

1 SENATE BILL 363

2 54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

3 INTRODUCED BY

4 Bill Tallman

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10 AN ACT

11 RELATING TO LICENSURE; CHANGING APPRENTICE IN SPEECH AND
12 LANGUAGE TO SPEECH-LANGUAGE PATHOLOGY ASSISTANT; CHANGING SCOPE
13 OF PRACTICE FOR SPEECH-LANGUAGE PATHOLOGY ASSISTANTS; CHANGING
14 LICENSING REQUIREMENTS FOR SPEECH-LANGUAGE PATHOLOGY
15 ASSISTANTS; REQUIRING SUPERVISION FOR CERTAIN ACTIVITIES.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 61-14B-2 NMSA 1978 (being Laws 1996,
19 Chapter 57, Section 2, as amended) is amended to read:

20 "61-14B-2. DEFINITIONS.--As used in the Speech-Language
21 Pathology, Audiology and Hearing Aid Dispensing Practices Act:

22 [~~A. "apprentice" means a person working toward full~~
23 ~~licensure in speech-language pathology who meets the~~
24 ~~requirements for licensure as an apprentice in speech and~~
25 ~~language pursuant to the Speech-Language Pathology, Audiology~~

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1 ~~and Hearing Aid Dispensing Practices Act;~~

2 ~~B.]~~ A. "appropriate supervisor" means a person
3 licensed pursuant to the provisions of the Speech-Language
4 Pathology, Audiology and Hearing Aid Dispensing Practices Act
5 who has a minimum of two years' experience as a speech-language
6 pathologist after the clinical fellowship year;

7 ~~[G.]~~ B. "auditory trainer" means a custom-fitted FM
8 amplifying instrument other than a hearing aid designed to
9 enhance signal-to-noise ratios;

10 ~~[D.]~~ C. "audiologist" means a person who engages in
11 the practice of audiology, who may or may not dispense hearing
12 aids and who meets the qualifications set forth in the Speech-
13 Language Pathology, Audiology and Hearing Aid Dispensing
14 Practices Act;

15 ~~[E.]~~ D. "bilingual-multicultural endorsement" means
16 an endorsement that is issued pursuant to the Speech-Language
17 Pathology, Audiology and Hearing Aid Dispensing Practices Act
18 to a qualified speech-language pathologist and that recognizes
19 the licensee's or applicant's demonstrated proficiency in the
20 use of languages other than English to provide speech-language
21 pathology services;

22 ~~[F.]~~ E. "board" means the speech-language
23 pathology, audiology and hearing aid dispensing practices
24 board;

25 ~~[G.]~~ F. "business location" means a permanent

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1 physical business location in New Mexico where records can be
2 examined and process served;

3 [H-] G. "certification by a national professional
4 association" means certification issued by a board-approved
5 national speech-language or hearing association;

6 [F-] H. "clinical fellow" means a person who has
7 completed all academic course work and practicum requirements
8 for a master's degree or the equivalent in speech-language
9 pathology and engages in the practice of speech-language
10 pathology as set forth in the provisions of the Speech-Language
11 Pathology, Audiology and Hearing Aid Dispensing Practices Act;

12 [J-] I. "clinical fellowship year" or "CFY" means
13 the time following the completion of all academic course work
14 and practicum requirements for a master's degree in speech-
15 language pathology and during which a clinical fellow is
16 working toward certification by a national professional
17 association;

18 [K-] J. "department" means the regulation and
19 licensing department;

20 K. "direct supervision" means on-site, in-view
21 observation and guidance by a supervisor of a speech-language
22 pathology assistant while the speech-language pathology
23 assistant performs a clinical activity;

24 L. "hearing aid" means a wearable instrument or
25 device designed or offered for the purpose of aiding or

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1 compensating for impaired human hearing and any parts,
2 attachments or accessories, including earmolds but excluding
3 batteries and cords;

4 M. "hearing aid dispenser" means a person other
5 than an audiologist or an otolaryngologist who is licensed to
6 sell, fit and service hearing aids pursuant to the Speech-
7 Language Pathology, Audiology and Hearing Aid Dispensing
8 Practices Act and maintains or occupies a permanent physical
9 business location in New Mexico where records can be examined
10 and process can be served;

