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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

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

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 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: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2669

SECTION 64-9-15, PASSED ON April 9, 2005

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: June 9, 2005

Vicki Mathers

Authorized Signature

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

SERIES 2
RULE GOVERNING SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY ASSISTANTS

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§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 **Credentialing:** Mechanism for formal recognition. May take different forms such as recognition, registration, or credentialing.
- 2.2 **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.
- 2.3 **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.
- 2.4 **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.
- 2.5 **Supervisor:** A speech pathologist or audiologist licensed by the state who has been practicing for at least 2 years following licensure and who assumes legal responsibility for services provided by an assistant.
- 2.6 **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.

§29-2-3. Qualifications.

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 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. 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) Complete initial supervision training prior to accepting an assistant for supervision and upgrade supervision training on a regular basis.
- (c) Participate significantly in hiring the assistant.
- (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 and 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.

(g) 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.

(h) 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;

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

(j) Be on-site at all times when 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;

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

(l) 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.

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

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

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

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

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

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

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

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

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

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

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

(x) 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.

(y) 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) Assist the speech-language pathology or Audiology supervisor with screenings (without interpretation)
- (2) Follow documented treatment plans or protocols developed by the supervising speech-language pathologists or audiologists.
- (3) 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) Assist the supervisor during assessment of patients/clients.
- (5) Assist with informal documentation as directed by the supervisor.
- (6) Assist with clerical duties, such as preparing materials and scheduling activities as directed by the supervisor.
- (7) Perform checks and maintenance of equipment.
- (8) Support the supervising speech-language pathologists or audiologists in research projects, inservice training, and public relations programs.
- (9) Assist with departmental operations (scheduling, record-keeping, safety/maintenance of supplies and equipment)
- (10) Collect data for quality improvement.
- (11) 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. Administer standardized or nonstandardized diagnostic tests, conduct formal or informal evaluations, or interpret tests results.
- b. Screen or diagnose patients/clients for feeding/swallowing disorders.
- c. Participate in parent conferences, case conferences, or any interdisciplinary team meeting without a licensed speech-language pathologist or audiologist being present.

- d. Provide patient/client or family counseling.
- e. Write, develop or modify a patient/client/s individualized treatment plan.
- f. Assist with patients/clients without following the individualized treatment plan prepared by the speech-language pathologist or audiologist without access to supervision.
- g. Sign any formal documents.
- h. Select patients/clients for service.
- i. Discharge a patient/client from services.
- j. Disclose clinical or confidential information either orally or in writing to anyone other than the supervising speech-language pathologist or audiologist.
- k. Make referrals for additional service.
- l. Counsel or consult with the patient/client, family, or others regarding the patient client status or service.
- m. Represent himself or herself as a speech-language pathologists or audiologist.
- n. Use a checklist or tabulate results of feeding or swallowing evaluations.
- o. Demonstrate swallowing strategies or precautions to patients, family or staff.
- p. Perform tasks at any time when a supervisor cannot be reached by personal contact, phone, pager, or other immediate means.

§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.
- 7.3 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.