

LFC Requester:**Noah Montano****AGENCY BILL ANALYSIS - 2025 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov****(Analysis must be uploaded as a PDF)****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}***Date Prepared:** 2-25-2025*Check all that apply:***Bill Number:** SB502Original Correction Amendment Substitute **Sponsor:** Sen. Larry R. Scott**Agency Name
and Code**

Regulation and Licensing

Number:

Department - 420

Short Title: Speech-Language Pathologist**Person Writing**Jen Rodriguez**Title:** Licensure**Phone:** 505-795-3250**Email** Jen.rodriguez@rld.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	Unknown*	Unknown*	Recurring	Speech Audiology Fund

(Parenthesis () indicate revenue decreases)

*The Regulations and Licensing Department anticipates that SB502 will increase revenue by providing for a new license type that is in-demand in other states, however, it is not clear how much demand for this license type exists in New Mexico.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	300.0	0.0	300.0	Nonrecurring	Speech Audiology Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to 2025 Senate Bill 104; identical to 2025 House Bill 180 (HB180).
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 502 (SB502)

*Please note that SB502 is identical to HB180. The following information is duplicated from the report on HB180.

SB502 creates a new license for speech-language pathology assistants (SLPA) and eliminates the apprentice in speech and language license (ASL). SB502 also defines the scope of practice for a speech-language pathology assistant and licensing requirements pursuant to Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, §§ 61-14B-1 through 25 NMSA 1978 (Act).

Currently, the ASL license is a progressive license requiring an applicant to be working towards a master's degree in communication disorders or speech-language pathology to receive the license and show progression towards graduation as a master's degree in order to renew their license. The SLPA license allows for a professional, terminal license that requires graduation from an accredited SLPA program. SB502 provides three pathways for licensure: (1) by graduation, examination, and clinical supervision; (2) active certification as an SLPA from a nationally recognized certification body and jurisprudence exam; and (3) expedited licensure.

Summaries by Bill Section:

Section 1 of SB502 amends § 61-14B-2, "Definitions," of the Act to delete "apprentice" language; add "direct contact" as a level of supervision that provides immediate feedback to a supervisee; add "repetitive, mechanical or routine tasks" defining tasks that do not require the expertise level of a speech-language pathologist that can be performed by an SLPA; and add "speech-language pathology assistant" – a person who assists in the practice of speech-language pathology and meets the qualifications set forth in the Act.

Section 2 is new material outlining the scope of practice for SLPA's: assisting speech-language pathologists (SLP's) with administrative, clinical and related tasks, under the supervision of their supervisor. It further defines the repetitive, mechanical or routine tasks an SLPA may perform under supervision. It also makes clear what the SLPA is not allowed to do including: represent themselves as SLP's; disclose clinical or confidential information to anyone but their supervisor; perform or interpret diagnostic tests; write, develop or modify a patient's treatment plan; provide interpretative services to a patient or their family; select patients or plan treatment sessions; treat medically fragile patients independently; discharge a patient from therapy services; or make referrals for additional services. It also instructs the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board (Board) to promulgate rules to outline in more detail the types of procedures that an SLPA can perform under supervision.

Section 3 is new material describing the licensing requirements for SLPA's. This includes the completion of a nationally accredited SLPA program, passage of a national SLPA exam, and at least on hundred (100) supervised clinical hours under an SLP. Alternatively, an SLPA can be

licensed by having an active certification as an SLPA from a nationally recognized certification body and passing jurisprudence exam. Currently, the national certification body is the American Speech-Language-Hearing Association (ASHA.)

Section 4 is new material outlining the supervision requirements for SLPA's. SLPA supervisors must consent in writing to supervise the SLPA, is licensed by the Board, and has completed a minimum of two (2) hours of board-approved training in clinical supervision. It also provides that the supervisor can only supervise up to two (2) SLPA's who work full time, or three (3) part-time SLPA's at a time. Further, supervisors are responsible for the entire caseload; SLPA's do not have their own caseload. Supervisors must be present at the first and last contact with each patient, provide the correct supervision given the SLPA's skills and experience, and the needs of the patient.

Section 5 amends § 61-14B- 16.1, "Expedited Licensure," of the Act, addressing the expedited licensure pathway for SLPA's, allowing for SLPA license by expedited process (i.e. already licensed in another state) in the same way SLP's and audiologists are currently able to be licensed by expedited procedure.

Section 6 amends § 61-14B-19, "License Renewal," eliminating the renewal of the ASL license. The SLPA license will be renewable under the same terms as an SLP or audiologist license, i.e. staggered two-year terms, continuing education, a one-year term for new licensees, and a sixty (60) day grace period after expiration of the license.

Section 7 amends § 61-14B-20, "Fees," eliminating the renewal fee for the ASL license and allowing SLPA's to renew their license for a renewal fee not to exceed one hundred dollars (\$100).

Section 8 repeals § 61-14B-3.1, "Scope of practice; apprentice in speech and language," and § 61-14B-15.1, "Requirements for licensure; apprentice in speech and language."

The effective date of this legislation is June 20, 2025.

FISCAL IMPLICATIONS

A direct fiscal impact anticipated for the Regulation and Licensing Department (RLD) if SB502 is enacted would be for the necessary additions and updates that would have to be made to the NM Plus online licensing system that is utilized by the RLD for all licensing under the Act. Contracting fees for information technology development and implementation of the necessary changes to the NM Plus licensing system to implement the new license application and supervisory requirements are estimated to be three hundred thousand (\$300,000) in FY26.