11 N. "indirect supervision" means overall direction
12 and control by a supervisor of a speech-language pathology
13 assistant's work without the supervisor's presence during the
14 performance of the work;

15 O. "medically fragile" means a person who is
16 acutely ill or in an unstable condition;

17 [~~N-~~] P. "otolaryngologist" means a licensed
18 physician who has completed a recognized residency in
19 otolaryngology and is certified by the American board of
20 otolaryngology;

21 [~~Q-~~] Q. "paraprofessional" means a person who
22 provides adjunct speech-pathology or audiology services under
23 the direct supervision of a licensed speech-language
24 pathologist or audiologist;

25 [~~P-~~] R. "practice of audiology" means the

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1 application of principles, methods and procedures of
2 measurement, testing, appraisal, prognostication, aural
3 rehabilitation, aural habilitation, consultation, hearing aid
4 selection and fitting, counseling, instruction and research
5 related to hearing and disorders of hearing for the purpose of
6 nonmedical diagnosis, prevention, identification, amelioration
7 or the modification of communicative disorders involving
8 speech, language auditory function or other aberrant behavior
9 related to hearing disorders;

10 [Q-] S. "practice of hearing aid dispensing" means
11 the behavioral measurement of human hearing for the purpose of
12 the selection and fitting of hearing aids or other
13 rehabilitative devices to ameliorate the dysfunction of hearing
14 sensitivity; this may include otoscopic inspection of the ear,
15 fabrication of ear impressions and earmolds, instruction,
16 consultation and counseling on the use and care of these
17 instruments, medical referral when appropriate and the analysis
18 of function and servicing of these instruments involving their
19 modification or adjustment;

20 [R-] T. "practice of speech-language pathology"
21 means the rendering or offering to render to individuals,
22 groups, organizations or the public any service in speech or
23 language pathology involving the nonmedical application of
24 principles, methods and procedures for the measurement,
25 testing, diagnosis, prognostication, counseling and instruction

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1 related to the development and disorders of communications,
2 speech, fluency, voice, verbal and written language, auditory
3 comprehension, cognition, dysphagia, oral pharyngeal or
4 laryngeal sensorimotor competencies and treatment of persons
5 requiring use of an augmentative communication device for the
6 purpose of nonmedical diagnosing, preventing, treating and
7 ameliorating such disorders and conditions in individuals and
8 groups of individuals;

9 [§-] U. "screening" means a pass-fail procedure to
10 identify individuals who may require further assessment in the
11 areas of speech-language pathology, audiology or hearing aid
12 dispensing;

13 [¶-] V. "speech-language pathologist" means a
14 person who engages in the practice of speech-language pathology
15 and who meets the qualifications set forth in the Speech-
16 Language Pathology, Audiology and Hearing Aid Dispensing
17 Practices Act;

18 W. "speech-language pathology assistant" means a
19 person who assists in the practice of speech-language pathology
20 and who meets the qualifications set forth in the Speech-
21 Language Pathology, Audiology and Hearing Aid Dispensing
22 Practices Act;

23 [¶-] X. "sponsor" means a licensed hearing aid
24 dispenser, audiologist or otolaryngologist who has an
25 endorsement to dispense hearing aids and:

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1 (1) is employed in the same business location
2 where the trainee is being trained; and

3 (2) has been actively engaged in the
4 dispensing of hearing aids during three of the past five years;

5 [V-] Y. "student" means a person who is a full- or
6 part-time student enrolled in an accredited college or
7 university program in speech-language pathology, audiology or
8 communicative disorders;

9 [W-] Z. "supervisor" means a speech-language
10 pathologist or audiologist licensed pursuant to the provisions
11 of the Speech-Language Pathology, Audiology and Hearing Aid
12 Dispensing Practices Act who maintains a national certification
13 and provides supervision in the area of speech-language
14 pathology or audiology; and

15 [X-] AA. "trainee" means a person working toward
16 full licensure as a hearing aid dispenser under the direct
17 supervision of a sponsor."

