

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2004 MAY 20 A 11:14

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: WV Bd. of Exam. for Speech Pathology & Audiology TITLE NUMBER: Title 29

RULE TYPE: Legislative CITE AUTHORITY: 30-32-10

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 2

TITLE OF RULE BEING AMENDED: Rule Governing Speech-Language Pathology and Audiology Assistants

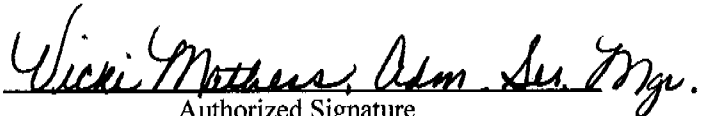
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 22, 2004 AT 1:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Examiners for Speech-  
Language Pathology and Audiology  
Rt. 1, Box 191  
Buckhannon, WV 26201

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**West Virginia Board of Examiners for  
Speech-Language Pathology and Audiology**

**Board Members**

Michael J. Zagarella, M.A., CCC-A, Chairman

Gary Vandevander, M.S., CCC-A

Cinda Shaver, M.S., CCC-SLP, Secretary

Vickie Pullins, M.A., CCC-SLP

Thelma Gibson, Lay Member

**Vicki Mathess, Administrative Services Manager**

May 18, 2004

Joe Manchin, Secretary of State  
State of West Virginia  
Building 1, Suite 157K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0771

RE: Title 29-2-Rule Governing Speech-Language Pathology and Audiology Assistants

Dear Sir:

The board proposes to repeal and replace Series 2 to follow the national rules of the American Speech and Hearing Association (ASHA). The new rule would allow individuals to become a speech-language pathology or Audiology assistant with an associate degree. ASHA rules and responsibilities display clearer definition of the role as an assistant.

This rule is board approved and I have been given signature authority to submit the filing of this rule.

Sincerely,



Vicki Mathess  
Administrative Services Manager

Cc: Michael Zagarella  
Chairman of the Board

Route 1, Box 191, Buckhannon, West Virginia 26201

Email: [wvbespa@mail.wvnet.edu](mailto:wvbespa@mail.wvnet.edu)

Web Site: [www.state.wv.us/wvbespa](http://www.state.wv.us/wvbespa)

Ph: 304-473-4289 Fax: 304-473-4291

**In-state toll free number: 877-462-5460**

# West Virginia Board of Examiners for Speech-Language Pathology and Audiology

## Board Members

Michael J. Zagarella, M.A., CCC-A, Chairman

Gary Vandevander, M.S., CCC-A

Cinda Shaver, M.S., CCC-SLP, Secretary

Vickie Pullins, M.A., CCC-SLP

Thelma Gibson, Lay Member

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Vicki Mathess, Administrative Services Manager

May 19, 2004

Attention: Licensee

The Board is amending Series 2, "Rules Governing Speech-Language Pathology and Audiology Assistants". The board proposes to repeal and replace Series 2 to follow the national rules of the American Speech and Hearing Association. The proposed rule provides the West Virginia Board of Speech-Language Pathology and Audiology more detailed definitions and precise responsibilities and duties of the assistant and the supervisor. It also allows an individual to become an assistant with an associate degree.

The amended rule has been filed with the Secretary of State's Office. Copies may be obtained by contacting: Admin. Law Div. of the Secretary of State's Office. Send written comments only to: WVBESLPA, Rt. 1, Box 191, Buckhannon, WV 26201, by 1:00 p.m. on June 22, 2004.

Thank you,



Vicki Mathess

Administrative Services Manager.

Route 1, Box 191, Buckhannon, West Virginia 26201

Email: [wvbeslpa@mail.wvnet.edu](mailto:wvbeslpa@mail.wvnet.edu)

Web Site: [www.state.wv.us/wvbeslpa](http://www.state.wv.us/wvbeslpa)

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# West Virginia Board of Examiners for Speech-Language Pathology and Audiology

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Thelma Gibson, Lay Member

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**Vicki Mathess, Administrative Services Manager**

May 19, 2004

Attention: Legal advertising

Please publish the following ad for (1) day in your newspaper immediately upon receipt of this fax. If there is a fee involved would you please send a statement to the WV Board of Examiners for Speech/Audiology to the address below. **Charges for this ad must be mailed to our office by June 15<sup>th</sup> so they can be paid before July 1.**

If you have any questions, please contact me. Thank you very much.

