

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

E. "caseload" means the number of students with individualized education programs, individualized family service plans, and 504 plans served by school-based speech-language pathologists through direct and/or indirect service delivery options.

I. "direct contact" means time the supervisor provides client treatment and/or provides direct supervision of the assistant with a patient/client/student either on site or in view observation and guidance, as long as the supervising SLP can provide immediate feedback;

J. "department" means the regulation and licensing department;

M. "medically fragile" means a person who meets one of the following: (a) acutely ill, (b) relies on alternate nutrition and/or has aspiration, (c) in an unstable condition, or (d) fragile respiratory status (e.g. trach), or (e) unstable speech, language, or cognitive status. This includes all individuals in acute care or rehabilitation hospitals and also individuals in other settings.

N. “paraprofessional” means a person who provides adjunct speech-language pathology services under the direct supervision of a New Mexico licensed Speech-Language Pathologist.

P. “repetitive, mechanical, or routine tasks” or “RMR” tasks means tasks that are simple, predictable or rote and do not require the expertise of the Speech-Language Pathologist to administer. These activities, while often repetitive and routine, are essential for maintaining consistency and effectiveness in therapy services provided by SLPAs. Examples of these activities could include implementing routine therapy sessions, recording and documenting data, preparing therapy materials, implementing strategies, and setting up and cleaning environments.

S. “speech-language pathology assistant” means a person who assists 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, educational, 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 has a minimum of two years' experience as a Speech-Language Pathologist after the clinical fellowship year and provides supervision in the area of speech-language pathology.

V. “workload” means all the activities required to effectively manage a caseload.

A. 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 the speech-language pathology assistant's supervisor. The speech-language pathology assistant's supervisor may delegate to a speech-language pathology assistant 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. 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.

B. A speech-language pathology assistant shall —

- 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 regulations, reimbursement requirements, and Speech-Language Pathology 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 test administration and/or interpretation;
- e. implement RMR tasks in an individual's plan of care/treatment as developed and directed by the supervising SLP in a documented treatment/session plan ie. developing and implementing activities and materials for teaching and practice of skills to address the goals of the student, patient, client and/or caregivers per the plan of care developed by the supervising SLP.
- f. document student/patient/client performance (e.g., collect data and calculate percentages etc.) and report this information to the supervising SLP regularly
- g. serve as interpreter/ translator to assist the Speech-Language Pathologist with screening, intervention and assessment activities in a language other than

English, exclusive of interpreting results if the SLP-A has demonstrated competency in the language that will be interpreted.

h. provide services under Speech-Language Pathologist supervision in another language for individuals who do not speak English and English-language learners if the SLP-A has demonstrated competency in the language that will be interpreted.

i. program and provide instruction in the use of augmentative and alternative communication devices;

j. provide guidance and treatment via telepractice to students/patients/clients who are selected by the supervising speech-language pathologist as appropriate for this service delivery model.

k. assist the speech-language pathologist as a dietary aid to measure and disperse food/liquid, act as additional “hands on deck” to deliver and support the SLP during swallowing/feeding evaluations and treatment where assistance is needed by an SLP.

C. A speech-language pathology assistant may provide clerical, administrative, and clinically related support as directed by the Speech-Language Pathologist.

D. A speech-language pathology assistant may 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;

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;
- f. participate actively in professional organizations.

E. 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 unless mandated by law;
- c. perform or interpret standardized/formal or non-standardized/informal diagnostic tests, instrumental dysphagia exams or clinical/bedside feeding/swallowing assessments;
- d. perform procedures that require specialized knowledge and training;
- 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 feeding/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 or written approval of the supervising Speech-Language Pathologist;
- l. sign any formal documents 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.

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) 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) A nationally recognized certification agency SLPA educational model for obtaining national certification to include accepted SLPA course work/degree paths from an accredited institution (see “.org for specifics).

AND

- b) proof of having passed a nationally recognized standard examination for speech-language pathology-assistant certification

AND

c) at least 100 supervised clinical clock hours under the supervision of a certified speech language pathologist prior to licensure.

OR

d) actively holding ASHA's SLPA certification.

AND

e) proof of having passed a state jurisprudence examination for speech-language pathology assistants.

B. The apprentice speech language pathology license would sunset when speech language pathology assistant license takes effect.

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.

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 the SLP-A's licensure, or in a related field if justified to the licensure board office. The licensure board office may consult with the 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.

ii) 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.. 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. Speech -Language Pathology assistants: \$50, renewal every two years (\$100);
- B. Clinical fellows: \$50, renewal fee \$50;
- C. Audiologists or Speech-Language Pathologists: \$100, renewal every two years (\$200);
- I. Bilingual-multicultural endorsement: \$50
- J. Late renewal fees: \$75
- K. All application packet fees: \$10

SPEECH-LANGUAGE PATHOLOGY ASSISTANT—SUPERVISION REQUIREMENTS

A. A speech-language pathology assistant shall be supervised by a Speech-Language Pathologist who:

1. has consented in writing to supervise a speech-language pathology assistant; AND
2. is licensed pursuant to the New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act; AND

3. possesses a minimum of two years' experience in the field of speech-language pathology beyond the CF year; AND
4. has completed a minimum of 2 hours of professional development in clinical instruction/supervision.

B. Speech-Language Pathologist Supervisor shall:

1. provide supervision to no more than two full-time or 3 part-time (to equal 2 full-time) speech-language assistant; SLP to SLPA ratio 1:2; AND
2. be responsible for the entire caseload/workload. The SLPA will not have an individual caseload/workload separate from the SLP, thus every patient/student's case will be directly treated and supervised by the SLP in order to maintain high professional standards; AND
3. follow caseload/workload standards; AND
4. conduct first and last contact with all patients/clients/students; AND
5. comply with state and professional ethical standards; AND
6. provide a level of supervision based on (a) the needs, competencies, skills, expectations, philosophies, and experience of the SLPA and the supervisor; (b) the needs of students, patients, and clients served; (c) the service setting; (d) the tasks assigned; and (e) other factors with a minimum of 20% direct supervision and 10% indirect supervision -across every reporting period at least every 30 calendar days, unless plan of care specifies alternative service plan that does not require services within 30 days (e.g., service plan is written one contact per semester or number of sessions per plan of care); either on site or in view observation and guidance, as long as the supervising SLP can provide immediate feedback;

AND

7. provide direct contact and direct supervision (i.e. SLP/SLPA team co-treating serves as direct contact and direct supervision) for each patient's/client's/student's RMR treatment delivered by the Speech-Language Pathologist Assistant at least every reporting period or at least every 30 calendar days, unless plan of care specifies alternative service plan that does not require services within 30 days (e.g., service plan is written one contact per semester or number of sessions per plan of care);

AND

8. document and update direct supervision activities on a quarterly basis;

AND

9. provide direct supervision during any screening or treatment activity for which the speech-language assistant has been trained, but has not yet performed in direct patient/client/student care.