18 SECTION 2. Section 61-14B-3.1 NMSA 1978 (being Laws 1999,
19 Chapter 128, Section 3, as amended) is amended to read:

20 "61-14B-3.1. SCOPE OF PRACTICE [~~APPRENTICE IN SPEECH AND~~
21 ~~LANGUAGE~~]--SPEECH-LANGUAGE PATHOLOGY ASSISTANT.--

22 A. The scope of practice for [~~an apprentice in~~
23 ~~speech and language~~] a speech-language pathology assistant is
24 to provide [~~adjunct~~] services that are planned, selected or
25 designed by [~~the supervising speech-language pathologist.~~

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1 ~~These services may include.~~

2 ~~A. conducting speech-language or hearing~~
3 ~~screenings;~~

4 ~~B. following documented intervention plans or~~
5 ~~protocols;~~

6 ~~C. preparing written daily plans based on the~~
7 ~~overall intervention plan;~~

8 ~~D. recording, charting, graphing or otherwise~~
9 ~~displaying data relative to client performance and reporting~~
10 ~~performance changes to the supervisor;~~

11 ~~E. maintaining daily service notes and completing~~
12 ~~daily charges as requested;~~

13 ~~F. reporting but not interpreting data relative to~~
14 ~~client performance to teacher, family or other professionals;~~

15 ~~G. performing clerical duties, including~~
16 ~~maintenance of therapy and diagnostic materials, equipment and~~
17 ~~client files as directed by the supervisor;~~

18 ~~H. assisting the speech-language pathologist during~~
19 ~~client treatment and assessment; and~~

20 ~~I. assisting the speech-language pathologist in~~
21 ~~research, in-service, training and public relations programs.]~~

22 the speech-language pathology assistant's supervisor. The
23 speech-language pathology assistant's supervisor may delegate
24 to a speech-language pathology assistant and supervise certain
25 acts, tasks or procedures that fall within the scope of speech-

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1 language pathology practice but do not exceed the speech-
2 language pathology assistant's education or training. The
3 board shall promulgate rules pertaining to those acts, tasks or
4 procedures that a speech-language pathology assistant may or
5 may not perform under the supervision of the speech-language
6 pathology assistant's supervisor.

7 B. A speech-language pathology assistant shall
8 self-identify as an assistant in speech-language pathology to
9 families, students, patients, clients, staff and others, which
10 includes using the terms "speech pathology assistant", "speech
11 pathologist assistant", "speech-language pathology support
12 personnel", "speech therapy assistant", "speech therapist
13 assistant", "speech teacher assistant", "speech monitor",
14 "speech correction assistant", "speech correctionist
15 assistant", "speech clinic assistant", "speech clinician
16 assistant", "language therapy assistant", "language therapist
17 assistant", "language pathology assistant", "language
18 pathologist assistant", "language specialist assistant", "voice
19 therapy assistant", "voice therapist assistant", "voice
20 pathologist assistant", "logopedics assistant", "logopedist
21 assistants", "communicology assistant", "communicologist
22 assistants", "communication specialist assistant", "aphasiology
23 assistant", "aphasiologist assistant", "phoniatriest assistant"
24 or any variation, synonym, coinage or other word that
25 expresses, employs or implies these terms, names or functions."

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1 SECTION 3. Section 61-14B-15.1 NMSA 1978 (being Laws
2 1999, Chapter 128, Section 8, as amended) is amended to read:

3 "61-14B-15.1. REQUIREMENTS FOR LICENSURE--~~[APPRENTICE IN~~
4 ~~SPEECH AND LANGUAGE]~~ SPEECH-LANGUAGE PATHOLOGY ASSISTANT.--

5 A. A license to practice as ~~[an apprentice in~~
6 ~~speech and language]~~ a speech-language pathology assistant
7 shall be issued by the board to a person who:

8 (1) files a completed application accompanied
9 by the required fees and documentation;

10 (2) is employed in a position that requires
11 licensure as a speech-language pathology assistant;

12 (3) demonstrates competency in the skills
13 required of a speech-language pathology assistant; and

