

News For Oregon Licensees

Spring 08



IN THIS ISSUE

From Your Board Chair	1
Proposed Rule Change	1
New Board Members	3
Recent Board Actions	5
Review Your Records	5
Major Changes for Div 1, 5, 95	5
Rule Hearing Notices	12



From Your Board Chair

Nancy Dunn, Audiologist
Board Chair

License renewal 2008 has come and gone--at least for the licensees!

The Board will continue to be hard at work on the renewal process until the audit is completed. New this year for license renewals was the availability of online renewal. Our Board jumped into this process ahead of other agencies which meant added convenience for some of you and added frustrations for others. This process should be much easier the next time around with the added option of credit card payments. Also new was audit notification at the time of renewal. Licensees chosen for audit (15% of total) were required to submit PD documentation with the renewal application. This simplified the audit process both for the Board and the licensees audited.

Some licensees have questioned the Board's policy about renewal applications that arrive before the application deadline, but are incomplete. Renewal applications are processed as they arrive.

Continued on page 4

This newsletter is a publication of the Oregon Board of Examiners for Speech-Language Pathology and Audiology, published annually or as The Board welcomes your suggestions for articles as well as news items. Neither the Board, nor its staff, are responsible for factual statements or opinions published in this newsletter. The Board reserves the right to refuse or edit any article submitted.

Notice of Proposed Rulemaking Hearing

Brenda Carley
Executive Director

It has been several years now since licensure became a requirement for speech-language pathology assistants in Oregon. At the request of Frank Bender, past-president of the Oregon Speech and Hearing Association (OSHA), the Board reviewed Division 95, Speech-Language Pathology Assistants for any needed revisions. A committee comprised of OSHA members Robin Bean, Pamela Camfield, Carol Clupny, Jean Monda, Melanie Peters and Ashley Northam reviewed, discussed and made recommendations for the Board's consideration. The committee also identified needed changes in Division 60, Licensing. The Board thanks these licensees for their participation and suggestions.

Continued on page 2

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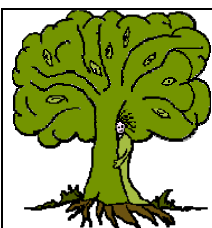
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Notice of Proposed Rulemaking Hearing

(continued from Page 1)



In addition to proposed revisions in Divisions 60 and 95, the Board is proposing changes to Division 1. These changes will allow for adoption of the Department of Justice Rules for Administrative Hearings, require licensees to respond to notices in

writing when requesting a hearing, and better define the process for reconsideration and rehearing of contested cases.

Also proposed is a requirement that licensees report a change in their mailing address within 30 days of the effective date of the change. The Board hopes to reduce the amount of returned renewal notices in 2010.

We urge you to read the proposed rules starting on page 4 of this newsletter. A hearing is scheduled for Friday, April 4th at 10:00 a.m., prior to the Board's regular meeting. Location information can be found on the Notices in this newsletter.

2008 Professional Development Audit

Brenda Carley
Executive Director

As you might recall, the audit selection notification changed this year. Licensees were notified of the planned change in the last newsletter.



A random audit selection of 15% of licensees was processed prior to the printing of renewal notices.

Those selected for audit were notified on their renewal form that they must include the documentation of the required number of professional development hours.

Board members recently reviewed each report and documentation for compliance with Oregon Administrative Rules, Chapter 335, Division 70, Professional Development.

What happens next?

If you are one of the auditees, watch for a letter in late April or early May. The Board provides written notification of how each auditee did.

**Attention Audiologists!
Board Member Needed!**



We are currently looking for an Audiologist in the community to become a board member. If you are interested in serving, please visit the governor's boards information page and fill out an interest form: <http://www.governor.state.or.us/Gov/boards.shtml>

The Board encourages people of color and bilingual people to apply for member positions. Interested members may contact the Board office at (971) 673-0220 for more information on what the appointment entails.

