

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

FILED
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

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

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

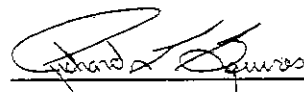
TITLE OF RULE BEING PROPOSED: Rules Governing the Licensure of Speech-Language Pathology and Audiology Assistants

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

AUTHORIZATION IS CITED IN (house or senate bill number) SB 159

SECTION 64-9-38(b), PASSED ON March 12, 1994

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: May 1, 1994


Richard A. Squires BOARD CHAIRMAN
Authorized Signature

3.60

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
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DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

March 15, 1994

Joyce L. Earley
Speech-Language Pathology & Audio
P. O. Box 2136
Weirton, WV 26062

SB 159 authorizing, Title 29, Series 2, Rules Governing the Licensure of Speech-Language Pathology & Audiology Assistants, passed the Legislature on March 12, 1994. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs SB 159, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 159** section **64-9-38(b)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, YOU MUST SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division

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

April 19, 1994

Administrative Law Division
State of West Virginia
Secretary of State
Building 1, Suite 157 - K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

Promulgation History of SB 159 authorizing, Title 29, Series 2, Rules Governing the Licensure of Speech-Language Pathology & Audiology Assistants as passed in the Legislature on March 12, 1994.

The West Virginia Board of Examiners for Speech-Language Pathology and Audiology developed the above rule and filed it for public comment on June 7, 1993. Notifications that the above rule had been filed were sent to the West Virginia Speech and Hearing Association, the American Speech and Hearing Association, West Virginia University Speech Pathology and Audiology Department, Marshall University Speech and Hearing Department, and newspapers in Morgantown, Clarksburg, Charleston, Martinsburg, Beckley, Bluefield and Princeton. The public comment period ended on July 10, 1993 and an open advertised meeting was held for public comment at the Charleston Marriott Hotel on July 10, 1993 from 10:00am to 11:00am. The rule was then filed as an emergency rule with the LRMRC on July 14, 1993.

TITLE 29
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY
AND AUDIOLOGY

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. -- _____

1.4. Effective Date. -- _____

§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.

§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.

§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 his or her 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 West Virginia Code §30-32-1 and this rule;

(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. 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) 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 is 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 direct observations which shall include reliability levels sampled;

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

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

§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;

(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 supervisor having responsibility for that client.

(7) Prepare clinical materials;

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

(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.

(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 West Virginia 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 West Virginia Code §30-32-3.

SENATE BILL NO. 212

(By Senators Manchin, Anderson, Grubb, Macnaughtan
and Minard)

[Introduced January 31, 1994; referred to the
Committee on

HEALTH AND HUMAN RESOURCES;

Judiciary

A BILL to amend article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-six, relating to authorizing the board of examiners for speech-language pathology and audiology to promulgate legislative rules relating to the licensure of speech-language pathology and audiology assistants.

Be it enacted by the Legislature of West Virginia:

That article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section thirty-six, to read as follows:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS
TO PROMULGATE LEGISLATIVE RULES.

1 §64-9-36. Board of examiners for speech-language pathology and
2 -audiology.

3 The legislative rules filed in the state register on the
4 fourteenth day of July, one thousand nine hundred ninety-three,
5 modified by the board of examiners for speech-language pathology
6 and audiology to meet the objections of the legislative rule-
7 making review committee and refiled in the state register on the
8 first day of September, one thousand nine hundred ninety-three,
9 relating to the board of examiners for speech-language pathology
10 and audiology (licensure of speech-language pathology and
11 audiology assistants), are authorized.

12

13 NOTE: The purpose of this bill is to authorize the Board of
14 Examiners for Speech-Language Pathology and Audiology to
15 promulgate legislative rules relating to the licensure of speech-
16 language pathology and audiology assistants.

17

18 This section is new; therefore, strike-throughs and
19 underscoring have been omitted.

65417

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H. B. 4289
(By Delegates Gallacher, Douglas, Compton,
Huntwork, Burk and Faircloth
(Introduced January 31, 1994; referred to the
Committee on Health and Human Resources then the
Judiciary)

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11 West Virginia, one thousand nine hundred thirty-one, as
12 amended, by adding thereto a new section, designated section
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4289

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(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

TO: Richard L. Squires

AGENCY: Speech-Language Pathology & Audiology

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 14, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 2 TITLE: 29 Speech-Language Pathology & Audiology

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *Richard L. Squires*

TITLE OF PERSON SIGNING: BOARD CHAIRMAN

DATE: 6-15-94

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.