14 (4) provides satisfactory evidence that the
15 applicant has met educational, supervisory and employment
16 requirements pursuant to any one of the following options,
17 which shall include documentation showing that the applicant:

18 ~~[A-]~~ (a) is working toward full
19 licensure pursuant to the provisions of the Speech-Language
20 Pathology, Audiology and Hearing Aid Dispensing Practices Act;

21 (b) has completed an associate's degree
22 or certificate in a speech-language pathology assistant program
23 from an accredited program or university; or

24 ~~[B-]~~ (c) has completed a baccalaureate
25 degree in speech-language pathology or communicative disorders

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1 ~~[or an equivalent degree or a baccalaureate degree in another~~
2 ~~field with thirty semester hours of credit in speech-language~~
3 ~~pathology or communicative disorder;~~

4 ~~G. is enrolled in and successfully completes~~
5 ~~graduate classes in speech-language pathology, communicative~~
6 ~~disorders or a related field at a minimum rate of nine semester~~
7 ~~hours per year and is accepted into a master's level program in~~
8 ~~speech-language pathology or communicative disorders within two~~
9 ~~years of initial licensing;~~

10 ~~D. maintains a minimum of a 3.0 grade point average~~
11 ~~in the master's degree course and other work;~~

12 ~~E. is supervised by an appropriate supervisor, as~~
13 ~~defined in Section 61-14B-2 NMSA 1978; and~~

14 ~~F. has arranged for appropriate supervision to meet~~
15 ~~the supervision requirement defined by rule] from an accredited~~
16 ~~college or university and is completing, or has completed, at~~
17 ~~least one hundred clinical hours of field work experience under~~
18 ~~direct supervision within one year from the date of licensure~~
19 ~~as a speech-language pathology assistant.~~

20 B. Failure to timely complete the clinical hours
21 required in Subparagraph (c) of Paragraph (4) of Subsection A
22 of this section shall result in termination of the speech-
23 language pathology assistant license."

24 SECTION 4. Section 61-14B-19 NMSA 1978 (being Laws 1996,
25 Chapter 57, Section 19, as amended) is amended to read:

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1 "61-14B-19. LICENSE RENEWAL.--

2 A. Each licensee shall renew the licensee's license
3 biennially by submitting a renewal application as provided for
4 in the board's regulations. The board may require proof of
5 continuing education as a requirement for renewal. The board
6 may establish a method to provide for staggered biennial terms.
7 The board may authorize license renewal for one year to
8 establish the renewal cycle.

9 B. A sixty-day grace period shall be allowed to
10 each licensee after each licensing period. A license may be
11 renewed during the grace period upon payment of a renewal fee
12 and a late fee as prescribed by the board.

13 C. Any license not renewed by the end of the grace
14 period will be considered expired and the licensee shall not be
15 eligible to practice within the state until the license is
16 renewed. The board shall develop rules regarding requirements
17 for renewal of an expired license and may require the licensee
18 to reapply as a new applicant.

19 D. Clinical fellow licenses may be renewed annually
20 for no more than three years; provided the clinical fellow has
21 submitted evidence of passing a recognized standard national
22 examination in speech-language pathology prior to or within the
23 clinical fellow's second year of the CFY. The CFY license
24 shall not be renewed for a second year without evidence of
25 passing a recognized standard national examination in speech-

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1 language pathology.

2 E. ~~[An apprentice in speech-language pathology]~~ A
3 speech-language pathology assistant shall renew the
4 ~~[apprentice's]~~ speech-language pathology assistant's license
5 ~~[annually; provided that the apprentice is accepted into a~~
6 ~~master's-level program in speech-language pathology or~~
7 ~~communicative disorders within two years of initial licensing]~~
8 biennially by providing a completed board-approved license
9 application form, the required license fee and a completed
10 board-approved verification of education form certifying
11 education and clinical hours, if applicable, as outlined in
12 Section 61-14B-15.1 NMSA 1978.

13 F. A speech-language pathology assistant shall
14 obtain twenty hours of continuing education units every two
15 years.

16 ~~[F-]~~ G. The board may issue rules providing for
17 inactive status of licenses."