Please Welcome Charles Murphy!

Brenda Carley
Executive Director

Charles (Murph) Murphy joined the Board as a public member in December of 2007. His brings many major professional accomplishments including international marketing and field sales management, engineering, as well as domestic field sales management and field sales. When asked why he is interested in serving on this particular board he shared that he

wears a hearing aid and sees this as an opportunity to supply input as a user. He also hopes to learn more of the Board's actions and concerns so that he can assure other users of the industry's standards and the effectiveness of enforcing these standards to build trust in the community.



Contact information for all Board members can be found at <http://www.bspa.state.or.us/BSPA/brdmembers.shtml> on the agency's website.

Administrative Assistant Change



Ben Boyd
Administrative Assistant
Hello Licensees!

I would like to take this opportunity to introduce myself and thank all of you for your patience during our recent renewal period. I processed approximately 1500 renewal applications after only 3 months on the job! I was hired in December as the Board's new Administrative Assistant and look

forward to supporting the Board in various roles. I have a

background in photography and history and currently run a small family-friendly photography business out of my Scappoose home. My work focuses primarily on wedding and portrait photography. I bring experience to supporting this Board having worked at the Board of Naturopathic Examiners for 10 months.

Please Welcome Elisa Williams!

Elisa Williams
Board Member

With a lifetime of hearing aid use and personally dealing with hearing loss in a hearing world, I felt it would benefit me to major in Speech Pathology and Audiology in college. I had always talked of being a counselor to hearing aid users and more recently have felt strongly about the high cost of aids and lack of insurance coverage. Fully intending to pursue a career in that field, my pursuit did not remain on that track.

Now, after 33 years of using hearing aids - from one company and dispensed by one hearing instrument specialist (who retired 5 years ago), I am now on a new adventure of discovering what's out there for the hearing-impaired consumer and how difficult it is to



find the right 'fit' with BOTH the dispenser and the aids.

I chanced upon this open public board member position as I pursued avenues toward renewing my pursuit in Audiology. The timing couldn't have been better. This new consumer-sided awareness and the opportunity to be on the licensing board was just too

appealing. I am looking forward to learning about and being a voice in, the licensing process and making sure those licensed are deserving. But I'm also looking forward to the opportunity of knowledge and inspiration from the rest of the board members.

From Your Board Chair

(continued from Page 1)

Nancy Dunn, Audiologist
Board Chair

Applications that arrive with missing or inaccurate information, such as, professional development activities that are not accurately recorded or questions that are not answered, are considered incomplete. The Board staff does attempt to contact licensees who submit incomplete applications so that the licensee can complete the application before the deadline. This contact is usually through email. However, ultimately it is the licensee's responsibility to complete the application before submission, and as stipulated in the rules, the Board will charge a late fee if a completed application is not received by the due date. Because email communication is not always reliable, the Board will be reviewing methods used to communicate with licensees at a future Board meeting.

With the start of a new license renewal period, accumulating the required 40 hours of professional development (PD) begins again. Just a reminder that PD rules underwent revision in January 2007.

Licensees can review the current rules on the website (<http://www.oregon.gov/BSPA/rules.shtml>).

Noteworthy changes include:

- At least fifty percent (50%) of the required professional development hours must be directly related to the clinical practice of speech pathology and audiology.
- Not more than fifty percent (50%) of the required professional development hours may be accrued in a single course or activity.
- Requests for approval for PD activities (check the rules for which activities need special approval) can now be submitted after the 30 day time limit but late requests are subject to a delinquent fee of \$50.

Of special note to audiologists, in early 2007, the Oregon Health Licensing Agency (OHLA) notified this Board and all audiologists licensed to dispense hearing aids that the PD hours obtained for license renewal to practice audiology would be recognized and accepted by OHLA as meeting the annual 12 hour PD requirement for license renewal to dispense hearing aids. Audiologists are no longer required to keep a

separate accounting of PD hours for renewal of a hearing aid specialist license. This is a policy change and not a rules change. The policy change is noted in the March 9, 2007 minutes of the Advisory Council on Hearing Aids.