Please print ad to read:

**Title 29, Series 2, "Rules Governing Speech-Language Pathology and Audiology Assistants is being presented for amendment in the 2004 Legislature. The amended rule has been filed with the Secretary of State's Office. Copies may be obtained by contacting: Admin. Law Div. Of the Secretary of State's Office, or calling 304-558-6000. Send written comments to: WVBESLPA, Rt. 1, Box 191, Buckhannon, WV 26201, by 1:00 p.m. on June 22, 2004.**

Thank you,



Vicki Mathess  
Administrative Services Manager

Route 1, Box 191, Buckhannon, West Virginia 26201  
Email: [wvbeslpa@mail.wvnet.edu](mailto:wvbeslpa@mail.wvnet.edu)  
Web Site: [www.state.wv.us/wvbeslpa](http://www.state.wv.us/wvbeslpa)  
Ph: 304-473-4289 Fax: 304-473-4291  
**In-state toll free number: 877-462-5460**

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 29-2 Rules Governing Speech-Language Pathology & Audiology Assistants

Type of Rule:  Legislative     Interpretive     Procedural

Agency: West Virginia Board of Examiners for Speech-Language Pathology and Audiology

Address: Rt. 1, Box 191  
Buckhannon, WV 26201

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>	None				
<b>PERSONAL SERVICES</b>	None				
<b>CURRENT EXPENSE</b>	None				
<b>REPAIRS &amp; ALTERATIONS</b>	None				
<b>EQUIPMENT</b>	None				
<b>OTHER</b>	None				

2. Explanation of Above Estimates:

3. Objectives of These Rules:

So that our state rule conforms with the national standards and to define more clearly the definitions and procedures for assistants.

Rule Title: 29-2 Rules Governing Speech-Language Pathology and Audiology Assistants

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: None

C. Economic Impact on Citizens/Public at Large.

None

Date: May 18, 2004

Signature of Agency Head or Authorized Representative:

Vicki Mathers  
Administrative Services Mgr.

## **Circumstances Requiring Rule 29-2**

This rule is being changed to comply with the rules of the American Speech and Hearing Association which provide national guidelines for regulations pertaining to speech-language pathology and Audiology assistants. Individuals will now be eligible to become speech-language pathology and audiology assistants with an associate's degree in communication disorders.

## **SUMMARY OF PROPOSED RULE, 29-2**

**The proposed rule, 29-2, provides the West Virginia Board of Speech-Language Pathology and Audiology more detailed definitions and precise responsibilities and duties of the assistant and the supervisor. It also allows an individual to become an assistant with an associate degree.**

FILED

TITLE 29  
LEGISLATIVE RULE  
BOARD OF EXAMINERS FOR SPEECH-LANGUAGE  
PATHOLOGY AND AUDIOLOGY

2004 MAY 20 A 11: 14

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SERIES 2  
RULE GOVERNING SPEECH-LANGUAGE  
PATHOLOGY AND AUDIOLOGY ASSISTANTS

**'29-2-1. General.**

1.1. Scope. -- This legislative rule establishes procedures for the registration of speech-language pathology and audiology assistants and defines the qualifications, duties, and responsibilities of the assistant and supervisor.

1.2. Authority. -- W. Va. Code '30-32-10.

1.3. Filing Date. -- April 28, 1994.

1.4. Effective Date. -- May 1, 1994.

**'29-2-2. Definitions.**

~~2.1. The term supervisor means a licensed speech-language pathologist or audiologist who supervises a speech-language pathology or audiology assistant, and assumes legal responsibility for services provided by the assistant.~~

**2.1 Supervisor:** A speech pathologist or audiologist licensed by the state who has been practicing for at least 2 years following licensure.

**2.2 Support personnel:** Support personnel in speech-language pathology and Audiology are people who, following academic and/or on-the-job training, perform tasks as prescribed, directed, and supervised by licensed speech-language pathologists and audiologists. There are different levels of support personnel based on training and scope of responsibilities.

**2.3 Direct supervision:** Direct supervision means on-site, in-view observation and guidance by a speech language pathologist while an assigned activity is performed by support personnel.

**2.4 Indirect supervision:** Indirect supervision means those activities other than direct observation and guidance conducted by a speech-language pathologist that may include demonstration, record review, review and evaluation of audio- or videotaped sessions, and/or interactive television.

**2.5 Credentialing:** Mechanism for formal recognition. May take different forms such as recognition, registration, or credentialing.