An administrative rulemaking process, including a public hearing and all required publication of notices and proposed rules, would be required to update and amend current administrative rules issued pursuant to the Act if SB502 is enacted. The RLD believes it can absorb the costs associated with the rulemaking processes for this bill within existing resources.

SIGNIFICANT ISSUES

The education requirement as currently written is likely to exclude many current ASL's because they did not pursue an SLPA program and instead took an educational path towards an ASL license. Rather than requiring the completion of a nationally accredited SLPA program, as a licensing requirement, the Regulation and Licensing Department (RLD) is requesting that the education requirement also allow for the current education requirement for ASL's so that the

requirement would read: “of a nationally recognized speech-language pathology assistant educational program that is accredited by a nationally recognized speech-language-hearing association or a baccalaureate degree in speech-language pathology or communicative disorders or an equivalent degree or a baccalaureate degree in another field with thirty semester hours of credit in speech-language pathology or communicative disorder;” This is reiterated in the amendments section.

The removed ASL license requires a “grandfather” clause, allowing those licensees time to pursue an SLP or SLPA license. There are currently forty-eight (48) ASL licensees. RLD suggests that these licensees have their license automatically extended until January 30, 2026, from the current August 30, 2025, so that they have time to make the transition. [This recommendation is reiterated in the “Amendments” section, below.]

New license types require significant software and database upgrades as well as testing. The SLPA license application needs to be built out with integrated supervisor approval as this application currently does not exist in RLD’s licensing system, NM Plus. The RLD is requesting an extension of the effective date until January 1, 2026, to ensure that this application is available online in the NM Plus system as of the effective date. [This recommendation is reiterated in the “Amendments” section, below.]

PERFORMANCE IMPLICATIONS

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board has indicated strong support for SB502. Attached is the letter of support that the Board unanimously voted to adopt.

The Board believes it will improve access to patient care by improving access to speech therapy by creating a speech therapy assistant license accessible to obtain for both native New Mexicans who hold a bachelor’s degree in communication disorders, and attractive to current license holders who come from out of state. An additional license will increase economic opportunities for those not interested in pursuing a graduate-level degree. All the surrounding states have a speech therapy assistant license (Arizona, Colorado, Texas, Utah, Oklahoma). Not enacting the bill makes New Mexico less desirable for current license holders to move into the state or remain in the state following obtaining a SLPA degree. There is a need for expanding accessibility for speech therapy in the state, as well as stimulating economic growth. Both are positive consequences by enacting this bill.

ADMINISTRATIVE IMPLICATIONS

As noted in the “Fiscal Implications” section (above) enactment of SB502 would necessitate and administrative rulemaking process to be conducted by the Board to adopt rules in accordance with the requirements. A new license type requires an enhancement to the current NM Plus online licensing system that is expected to involve contracting expenses of three hundred thousand dollars (\$300,000) in FY26.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

As written, SB502 appears to exempt an SLPA who comes in by the graduation, examination, and clinical supervision pathway from passing the jurisprudence exam. Currently, all licenses under

this Board must pass the jurisprudence exam. It is not clear if this was an intentional omission or just an oversight.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Without passing this legislation, the state of New Mexico may be seen as being less competitive, as all of the states in the surrounding area provide for SLPA licenses. Additionally, there will likely be economic repercussions due to lack of healthcare providers and continued lack of health care accessibility in underserved and rural areas if the bill is not enacted.

According to ASHA, forty-four (44) states license support personnel, like SLPA's. New Mexico may be placed at an economic and healthcare services without this legislation.

AMENDMENTS

The education requirement as currently written is likely to exclude many current ASL's because they did not pursue an SLPA program and instead took an educational path towards an ASL license. Rather than requiring the completion of a nationally accredited SLPA program, as a licensing requirement, the Regulation and Licensing Department (RLD) is requesting that the education requirement also allow for the current education requirement for ASL's so that the requirement would read: "of a nationally recognized speech-language pathology assistant educational program that is accredited by a nationally recognized speech-language-hearing association or a baccalaureate degree in speech-language pathology or communicative disorders or an equivalent degree or a baccalaureate degree in another field with thirty semester hours of credit in speech-language pathology or communicative disorder;"

The removed ASL license should have a "grandfather" clause, allowing those licensees time to pursue an SLP or SLPA license. There are currently 48 ASL licensees in New Mexico. RLD suggests that these licensees have their license automatically extended until January 30, 2026, from the current August 30, 2025, so that they have time to make the transition.

New license types require significant software and database upgrades and testing. The SLPA license should be built with integrated supervisor approval. This is not available in the current system. The RLD is requesting an extension of the effective date until January 1, 2026, to ensure that this application is available online in the NM Plus system as of the effective date.

The RLD is further requesting that § 61-14B- 9(B) "Board created" of the Act be amended to the following:

"B. The board shall consist of eleven members who have been New Mexico residents for at least five years prior to their appointment. Among the membership, three members shall be licensed speech-language pathologists, two members shall be licensed audiologists, two members shall be licensed hearing aid dispensers, one member shall be a licensed ~~otolaryngologist~~ speech-language pathology assistant and three members shall represent the public and have no interest, direct or indirect, in the profession regulated."

This change would ensure that the new license type has representation on the Board and fill a vacancy on the Board that the RLD has been unable to fill for several years.