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-.06 ER Assistant Supervision

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
PO Box 304760
Montgomery, AL 36130-4760
334-269-1434

/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)

RECEIVED

DEC 22 2020

870-X-2-.06 Assistant Registration. Any person not eligible for a license under the provisions of this act who assists in the practice of speech-language pathology and/or audiology under the supervision of a licensed speech-language pathologist and/or audiologist, **must** have a bachelor's degree or equivalent, as stated in the *Code of Alabama* 1975, §34-28A-1, in communication disorders or related field in speech-language pathology and register with the Board. Before granting such registration, the Board will consider the academic training and clinical experience of the applicant, the specific duties and responsibilities that will be assigned to the applicant and the amount and nature of the supervision that will be given to the applicant. Registration to assist licensed speech-language pathologist and/or audiologist will be granted under the following conditions:

(a) Qualifications. Under the supervision of a licensed Speech-Language Pathologist or Audiologists. Assistants may assist in providing services commensurate with their training and experience.

(b) Duties: Under supervision of a licensed Speech-Language Pathologist or Audiologist, Assistants may:

- conduct speech-language-hearing screenings
- implement documented treatment plans or protocols as prescribed by the supervising clinician
- document as prescribed by the supervision clinician patient/client progress
- assist during assessment
- assist with informal documentation, prepare charts, record graphs, or otherwise display data
- perform checks and maintenance of equipment
- participate in research projects, in-service training, and public relations programs

(c) Prohibited Duties: Assistants will not:

- evaluate speech, language, or hearing
- interpret measurements of speech, language, or hearing
- make recommendations regarding treatment or management of clients counsel
- sign test reports and other documents regarding the practice of speech-language pathology and/or audiology

(d) Assistant Titles. The applicant, if registered to assist the licensed speech-language pathologist and/or audiologist, may use only the titles, "speech pathology assistant", "audiology assistant", or "speech-language pathology and audiology assistant", depending upon the area(s) in which the assistant is registered to assist with the Board.

(e) Assistant Supervision. <u>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 has implemented a temporary change to 870-X-2-.06 (e) "Assistant Supervision", to suspend the requirement that the licensee be physically present in the same facility at all times with the assistant:</u>

a) <u>Supervision of assistants during this time can be accomplished by telecommunication technology in real-time, provided it is by secure means.</u>

b) The supervision should allow the licensee to provide feedback and direction to the assistant that will enhance the provision of clinical services.
c) Indirect supervision by means of viewing recorded sessions is not appropriate to meet the requirement for direct supervision.
d) Licensed supervisors must continue to document direct supervision of at least 10% of all clinical services provided by the assistant.

All other aspects of said regulation regarding supervision of the assistant and responsibility for the actions of the assistant by the licensee remain in force. This emergency rule change 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.

The applicant, if registered, must assist the licensed speech-language pathologist or audiologist. A licensee who supervises a speech-language pathology assistant or an audiology assistant shall be responsible for the direction of all clinical services provided by said assistant and shall be responsible to the client for the performance of these services. The assistant must be under the direct supervision of a licensee. Supervision requires the physical presence of the licensee in the same facility at all times when the assistant is carrying out assigned clinical responsibilities. The licensed supervisor must document direct observation of at least ten percent (10%) of all clinical services provided by the assistant. The licensee shall be responsible for the legal, ethical, and moral professional behavior relating to the approved work each assistant is conducting under the licensee's supervision.

(f) Advertising. Registered assistants are not allowed to represent themselves or to be represented as practitioners of speech-language pathology or audiology. Preparation or distribution of announcements of practice, independent telephone listings, or other such notices shall be in violation of the registration to assist and will lead to automatic revocation of such registration.

(g) Application for Registration. Application for registration of an assistant must be made to the Board. The application will be completed by the supervisor, signed by the proposed assistant and supervisor, and must be notarized. It will contain the plan (described below) for the assistant and a statement that the proposed supervisor accepts the complete and legal responsibility for the speech-language pathology and/or audiology services of the proposed assistant. An official copy of the proposed assistant's transcript
must be sent to the Board by the school registrar. A statement indicating the number and types of practicum hours obtained must be provided by the director of the training program.

(h) The Plan for an Assistant. Registration for a speech-language pathology assistant or an audiology assistant will be considered after a specific work plan has been reviewed and approved by the Board to include:

1. The place(s) in which the assistant will work,

2. A description of the activities to be performed by the assistant,

3. A description of the amount and circumstances of supervision to be given to the assistant, and

4. A description of the training the assistant is to receive in preparation for the performance of the planned activities.

(i) Length of Registration. Registration for assisting a speech-language pathologist or audiologist shall expire December 31 of each year. This registration must be renewed each year effective January 1. Failure to apply for renewal of registration shall result in automatic revocation of registration to assist.

(j) Speech-Language Pathology Assistant and/or Audiology Assistant Fee. There will be a $100.00 fee charged for assistant registration and $50.00 assistant registration renewal. This fee must be submitted with the application and is non-refundable.

(k) Renewal of Registration. All assistant registrations expire on December 31 following their issuance or renewal and are invalid thereafter unless renewed. Renewals of registration must be accompanied by:

1. Written request for registration renewal from the supervisor.

2. Statement of any proposed modifications of the original plan. (see section (f) above).

3. Evidence of a minimum of ten (10) continuing education hours completed in the twelve-month period beginning January 1 and ending December 31 of that year. Academic course work approved by the Board may be used to meet this requirement completed in the twelve-month period beginning January 1 of each year and ending December 31. These continuing education hours must be related to the activities registered to be performed by the assistant as outlined in the application for the assistant (see Section (f) above).

4. A $50.00 annual renewal fee.

(l) Changes in Plan. If changes are desired in the approved supervisory plan, a new application must be filed. An additional registration fee is not required to make changes in the Plan.

(m) Licensed Supervisor. Each speech-language pathologist and/or audiologist supervising assistants will accept no more than the equivalent of two full-time assistants concurrently.

(n) Board Member Restriction. A Board member shall abstain from evaluating and voting on registration of assistants (aides) if there is any question of conflict of interest.

Authors: David Savage, Gregory Adams, Richard Sweitzer, Patsy Patton, Denise Gibbs, Kay Wilson, Ken Earley, Robert L. Rane, Ruth Tucker, Florence Cuneo 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; January 14, 1994. Amended: Filed February 11, 1994; effective March 18, 1994. Amended: Filed October 18, 1994; effective November 22, 1994; Filed June 20, 1997. Revised 6/99. Amended July 19, 2002. Filed May 16, 2013, Emergency Rule Filed April 16, 2020, Emergency Rule Filed December 24, 2020.