18 SECTION 5. Section 61-14B-20 NMSA 1978 (being Laws 1996,
19 Chapter 57, Section 20, as amended) is amended to read:

20 "61-14B-20. FEES.--The board shall establish a schedule
21 of reasonable fees for applications, licenses, renewal of
22 licenses, exams, penalties and administrative fees. The
23 license and license renewal fees shall not exceed:

24 A. one hundred dollars (\$100) for clinical fellows
25 and ~~[apprentices in speech and language]~~ speech-language

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1 pathology assistants;

2 B. two hundred dollars (\$200) for audiologists or
3 speech-language pathologists;

4 C. six hundred dollars (\$600) for hearing aid
5 dispensers;

6 D. four hundred dollars (\$400) for examinations;

7 E. one hundred dollars (\$100) for late renewal
8 fees;

9 F. four hundred dollars (\$400) for hearing aid
10 dispensing endorsement;

11 G. five hundred dollars (\$500) for a hearing aid
12 dispenser trainee license, which fee includes examination, both
13 written and practical;

14 H. one hundred dollars (\$100) for bilingual-
15 multicultural endorsement; and

16 I. reasonable administrative fees."

17 SECTION 6. A new section of the Speech-Language
18 Pathology, Audiology and Hearing Aid Dispensing Practices Act
19 is enacted to read:

20 "[NEW MATERIAL] SPEECH-LANGUAGE PATHOLOGY ASSISTANT--
21 SUPERVISION REQUIREMENTS.--

22 A. A speech-language pathology assistant shall be
23 supervised by a speech-language pathologist who:

24 (1) is licensed pursuant to the
25 Speech-Language Pathology, Audiology and Hearing Aid Dispensing

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1 Practices Act and maintains a national certification;

2 (2) is working at least half time as a speech-
3 language pathologist; and

4 (3) possesses a minimum of two years'
5 experience in the field of speech-language pathology.

6 B. A supervisor may provide direct supervision or
7 indirect supervision to a maximum of two speech-language
8 pathology assistants concurrently. During the first ninety
9 days of direct or indirect supervision, a supervisor shall
10 provide a minimum of fifty percent direct supervision and
11 twenty percent indirect supervision. Thereafter, a supervisor
12 shall provide a minimum of twenty percent direct supervision
13 and ten percent indirect supervision.

14 C. A supervisor shall:

15 (1) reduce the supervisor's direct workload or
16 caseload for each speech-language pathology assistant
17 supervised; and

18 (2) ensure the maintenance of high
19 professional standards pursuant to ethical standards provided
20 in rule.

21 D. Direct supervision shall be required during:

22 (1) any direct client activity involving
23 medically fragile individuals; and

24 (2) any screening or treatment activity for
25 which the speech-language pathology assistant has been trained,

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1 but that the speech-language pathology assistant has not yet
2 performed in direct client care.

3 E. Indirect supervision shall only be allowable
4 when the speech-language pathology assistant performs:

5 (1) non-client care activities, including
6 record keeping; materials preparation; scheduling; and
7 equipment maintenance; or

8 (2) client screening or treatment activities
9 for which a supervisor:

10 (a) has previously provided training;

11 (b) observed the speech-language
12 pathology assistant performing these activities; and

13 (c) is satisfied that the activities can
14 be competently performed by the speech-language pathology
15 assistant.

16 F. A supervisor shall provide direct supervision:

17 (1) at least fifty percent of the time during
18 completion of required clinical hours and for the first ninety
19 days subsequent to completion of required clinical hours; and

20 (2) one hundred percent of the time when
21 assisting with medically fragile students, patients or clients.

22 G. A supervisor shall document and update quarterly
23 direct supervision activities."

24 SECTION 7. TEMPORARY PROVISION--APPRENTICES TO
25 TRANSITION--RULEMAKING.--By October 1, 2019, the regulation and
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1 licensing department shall promulgate rules to timely
2 facilitate the transition of an apprentice in speech and
3 language to a speech-language pathology assistant licensed or
4 becoming licensed pursuant to the Speech-Language Pathology,
5 Audiology and Hearing Aid Dispensing Practices Act.

6 SECTION 8. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is January 1, 2020.