**2.6 Screening:** A pass-fail procedure to identify people who may require further assessment.

**2.7 Plan of care:** (treatment plan). This terminology is meant to include, but not be limited to, the “Plan of Care,” “Individualized Education Program (IEP) or “Individualized Family Service Plan (IFSP),” and other titles that outline the care of the patient/client.

**' 29-2-3. Qualifications.**

~~3.1. The speech language pathology assistant shall possess a minimum of a bachelor's degree in speech language pathology from an educational institution recognized by the Board and exhibit proficiency in the areas of service he or she provides.~~

~~3.2. The audiology assistant shall possess a minimum of a bachelors degree in audiology from an educational institution recognized by the Board, and exhibit proficiency in the area of clinical service he or she provides.~~

~~3.3. The supervisor shall hold full professional licensure in the State of West Virginia in the area of supervision.~~

**3.1** The speech-language pathology or audiology assistant shall possess a minimum of an associate's degree or a bachelor's degree from an institution or technical training program with a program of study designed to prepare the student to be a speech language pathology or audiology assistant. Individuals who hold a bachelor's degree in speech-language pathology or audiology are considered at the same level as assistants who meet the training requirements specified in this document. However, these distinctions could be viewed as separate rungs of a career ladder for support personnel that for some could culminate with a master's degree and ASHA certification in speech-language pathology or audiology. A bachelor's degree does not automatically qualify an individual as a speech-language pathology or audiology assistant. All training requirements apply, including supervised practicum, on-the-job training, and demonstrated competence through outcome-based measures.

**' 29-2-4. Responsibilities of the Supervisor.**

~~4.1. The supervisor of a speech language pathology or audiology assistant shall:~~

**4.1.** The fully qualified, licensed supervising speech-language pathologist or audiologist is responsible for the services provided by assistants. The professionally licensed supervisor will hold full, unrestricted licenses and assume the following responsibilities for persons working under their direction:

**4.2.** The supervisor of a speech language pathology or audiology assistant shall:

(a) Register with the Board the name of each assistant working under his or her supervision;

(b) Have legal responsibility for the health, safety and welfare of the patients;

(b) Complete initial supervision training prior to accepting an assistant for supervision and upgrade supervision training on a regular basis.

(c) Have legal responsibility for the acts and services provided by the speech language pathology or audiology assistant, including compliance with the provisions of W. Va. Code '30-32-1 and this rule;

(c) Participate significantly in hiring the assistant.

~~(d) Supervise no more than two full-time assistants at any one time, with full-time employment being defined as forty (40) hours per week;~~

(d) Document preservice training and credentials of the assistant.

~~(e) Ensure that persons receiving services from an assistant receive prior written notification that services are to be provided by an assistant;~~

(e) Inform patients/clients and families about the level (professional vs. support personnel), frequency, and duration of services as well as supervision.

~~(f) Provide direct supervision of the first three hours of treatment by the speech-language pathology assistant for each patient/client, followed by a minimum of one direct observation for each subsequent two week period. The supervisor shall document direct observations, and shall include information on the quality of the assistant's performance. Information obtained during direct observations may include data relative to (1) agreement (reliability) between the assistant and the supervisor on correct/incorrect judgment of target behavior, (2) accuracy in implementation of assessment and management procedures, (3) accuracy in recording data, and (4) ability to interact effectively with the client. These levels of agreement, or reliability levels shall be sampled a minimum of one time per each quarter year period. Whenever areas (1) through (3) fall below a 90% reliability level between supervising professional and the assistant for three consecutive direct observations, the supervisor shall provide retraining in areas of deficiency, and shall increase direct observation to 50% of all clinical sessions until the reliability level returns to 90% for three consecutive direct observations.~~

(f) Represent the speech-language pathology or audiology team for drafting correspondence and reports for editing, approval, and signature by the speech-language pathologist or audiologist.

~~(g) Provide direct supervision of the first ten (10) hours of direct client contact for the audiology assistant, with direct supervision of a minimum of 10% of all subsequent client contact;~~

(g) Make all clinical decisions, including determining patient/client selection for inclusion/in the case load, and dismissing patients/clients from treatment.

~~(h) Be on-site at all times the speech-language pathology or audiology assistant is providing direct client services in a hospital, rehabilitation facility, or residential care facility, or insure that a person holding a current West Virginia license in the field of supervision is on-site in the absence of the supervisor. Supervision by an alternate supervisor shall not exceed 10 consecutive working days or a maximum of 20 working days per year;~~

(h) Communicate with patients/clients, parents, and family members about diagnosis, prognosis, and treatment plan.

