

**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Board of Examiners for Speech-Language Pathology & Audiology

Chapter 335

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Agency and Division

Administrative Rules Chapter Number

In the Matter of:

Requirements for Supervising Licensed Speech-Language Pathology Assistants

Rule Caption:

Provides specific, limited exemptions for educational facilities in supervising employed Speech-Language Pathology Assistants.

Statutory Authority: ORS 681.360, 681.370, 681.375, 681.420 & 681.460

Other Authority:

Stats. Implemented: ORS 681.360, 681.370 & 681.375

Need for the Temporary Rule(s):

Current Board Administrative Rule 335-095-0050 outlines requirements for ongoing supervision of licensed Speech-Language Pathology Assistants (SLPAs) by licensed Speech-Language Pathologists (SLPs). Supervision requirements include both Direct Supervision and Indirect Supervision as defined in OAR 335-095-0010. In addition, OAR 335-095-0050 prescribes a scope of supervision that limits the number of SLPAs that each SLP can supervise to two.

Persistent shortages of licensed SLPs, especially in rural areas of Oregon, have created significant difficulties for school districts and educational service districts (ESDs) in meeting these supervision requirements. Indeed, the employment of SLPAs to provide appropriate services to students in these settings has been one way that service levels to members of the public have been maintained in light of the persistent shortages of SLPs. The Board discussed this issue at its June 19, 2008 meeting and agreed that providing temporary relief from some of the Direct Supervision requirements would allow educational facilities to continue to identify and treat speech disorders in the student populations they serve, while still providing adequate safeguards regarding the quality of services provided. In the temporary rule, Indirect Supervision through review and evaluation of audio- or video-taped records or live audio- or video-conferencing of clinical interactions, or a combination thereof, may be used to provide up to 75% of the required Direct Supervision hours. Usually only 50% of the supervision hours need to involve Direct Supervision. The ability to use audio or video records may reduce travel time and expenses (especially in rural areas), and allow each SLP to effectively supervise more than two SLPAs. The temporary rule allows SLPs to supervise up to 4 SLPAs.

Because of the need for timeliness in providing this relief as staffing patterns are developed and implemented for the 2008-09 school year, the Board decided to implement a temporary rule providing a process for school districts and ESDs to apply for special exemption from certain Direct Supervision requirements and the ratio of SLPs to SLPAs supervised. The Board intends this to be a clear exception that may only be granted for one year at a time, and only for a maximum of two years in a consecutive five year period. In this way, the original intent and supervisory requirements outlined in OAR 335-095-0050 remain intact, but there is temporary relief for educational districts experiencing particularly extreme staffing shortages.

Documents Relied Upon, and where they are available:

Current Chapter 335, Division 95 Administrative Rule language

Minutes from meeting of the Board held on June 19, 2008 (discussing need for the new temporary rule) and August 1, 2008 (crafting and approving language for temporary rule).

All available on the Board website, <http://www.oregon.gov/BSPA/index.shtml>

Justification of Temporary Rule(s):

Currently, there are approximately 200 licensed SLPAs in the state of Oregon, working under the supervision of approximately 100 licensed SLPs. Each SLPA typically works with 60-75 students with speech issues. Unless the temporary rule is passed, services would have to be curtailed to students being treated by SLPAs in educational facilities who are unable to meet the Direct Supervision requirements or the SLP:SLPA ratio currently prescribed in OAR 335-095-0050. This could cause significant hardship on new and continuing students whose plan of care may be delayed or interrupted because SLPAs would not be able to carry out their duties. Especially in rural areas, shortages of licensed SLPs could require educational facilities to enter into professional services contracts to SLPs from outside the area to provide Direct Supervision to SLPAs, which could delay or divert resources from care to the students needing speech-language services.

Solution: Pass this temporary rule exempting educational facilities from certain Direct Supervision requirements on a case-by-case basis, so that services can continue to be provided to students during the 2008-09 school year. Evaluate the use of this rule, and determine whether a permanent amendment should be implemented to account for these circumstances in future school years.

Fiscal Impact: The Board anticipates only a handful of educational facilities to apply for this special exemption in any given year. Each application for exemption will be reviewed on its own merits, and an administrative process for creating and approving these applications has been developed to support the implementation of this temporary rule. The application process is a simple one, and their review and approval/denial is not anticipated to add significantly to the workload of the Board, staff, or on the applicant agencies. School districts and educational service districts should reap savings in their expenditures on speech-language pathologists since this temporary rule should facilitate use of SLPAs as extenders to SLPs, and allow supervising SLPs to use their time more effectively by supervising more SLPAs, and reducing the amount of travel time spent to perform direct supervision.

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Authorized Signer

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 945-2005

**335-095-0050**

**Requirements for Supervising Licensed Speech-Language Pathology Assistants**

- (1) The amount and type of supervision required will be based on the skills and experience of the speech-language pathology assistant.
- (a) For the first 90 days of licensed employment, a minimum of 30% of all the time an assistant is on the job must be supervised. A minimum of 20% of hours spent in clinical interaction must be directly supervised.
  - (b) Subsequent to the first 90 days of licensed employment, a minimum of 20% of all the time an assistant is on the job must be supervised. A minimum of 10% of hours spent in clinical interaction must be directly supervised.
  - (c) The supervising speech-language pathologist must be able to be reached throughout the work day. A temporary supervisor may be designated as necessary.
  - (d) If the supervising SLP is on extended leave, an interim supervising SLP who meets the requirements stated in 335-095-0040 must be assigned.
  - (e) The caseload of the supervising clinician must allow for administration, including assistant supervision, evaluation of students and meeting times. (All students assigned to an assistant are considered part of the caseload of the supervising clinician.)
- (2) The supervising speech-language pathologist may not supervise more than the equivalent of two full-time speech-language pathology assistants.
- (3) The supervising SLP must co-initial each clinical entry and co-sign each page of records.
- (4) Supervision of speech-language pathology assistants must be documented.
- (a) Documentation must include the following elements: date, activity, time spent, and direct or indirect supervision level and must be retained by the SLPA for four (4) years.
  - (c) Documentation must be available for audit requests from the Board.
- (5) In remote geographic areas of the state or in other situations with severe shortages of licensed personnel, where Direct Supervision requirements cannot be met by an on-site Speech-Language Pathologist, educational facilities may apply for a one year exemption from certain requirements for supervision of certified Speech-Language Pathology Assistants.**
- (a) This exemption allows educational facilities to use the review and evaluation of audio- or video-taped records or live audio- or video-conferencing of clinical interactions, or a combination thereof, to provide a portion of the required Direct Supervision hours, up to a maximum of 75% of the required Direct Supervision hours.**
  - (b) During the exemption period, a licensed Speech-Language Pathologist may supervise up to four full-time equivalent certified Speech-Language Pathology Assistants.**
  - (c) This exemption will expire on July 31<sup>st</sup> of the year in which it is granted. An exemption shall only be granted for a maximum of two years out of each consecutive five year period.**

### **335-095-0050**

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