John McCully, legislative liaison for the Oregon Speech-Language Hearing Association, has been hard at work, as always, following any legislative activity that might impact our licensees. John notes the following issues of interest:

- Of concern for all health professionals is the Oregon Health Fund Board. Created by SB 329 (the Healthy Oregon Act), this Board is developing a comprehensive plan to ensure access to health care for all Oregonians. The board faces a deadline of 2009 to have a recommendation ready for the legislature. Some work has been done through a work group of legislators and health care professionals that held several all-day meetings last year. But many, many details remain. Those interested can follow the deliberations of the board at its website: <http://www.oregon.gov/DAS/OHPPR/HFB/index.shtml>
- Of importance to our Board, the House Health Policy Committee met in October and reviewed the composition and functions of the 14 health profession licensing boards, including our Board. At this time, there is no intent to establish a "super board" but only to see if there are better ways to protect the public. Committee members discussed board oversight, the number of public members on the boards and impaired professionals programs. Proposals may be considered to establish some statutory consistency among all boards that would include number of meetings per year, reporting of possible criminal activity to law enforcement and a statement of protection of the public as the primary role of boards.
- During the off-year legislative session that just ended, a bill was expected to expand the list of professionals who must report suspected child

abuse, possibly adding SLP's and audiologists to this list. However, the bill was not considered during the session.

- A possible bill before the 2009 legislature is a change to ORS 694, the state statute regulating Hearing Aid Specialists. The Advisory Council on Hearing Aids is discussing requiring a two year college degree to be eligible for a hearing aid specialist license. One meeting on this topic was held in February. Contact OHLA if you want to be on a mailing list to be notified about future meetings.

Review Your Records!

Nancy Dunn, Audiologist
Board Chair

Do your records meet professional standards? If an independent evaluator looked at your chart notes, would they be complete, legible, dated, signed? The Board gets a peek at how our licensees are complying with records' standards when patient charts are reviewed for complaint investigations. The picture is not pretty!

Oregon Administrative Rules mandate that licensed SLP's, SLPA's, and audiologists maintain adequate clinical records.

OAR 335-005-0015 (16)

"Individuals shall maintain clinical records as required by the Board's rules to ensure the provision of competent and appropriate care for persons served."

Four years ago, in 2004, the Board adopted rules specifying the standards for record keeping. (OAR Chapter 335, Division 10) It is clear that many licensees are not keeping records that conform to these standards. Our rules require that all clinical records must be complete, accurate and legible. All clinical entries must be signed and dated. The amount of documentation is determined by the type of service performed. Clinical evaluations require more extensive documentation, such as a SOAP note. Brief patient contact, such as cleaning a hearing aid, would require minimal chart notes.

Please review our rules and update your record keeping system. There is a link to the rules on the Board's website
(<http://www.oregon.gov/BSPA/rules.shtml>)



Recent Board Action

The Board has been busy but has no formal actions to report.

Investigative cases totaled 18 at the close of the 2007 year. New cases in 2008 number six as of February 25th.

The Board holds executive sessions at each quarterly meeting to discuss investigations and disciplinary cases. For a review of the process, licensees are encouraged to review the article in the April, 2004 newsletter. It is available under publications on the Board's website.

Major changes proposed for Division 1, 5, 95 of OAR Chapter 335

Brenda Carley
Executive Director

You will notice many changes in Division 1, 5, and 95. Because of this, we are printing the entire divisions in this newsletter. (Brackets indicate deletions and underlining shows additions.) The Board encourages all licensees to **read this section as changes will go into effect upon filing of the rules.**

DIVISION 1 PROCEDURAL RULES

**335-001-0005
Model Rules of Procedure**

Major Changes... **(continued from Page 5)**

The Board adopts the Attorney General's Model Rules, OAR Chapter 137, division one, [and] division four and OAR's 137-003-0501 to 137-003-0700.