~~(i) Submit a completed observation log to the Board every six months for each assistant supervised, along with a summary of direct observations which shall include reliability levels sampled;~~

(i) The supervisor provides documentation of a 90% or better reliability level between supervisor and assistant in:

- a. Correct/incorrect judgment of target behavior
- b. Accuracy in implementation of assessment and management procedures, and
- c. Accuracy in recording data.

~~(j) Ensure that the assistant is not responsible for making decisions regarding the diagnosis, management and future disposition of clients; and~~

(j) Conduct diagnostic evaluation, assessments, or appraisals, and interpret obtained data in reports.

~~(k) Ensure that at the termination of clinical services, the case is reviewed by the supervisor.~~

(k) Review each treatment plan with the assistant at least weekly.

(l) Delegate specific tasks to the assistant while retaining legal and ethical responsibility for all patient/client services provided or omitted.

(m) Prepare an individualized treatment plan and make modifications prior to or during implementation.

(n) Discuss the case with or refer the patient/client to other professionals.

(o) Sign all formal documents (e.g., treatments plans, reimbursement forms reports; the supervisor should indicate on documents that the assistant performed certain activities).

(p) Review and sign all informal progress notes prepared by the assistant.

(q) Provide ongoing training to the assistant on the job.

(r) Provide and document appropriate supervision of the assistants.

(s) Ensure that the assistant only performs tasks within the scope of responsibility of the speech-language pathology assistant.

(t) Participate in the performance appraisal of the speech-language pathology or audiology assistant.

(u) The speech-language pathologist or audiologist shall not supervise a speech-language pathology or audiology assistant until the speech-language pathologist or audiologist has completed the certification examination, the post graduate professional experience and 2 additional years of clinical experience after receiving licensure in speech-language pathology or audiology.

(v) Supervise no more than three full-time assistants at any one time, with full-time employment being defined as forty (40 hours per week).

#### **'29-2-5. Role of the Speech-Language Pathology and/or Audiology Assistant.**

5.1. The speech-language pathology and audiology assistant shall engage only in those duties that are planned, designed and supervised by the supervisor, and for which the assistant has received adequate training.

(a) An assistant may:

~~(1) Screen language, speech or hearing;~~

(1) May assist the speech-language pathology or Audiology supervisor with screenings

(without interpretation)

~~(2) Conduct evaluative or management programs which may include the utilization of published materials for which the assistant has received training;~~

(2) May follow documented treatment plans or protocols developed by the supervising speech-language pathologists or audiologists.

~~(3) Perform specific clinical procedures for which the assistant has received training;~~

(3) May document patient/client performance (e.g., tally data for the supervisor to use; prepare charts, records, and graphs) and report this information to the supervisor.

~~(4) Record, chart, graph or otherwise display data relative to client performance;~~

(4) May assist the supervisor during assessment of patients/clients.

~~(5) Maintain clinical records for client performance;~~

(5) May assist with informal documentation as directed by the supervisor.

~~(6) Report changes in client performance to the supervisor having responsibility for that client.~~

(6) May assist with clerical duties, such as preparing materials and scheduling activities as directed by the supervisor.

~~(7) Prepare clinical materials;~~

(7) May perform checks and maintenance of equipment.

~~(8) Test equipment to determine if it is performing adequately;~~

(8) May support the supervising speech-language pathologists or audiologists in research projects, inservice training, and public relations programs.

~~(9) Participate with the supervisor in research projects, in-service training, public relations programs, or similar activities as planned, designed and directed by the supervisor.~~

(9) May assist with departmental operations (scheduling, record-keeping, safety/maintenance of supplies and equipment)

(10) May collect data for quality improvement.

(11) May exhibit compliance with regulations reimbursement requirements, and speech-language pathology or Audiology assistant's job responsibilities.

