

**WEST VIRGINIA  
SECRETARY OF STATE**

**KEN HECHLER**

**ADMINISTRATIVE LAW DIVISION**

Form #3

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Jul 14 12 42 PM '93

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Board of Examiners for Speech-  
Language Pathology and Audiology TITLE NUMBER: 29

CITE AUTHORITY West Virginia Code §30-32 et. seq.

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: 2. Regulations governing the licensure of  
Speech-Language Pathology and Audiology Assistants

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

5.60

**APPENDIX B**

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Regulations Governing Speech-Language Pathology and Audiology Assistants  
 Type of Rule: XX Legislative      Interpretive      Procedural  
 Agency: WV Board of Examiners for Speech-Language Pathology and Audiology  
 Address: PO Box 2136  
Weirton, WV 26062

**1. Effect of Proposed Rule**

Not Applicable

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

**2. Explanation of above estimates:**

Not Applicable

**3. Objectives of these rules:**

Not Applicable

Rule Title: Regulations Governing Speech-Language Pathology and Audiology  
Assistants

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Not Applicable

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

Not Applicable

C. Economic Impact on Citizens/Public at Large.

Not Applicable

Date: \_\_\_\_\_

Signature of Agency Head or Authorized Representative

\_\_\_\_\_

DATE: July 10, 1993

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WEST VIRGINIA BOARD OF EXAMINERS FOR SPEECH-  
LANGUAGE PATHOLOGY AND AUDIOLOGY

LEGISLATIVE RULE TITLE: Regulations Governing the Licensure of Speech-  
Language Pathology and Audiology Assistants.

1. Authorizing statute(s) citation W. Va. Code §30-32 et. seq.

2. a. Date filed in State Register with Notice of Hearing

Monday, June 7, 1993

b. What other notice, including advertising, did you give of the  
hearing?

Notices mailed to all major newspapers in the State of West  
Virginia as well as to the West Virginia Speech and Hearing  
Association and the American Speech and Hearing Association.

c. Date of Hearing(s) Saturday, July 10, 1993, 10 - 11 am

d. Attach list of persons who appeared at hearing, comments received,  
amendments, reasons for amendments.

Attached yes No comments received no

e. Date you filed in State Register the agency approved proposed  
Legislative Rule following public hearing: (be exact)

Tuesday, July 13, 1993

f. Name and phone number(s) of agency person(s) to contact for  
additional information:

Joyce L Earley, Secretary 797-3616

Rick Squires, Chairman 622-4237

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

not applicable

b. Date of hearing: not applicable

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefore?

not applicable

d. Attach findings and determinations and reasons:

Attached none

**West Virginia Board of Examiners for Speech-Language Pathology and Audiology**  
**P. O. Box 2136**  
**Weirton, WV 26062-1336**

**TITLE 29**

**LEGISLATIVE RULES**

**WEST VIRGINIA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY  
AND AUDIOLOGY**

**SERIES 2**

**REGULATIONS GOVERNING SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY  
ASSISTANTS**

These legislative rules establish procedures for the registration of speech-language pathology and audiology assistants and define the qualification, duties, and responsibilities of the assistant and supervisor.

LEGISLATIVE RULES

JUL 14 12 42 PM '93

WEST VIRGINIA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

SERIES 2

REGULATIONS GOVERNING SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY ASSISTANTS

§29-2-1. General.

1.1. Scope. -- These legislative rules establish procedures for the registration of speech-language pathology and audiology assistants and define the qualifications, duties, and responsibilities of the assistant and supervisor.

1.2. Authority. -- W. Va. Code §§ 30-32-

1.3. Filing Date. -- \_\_\_\_\_, 1993

1.4. Effective Date. -- \_\_\_\_\_, 1993

§29-2-2. Definitions.

The following words and phrases as used in these rules shall have the following meanings, unless the context otherwise requires:

2.1. "Board" means the West Virginia Board of Examiners for Speech-Language Pathology and Audiology.

2.2. The term "audiology assistant" means an individual who meets minimum qualifications established by the board, which are less than those established by this article as necessary for licensing as an audiologist; who does not act independently; and who works under the direction and supervision of an audiologist licensed under this article.

2.3. The term "speech-language pathology assistant" means an individual who meets minimum qualifications established by the board, which are less than those established by this article as necessary for licensing as a speech-language

pathologist; who does not act independently; and who works under the direction and supervision of a speech-language pathologist licensed under this article.

2.4. 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.

**§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 they provide.

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 they provide.

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

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

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

(a) Register with the board the name of each assistant working under their supervision.

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

(c) Have legal responsibility for the acts and services provided by the speech-language pathology or audiology assistant, including compliance with the provisions of the act and these regulations.

(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.

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

(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. Direct observations shall be documented, and must 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. 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 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 observations.

(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.

(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 be on-site in the absence on the supervisor. Supervision by an alternate supervisor shall not exceed 10 consecutive working days or a maximum of 20 working days per year.

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

(j) Ensure that the assistant shall not be responsible for making decisions regarding the diagnosis, management and future disposition of clients.

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

**§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 licensee, and for which the assistant has received adequate training.

(a) Examples of duties which assistants may be assigned include the following:

(1) Screen language, speech or hearing.

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

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

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

(5) Maintain clinical records for client performance.

(6) Report changes in client performance to the supervising licensee having responsibility for that client.

(7) Prepare clinical materials.

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

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

(b) The assistant shall not engage in the following activities:

(1) Interpreting observations or data into diagnostic statements, clinical management strategies, or procedures.

(2) Determining case selection or performing formal diagnostic

evaluations.

(3) Presenting written reports of client information to those other than the supervisor without the signature of the supervisor.

(4) Referring a client to other professionals or agencies.

(5) Using any title which connotes the competency of a licensed professional, as defined in § 30-32.

**§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 field during the previous year.

(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.

(c) The supervisor submits a completed Assistant Registration Renewal form, see appendix four d.

6.2. An assistant may not continue working after his/her registration has expired. Any such continuation shall constitute a violation of this section.