Stat. Auth.: ORS 681.420(5)

Stats. Implemented: ORS 183.341

335-001-0008

Requesting a Hearing; Stating Claims and Defenses

(1) When requesting a hearing, or within fourteen (14) days following a request for hearing, the person responding to the notice must admit or deny, in writing, all factual matters stated in the notice. Any factual matters not denied shall be presumed admitted.

(2) When requesting a hearing, or within fourteen (14) days following a request for hearing, the person responding to the notice shall affirmatively state, in writing, any and all claims or defenses the person may have and the reason that supports the claim of defense. Failure to raise a claim or defense shall be presumed to be a waiver of such claim.

(3) Evidence shall not be taken on any issue not raised in the notice and either the request for hearing or a subsequent statement within fourteen (14) days following the request for hearing as required in sections (1) and (2) of this rule.

Stat. Auth.: ORS 681.420(5)

Stats. Implemented: ORS 183.341

335-001-0011

[Petition for] Reconsideration [or] and Rehearing [as Condition for Judicial Review] -- Contested Cases

[All parties, including limited parties, must file a petition for reconsideration or rehearing with the Board as a condition for obtaining judicial review of any order of the Board.]

(1) A party may file a petition for reconsideration or rehearing of a final order in a contested case with the agency within 60 calendar days after the order is served. A copy of the petition shall also be delivered or mailed to all parties or other persons and agencies required by statute, rule, or order to receive notice of the proceeding.

(2) The petition shall set forth the specific grounds for reconsideration or rehearing. The petition may be supported by a written argument.

(3) A rehearing may be limited by the agency to specific matters.

(4) The petition may include a request for stay of a final order if the petition complies with the requirements of OAR 137-003-0090(2).

(5) The agency may consider a petition for reconsideration or rehearing as a request for either or both. The petition may be granted or denied by summary order and, if no action is taken, shall be deemed denied as provided in ORS 183.482.

(6) Within 60 calendar days after the order is served, the agency may, on its own initiative, reconsider the final order or rehear the case. If a petition for judicial review has been filed, the agency must follow the procedures set forth in ORS 183.482(6) before taking further action on the order. The procedural and substantive effect of reconsideration or rehearing under this section shall be identical to the effect of granting a party's petition for reconsideration or rehearing.

(7) Reconsideration or rehearing shall not be granted after the filing of a petition for judicial review, except in the manner provided by ORS 183.482(6).

(8) A final order remains in effect during reconsideration or rehearing until stayed or changed.

(9) Following reconsideration or rehearing, the agency shall enter a new order, which may be an order affirming the existing order.

Stat. Auth.: ORS 681.420(5)

Stats. Implemented: ORS Ch. 183.341

DIVISION 5 PROFESSIONAL AND ETHICAL STANDARDS

335-005-0010

Definitions

Misrepresentation includes any untrue statements or statements that are likely to mislead.

Misrepresentation also includes the failure to state any information that is material and that ought, in fairness, to be considered. Unprofessional Conduct means:

(1) Failure or refusal of an applicant for a license from the Board or of a licensee of the Board to cooperate fully in any investigation conducted by the Board.

(2) Making a false statement to the Board.

Major Changes... (continued from Page 6)

- (3) Attempting to obtain a license from the Board by means of fraud, misrepresentation, or concealment of material facts.
- (4) Sexual misconduct with a client.
- (5) Any act of theft, dishonesty or misrepresentation involving a client, another practitioner, third party providers, or a government agency.
- (6) Habitual or excessive use of intoxicants, drugs or controlled substances.