#### **29.2.6 Tasks outside the scope of responsibility of an assistant.**

##### **6.1 The assistant shall not:**

- a. Shall not administer standardized or nonstandardized diagnostic tests, conduct formal or informal evaluations, or interpret tests results.**
- b. Shall not screen or diagnose patients/clients for feeding/swallowing disorders.**
- c. Shall not participate in parent conferences, case conferences, or any interdisciplinary team meeting without a licensed speech-language pathologist or audiologist being present.**

- d. Shall not provide patient/client or family counseling.
- e. Shall not write, develop or modify a patient/clients/s individualized treatment plan.
- f. Shall not assist with patients/clients without following the individualized treatment plan prepared by the speech-language pathologist or audiologist without access to supervision.
- g. Shall not sign any formal documents.
- h. Shall not select patients/clients for service.
- i. Shall not discharge a patient/client from services.
- j. Shall not disclose clinical or confidential information either orally or in writing to anyone other than the supervising speech-language pathologist or audiologist.
- k. Shall not make referrals for additional service.
- l. Shall not counsel or consult with the patient/client, family, or others regarding the patient client status or service.
- m. Shall not represent himself or herself as a speech-language pathologists or audiologist.
- n. Shall not use a checklist or tabulate results of feeding or swallowing evaluations.
- o. Shall not demonstrate swallowing strategies or precautions to patients, family or staff.
- p. An assistant shall not perform tasks at any time when a supervisor cannot be reached by personal contact, phone, pager, or other immediate means.

~~(b) The assistant may not:~~

~~(1) Interpret observations or data into diagnostic statements, clinical management strategies, or procedures;~~

~~(2) Determine case selection or performing formal diagnostic evaluations;~~

~~(3) Present written reports of client information to persons other than the supervisor without the signature of the supervisor;~~

~~(4) Refer a client to other professionals or agencies; or~~

~~(5) Use any title which connotes the competency of a licensed professional, as defined in W. Va. Code '30-32-1 et seq.~~

~~'29-2-6. Renewal of Assistant Registration.~~

~~6.1. The speech language pathology or audiology assistant shall be registered with the Board for a period of up to one year, with expiration of registration to occur on December 31 of each year. The supervisor may renew the registration of the assistant prior to that date provided that:~~

~~(a) The assistant has completed five (5) hours of Board approved continuing education in his or her field during the previous year. These continuing education units must relate directly to the assistant's professional growth and development. The Board will accept credits issued by the following organizations: The American Speech Language Hearing Association, The West Virginia Speech Language Hearing Association, The West Virginia Hearing Society, The National Institute for Hearing Instrument Studies and The American Academy of Audiology. The assistant shall submit verification of continuing education credits earned from these above organizations on the assistant renewal application supplied by the Board. The Board will mail renewal applications to all assistant's during the fourth (4th) quarter of the year the license expires. Continuing Education activities from other organizations must directly relate to the professional growth and development of speech language pathologists and audiologists, and requires prior approval of the Board for credit. In order to request credit for continuing education hours from organizations other than those in this subsection, the applicant must submit the following information prior to the continuing education event: the name of the activity, the name and credentials of the speaker/presenter, the date and hours of the activity (include the agenda), the location of the sponsoring agency, the contact person and/or coordinator of the activity and their telephone number, the goals of the activity, the methods and materials used in the presentation, the target group for the activity; and the total continuing education credit hours requested for the activity. The assistant will be required to provide proof of attendance at all activities for which credit is requested.~~

~~(b) The supervisor provides documentation of a 90% or better reliability level between supervisor and assistant on~~

- ~~(1) correct/incorrect judgment of target behavior,~~
- ~~(2) accuracy in implementation of assessment and management procedures, and~~
- ~~(3) accuracy in recording data; and~~

~~(c) The supervisor submits a completed Assistant Registration Renewal form.~~

~~6.2. An assistant may not continue working after his or her registration has expired. Any continuation constitutes a violation of the W. Va. Code '30-32-3.~~

#### **29.2.7 Registration and Renewal of Assistants.**

**7.1. The supervisor of the assistant shall register with the Board the name of each assistant working under his or her supervision on a form provided by the Board.**

**7.2. The speech-language pathology or Audiology assistant shall be registered with the Board for a period of up to one year, with expiration of registration to occur on December 31 of each year. The supervisor may renew the registration of the assistant prior to that date provided that:**

**(a) The assistant has completed (5) hours of Board approved continuing education in his or**

her field during the previous year. These continuing education units must relate directly to the assistant's professional growth and development. Assistants should refer to Appendix Four, 29.1.11 of this rule for information on continuing education. Continuing education courses must be obtained between the date of registration and the expiration date.

- (b) The assistant will be required to provide proof of attendance at all activities for which credit is requested.
- (c) An assistant may not continue working after his or her registration has expired. Any continuation constitutes a violation of the W.Va. Code 30.32.3.