APA-4
Revised 1/2018

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2) a. and b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 11th day of December 2020.

AGENCY NAME: Alabama Board of Examiners for Speech-Language Pathology and Audiology

RULE NO. AND TITLE: 870-X-2-.01 ER Exemptions

EFFECTIVE DATE OF RULE: December 22, 2020

EXPIRATION DATE (If less than 120 days): Removal of Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, relating to the COVID-19 health emergency or 120 days, whichever is sooner.

NATURE OF EMERGENCY: COVID-19 Crisis

STATUTORY AUTHORITY: Code of Alabama 1975, §34-28A-1 through §34-28A-44

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES __X__ NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:
Wanda Rawlinson
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Montgomery, AL 36130-4760
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DEC 22 2020

/s/Wanda C. Rawlinson, Executive Secretary
Signature of officer authorized to promulgate and adopt rules and regulations or his or her deputy

FILING DATE
(For APA Use Only)

870-X-2-.01 Exemptions. Nothing in these rules and regulations or the current law shall be construed as preventing or restricting:

(a) Physicians or surgeons or persons under their supervision from engaging in the examining, testing and diagnosing of speech and auditory disorders in this state;

(b) A licensed hearing aid fitter and seller (dealer) from engaging in the practice of fitting, testing and selling hearing aids in this state;

(c) Any person licensed in this state by any other law from engaging in the profession or occupation for which that person is licensed;

(d) The activities and services of a person who holds a valid and current credential as a speech and/or hearing specialist issued by the Department of Education of this state, or a person who is employed as a speech-language pathologist or audiologist by the Government of the United States, if such person performs speech-language pathology and audiology services solely within the confines or under the jurisdiction of the organization by which he/she is employed. This provision does not exempt persons who perform speech-language pathology and audiology services outside the confines or
jurisdiction of the Department of Education of this state or the Government of the United States. Such persons may, without obtaining a license under this Act, consult with or disseminate his/her research findings and other scientific information to speech-language pathologists and/or audiologists outside the jurisdiction of the organization by which he/she is employed. Such persons may also offer lectures to the public for a fee, monetary or other, without being licensed under this act. Such persons may additionally elect to be subject to and licensed under this provision of this Act;

(e) Persons designated as an intern, trainee, or other such title, who are pursuing a course of study and/or training in speech-language pathology and/or audiology at a college or university. Such activities and services must be part of a supervised course of study and/or training at that institution or its cooperative programs approved by the University;

(f) The activities and services of a person fulfilling the Clinical Fellowship or Fourth-Year Internship if such person is registered as a clinical fellow with the Board;

(g) An unlicensed speech-language pathologist or audiologist, who resides in another state if:

1. The person meets the qualifications and requirements for application for licensure described herein; and

2. Services are performed for no more than seven days in any calendar year; and

3. Services are performed in cooperation with a speech-language pathologist or audiologist licensed by the Board;

(h) A licensed speech-language pathologist or audiologist, who resides in another state and who is not licensed by the Board, may perform speech-language pathology or audiology services in this state provided:

1. The person is licensed under the laws of another state that has established licensure requirements at least equivalent to those established by the State of Alabama, or who holds a Certificate of Clinical Competence in speech-language pathology or audiology from the American Speech-Language-Hearing Association, or its equivalent; and

2. Services are performed for no more than 30 days in any calendar year; and

3. Services are performed in cooperation with a speech language pathologist or audiologist licensed by the Board.

4. In light of the emerging COVID-19 crisis and the need for consumers to continue to receive speech-language pathology and audiology services, the Alabama Board of Examiners for Speech-Language Pathology and Audiology (ABESPA) has implemented a temporary change to the 30-Day Practice Exemption for out-of-state licensees that is provided in Section 870-X-2-.01(h) of the ABESPA Rules and Regulations. Per this emergency provision, the 30-Day Practice Exemption rule may be extended as needed, at the discretion of ABESPA, to accommodate the practicing issues that arose from the COVID-19 crisis. All other requirements of Section 870-X-2-.01(h) remain in force.

For application of the 30-Day Practice Exemption extension, the out-of-state licensee must submit a continuation of service request form outlining the reason for the extension at the end of each 30-Day Period of practice. The 30-Day Practice Exemption emergency rule is effective immediately and will remain in force through the end of any State of Alabama Government orders issued to address the COVID-19 crisis but will not exceed 120 days from the date of this emergency order, whichever comes first.

Because of the continued COVID-19 crisis, this emergency rule is continued until further notice. The rule is continued because ABESPA could not have anticipated the ongoing COVID-19 crisis.

(i) Any practitioner seeking an exemption under paragraphs (g) or (h) must notify the Board.

(j) Any practitioner who does not meet the exemptions stated above must hold an Alabama license. This shall be required for all individuals providing services for consumers in Alabama via in-office practice as well as telepractice or any other electronic means.

Authors: David Savage, H. Gregory Adams, Kay Wilson, Ken Earley, Robert L. Rane and Paul Stephens, Lawrence Molt and Mark Carroll.
Statutory Authority: Code of Ala. 1975, §§34-28A-1, et seq.
History: Filed September 20, 1982. Amended: Filed December 12, 1988; May 17, 1991; Filed June 20, 1997; Filed June 20, 1997, Emergency Rule Filed April 16, 2020, Emergency Rule Filed December 24, 2020.