- (7) Assisting or permitting any person to practice speech-language pathology or audiology without a license.
- (8) Practicing speech-language pathology or audiology when impaired by drugs, alcohol or any other substance.
- (9) Verbal or physical abuse of a client.
- (10) Sexual harassment: Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (c) Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Stat. Auth.: ORS 681
Stats. Implemented: ORS 681.330

335-005-0020

Professional Competence

- (1) Individuals shall engage in only those aspects of the professions that are within the scope of their competence, considering their level of education, training, and experience.
- (2) Individuals shall continue their professional development throughout their careers.

- (3) Individuals who supervise shall prohibit any of their professional staff from providing services that exceed the staff member's competence, considering the staff member's level of education, training, and experience.
 - (4) Individuals shall ensure that all equipment used in the provision of services is in proper working order and is properly calibrated.
 - (5) Individuals shall prohibit anyone under their supervision from engaging in any practice that violates the Professional and Ethical Standards.
 - (6) Individuals shall not provide professional services without exercising independent professional judgment, regardless of referral source or prescription.
 - (7) Individuals shall not discriminate in their relationships with colleagues, students, and members of allied professions on the basis or race or ethnicity, gender, age, religion, national origin, sexual orientation, or disability.
 - (8) Licensees will provide current addresses and telephone numbers within thirty (30) days of the effective date of change.
 - (9) Individuals shall cooperate fully with the Board in every matter related to these Professional and Ethical Standards.
- Stat. Auth.: ORS 681
Stats. Implemented: ORS 681.330

DIVISION 60 LICENSING

335-060-0010

Fees

In accordance with the provisions of ORS 681.340 and 681.360, the following fees, where applicable, are payable to the Board/Health Division by check or money order:

- (1) All Applicants except those listed in (1) (d):
 - (a) Application fee shall be \$40, non-refundable.
 - (b) Delinquent fee shall be \$50.
 - (c) The Board may provide for waiver of the license or certificate fee where the license or certificate is issued less than 45 days before the date on which it will expire.
 - (d) Speech-language pathologists applying for permission to supervise speech-language pathology assistants in schools shall pay an annual application fee of ~~[\$60]~~ \$80.
- (2) Speech-Language Pathologists and Audiologists:

Major Changes... (continued from Page 7)

- (a) Biennial license fee and renewal thereof shall be \$160.
 - (b) Biennial inactive license fee and renewal thereof shall be \$50.
 - (c) Conditional license fee and renewal thereof shall be \$50.
- (3) Speech-Language Pathology Assistants:
- (a) Biennial certificate fee and renewal thereof shall be \$50.
 - (b) Biennial inactive certificate fee and renewal thereof shall be \$20.
- Stat. Auth.: ORS 681.340, ORS 681.360, ORS 681.420 & ORS 681.460
Stats. Implemented: ORS 681.340(1), ORS 681.360(2)(b) & ORS 681.360(3)(b)

DIVISION 70 PROFESSIONAL DEVELOPMENT

335-070-0040

Procedures for Special Board Approval of Professional Development Offerings

Approval of professional development activities not specified [above] in OAR 335-070-0030 may be requested from the Board by an institution, organization, agency or individual licensee. Such requests may be submitted before or after the professional development activity takes place. A request made later than 30 days after a professional development offering takes place is considered to be late. If a requestor wishes to have a late request for special Board approval considered, the requestor needs to pay the delinquent fee. No late requests for special Board approval will be considered between November 1st of odd-numbered years and January 30 of even-numbered years. All requests must be submitted on a form provided by the board, stating the type of learning activity, the subject matter, the names and qualifications of the instructors and the number of professional development hours offered. An activity shall qualify for approval if the board determines that the activity:

- (1) Is an organized program of learning; and

- (2) Pertains to subject matter which integrally relates to the practice of speech-language pathology and/or audiology; and
- (3) Contributes to the professional competency of the licensee; and
- (4) Is conducted by individuals who have education, training or experience acceptable to the Board.
- (5) Credit for the hours of a single presentation will be acceptable if the presenter submits the request for approval within the required timeframe and meets criteria (1) through (4) above.
- (6) Credit will not be given for attending or participating in a particular activity more than once in a licensing period.

