 95815
Telephone No.:	(916) 263-2291
E-Mail Address:	Karen.robison@dca.ca.gov

The backup contact person is:

Name:	Breanne Humphreys
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Website Access: Materials regarding this proposal can be found at
www.speechandhearing.ca.gov.