Stat. Auth.: ORS 681.420(5) & ORS 681.460
Stats. Implemented: ORS 681.320(1)(a)

DIVISION 95 SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

335-095-0010

Definitions

- (1) Approved Training Program: A post secondary training program that has approval by the Oregon Board of Examiners for Speech-Language Pathology & Audiology to offer specific coursework and practica leading to licensure as a speech-language pathology assistant.
- (2) Assessment: A qualitative and quantitative process, conducted by a licensed SLP, that measures the degree of communication impairment conducted by a licensed SLP including, but not limited to, screening, norm and criterion referenced testing, behavioral observations, and clinical interview.
- (3) Clinical Interaction: [Supervised practicum or work setting in speech-language pathology.] Interaction where the speech-language pathology assistant (SLPA) or practicum student is actively involved by participating in or leading a therapy session.
- (4) Direct Supervision: On-site, in-view observation and guidance by a speech-language pathologist while [an assigned clinical activity is performed by] a speech-language pathology assistant performs a clinical interaction.

Major Changes... (continued from Page 8)

(5) Indirect Supervision: Those activities other than direct observation and guidance conducted by a speech-language pathologist that may include consultation, record review, review and evaluation of audio-or videotaped sessions.

(6) Speech-Language Pathology Assistant: A person who provides speech-language pathology services under the direction and supervision of a speech-language pathologist licensed under ORS 681.250.

Stat. Auth.: ORS 681.205, ORS 681.360, ORS 681.370, ORS 681.375, ORS 681.420 & 681.460

Stats. Implemented: ORS 681.360, ORS 681.370 & ORS 681.375

335-095-0030

Certification of Speech-Language Pathology Assistants

Applicants [not qualifying by grandparenting under rule 335-095-0020] must submit all of the following to be eligible for certification.

(1) Official transcripts showing 45 quarter hours or 30 semester hours of speech-language pathology technical course work; and

(2) Official transcripts showing 45 quarter hours or 30 semester hours of general education credit, and

(3) Written evidence of 100 clock contact hours of clinical interaction.

(a) Clinical interaction must be face to face interaction with clients and supervised 100% of the time. Activities may include speech and hearing screenings and individual or small group and classroom sessions over a recommended 8-12-week period.

(b) Tasks such as clerical tasks, passive observations, materials preparation and meetings with the supervisor may not be included in the 100 hours.

[(b)] (c) Clinical interaction documentation must show the date, clinical activity, amount of time and the supervisor's initials and signature. A supervisor for clinical interaction must be licensed or have a permit to supervise assistants from this Board, or hold the ASHA Certificate of Clinical Competency.

[(c)](d) The supervising speech-language pathologist and the applicant will complete the Board's Competency Checklist upon completion

of 100 hours. If there is more than one clinical interaction supervisor, [all] each supervisor[s] must [be listed] complete and [one must] sign [the] a Board Competency Checklist.

[(d)] (e) Applicants presenting transcripts showing practicum course(s) with the required number of clock contact hours of clinical interaction are not required to submit the completed Board Competency Checklist.

Stat. Auth.: ORS 681.360, ORS 681.375, ORS 681.420 & ORS 681.460

Stat. Implemented: ORS 681.360 & ORS 681.375

335-095-0040

[Requirements for the Supervising Speech-Language Pathologist] Qualifications for Supervising Speech-Language Pathology Assistants

(1) All supervision of services provided by a speech-language pathology assistant must be performed by a speech-language pathologist licensed under ORS Chapter 681 or hold a permit under OAR 335-095-0055.

[(1)] (2) The supervising speech-language pathologist must have at least two years of [full-time] professional speech-language pathology experience.

[(2) The supervising speech-language pathologist may not supervise more than two full-time or three part-time speech-language pathology assistants.]

[(3) The supervising speech-language pathologist must document and provide appropriate supervision of the assistant.]

Stat. Auth.: ORS 681.360, ORS 681.375, ORS 681.420 & ORS 681.460

Stat. Implemented: ORS 681.360 & ORS 681.375

335-095-0050

[Supervision Guidelines for the Speech-Language Pathology Assistant] Requirements for Supervising Licensed Speech-Language Pathology Assistants

[(1) All supervision of services provided by a speech-language pathology assistant must be performed by a speech-language pathologist licensed under ORS Chapter 681.]

[(2)] (1) The amount and type of supervision required will be based on the skills and experience of the speech-language pathology assistant [, the needs of

Major Changes... (continued from Page 9)

the patients/clients served, the service setting, the tasks assigned, and other factors].

(a) [A minimum of 30% (20% direct) of all the time an assistant is providing services] For the first 90 days of licensed employment, a minimum of 30% of all the time an assistant is on the job must [shall] 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% [(10% direct)] of all the time an assistant is on the job [providing services shall] 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 [at all times] 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.

Stat. Auth.: ORS 681.360, ORS 681.370, ORS 681.375, 681.ORS 420 & ORS 681.460

Stat. Implemented: ORS 681.360, ORS 681.370, & ORS 681.375

335-095-0055

[Permission] **Permit for Supervisors of Speech-language Pathology Assistants in Schools**

(1) A speech-language pathologist who does not hold a license under ORS Chapter 681 but instead holds [holding] either a basic, initial, standard, or continuing license in speech impaired [or a standard teaching license in speech impaired or an initial or continuing teaching license in communication disorders] issued by the Teacher Standards and Practices Commission, may supervise a speech-language pathology assistant working in a school setting if the following conditions are met:

(a) The speech-language pathologist meets the requirements of OAR 335-095-0040.

(b) The speech-language pathologist agrees to supervise according to OAR 335-095-0050[(2)].

(c) The speech-language pathologist completes an application [proscribed] prescribed by the Board and pays the required application fee on an annual basis. The permit is set to expire July 31st of each year.

Stat. Auth.: ORS 681.230, ORS 681.360, ORS 681.375, ORS 681.420 & ORS 681.460

Stat. Implemented: ORS 681.360 & ORS 681.375

335-095-0060

Scope of Duties for the Speech-Language Pathology Assistant

(1) A speech-language pathology assistant may conduct the following tasks under supervision of the licensed Speech-Language Pathologist:

(a) Conduct speech and language screenings without interpretation, utilizing screening protocols specified by the supervising speech-language pathologist.

(b) Provide [direct] treatment assistance, excluding dysphasia (as opposed to feeding for nutritional purposes), to patients/clients identified by the supervising SLP by following written treatment plans or protocols developed by the supervising SLP.

(c) Document patient/client progress, without interpretation of findings, toward meeting established objectives as stated in the treatment plan, and report this information to the supervising speech-language pathologist.

Major Changes... (continued from Page 10)

- (d) Assist the speech-language pathologist in collecting and tallying of data for assessment purposes, without interpretation.
 - (e) Act as second-language interpreters during assessments.
 - (f) Assist the speech-language pathologist with informal documentation during an intervention session (collecting and tallying data as directed by the speech-language pathologist), prepare materials, and assist with other clerical duties as specified by the supervising speech-language pathologist.
 - (g) Schedule activities and prepare charts, records, graphs, or other displays of data.
 - (h) Perform checks and maintenance of equipment.
 - (i) Participate with the speech-language pathologist in research projects, in-service training, and public relations programs.
 - (j) Initial each clinical entry and sign each page of records.
- (2) The speech-language pathology assistant **may not** perform the following tasks:
- (a) May not conduct swallowing screening, assessment, and intervention protocols, including modified barium swallow studies.
 - (b) May not administer standardized or non-standardized diagnostic tests, formal or informal evaluations, or interpret test results.
 - (c) May not participate in parent conferences, case conferences, or any interdisciplinary team without the presence of the supervising speech-language pathologist.
 - (d) May not write, develop, or modify a patient/client's treatment plan in any way.
 - (e) May not provide intervention for patients/clients without following the treatment plan prepared by the supervising speech-language pathologist.
 - (f) May not sign any formal documents (e.g. treatment plans, reimbursement forms, or reports.)
 - (g) May not select patients/clients for services.
 - (h) May not discharge patients/clients from services.
 - (i) May not disclose clinical or confidential information either orally or in writing to anyone not designated by the speech-language pathologist.
 - (j) May not make referral for additional service.

(k) May not communicate with the patient/client, family, or others regarding any aspect of the patient/client status or service without the specific consent of the supervising speech-language pathologist.

(l) May not represent him/herself as a speech-language pathologist.

(m) May not write a formal screening, diagnostic, [progress and/] or discharge report.

Stat. Auth.: ORS 681.360, ORS 681.370, ORS 681.375, ORS 681.420 & ORS 681.460

Stat. Implemented: ORS 681.370 & ORS 681.375

335-095-0065

Scope of Duties for the Educational Assistant

(1) A speech-language pathologist may assign the following tasks to an educational assistant:

(a) [May assign] Non-instructional activities such as materials preparation.

(b) [May assign] Clerical duties such as scheduling of appointments, maintenance of equipment and the set-up of materials for diagnostic and intervention sessions.

(2) A speech-language pathologist **may not assign the following tasks** to an educational assistant:

(a) May not assign the task of speech and language screenings.

(b) May not assign provision of direct treatment assistance. This does not mean to imply that carryover and practice activities are restricted to speech-language pathologists and speech-language pathology assistants.

(c) May not assign documentation of patient/client progress.

(d) May not assign the task of assisting the speech-language pathologist in collecting and tallying of data for assessment purposes.

(e) May not assign the task of [assisting the speech-language pathologist with] independently collecting formal or informal documentation toward speech/language [during an] intervention [session] goals.

(f) May not assign the task of signing and recording initial treatment notes.

Stat. Auth.: ORS 681.360, ORS 681.370, ORS 681.375, 681.420 & ORS 681.460

Stat. Implemented: ORS 681.360, ORS 681.370 & ORS 681.375

Stat. Implemented: ORS 681.360, ORS 681.370 & ORS 681.375

Rule Hearing Notices

(Page 12-14)

Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Board of Examiners for Speech-Language Pathology and Audiology 335

Agency and Division	Administrative Rules Chapter Number
Brenda Carley	800 NE Oregon St, Ste 407, Portland, Or 97232-2162 971 673-0220

Rules Coordinator	Address	Telephone
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RULE CAPTION

Person requesting a hearing must respond in writing; defines requirements for reconsideration/rehearing of cases.

Rule Caption

Friday, April 4, 2008	10:00-10:15	Conference room 1C, 800 NE Oregon St, Portland, 97232	Nancy Dunn
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Hearing Date	Time	Location	Hearings Officer
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Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

ADOPT:

335-001-0008

AMEND:

OAR 335-001-0005, 335-001-0011

Stat. Auth. : ORS 681

Other Auth.:

Stats. Implemented: ORS 681

RULE SUMMARY

New rule requires that a person requesting an administrative hearing to respond in writing stating claims and defenses.

Amended rules define the requirements for reconsideration and rehearing of contested cases and adopts specific Attorney General's Model Rules in Oregon Administrative Rules Chapter 137.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Noon on Thursday, 4/3/08.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator, Brenda Carley)

Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Board of Examiners for Speech-Language Pathology and Audiology 335
Agency and Division Administrative Rules Chapter Number

Person requesting a hearing must respond in writing; defines requirements for reconsideration/rehearing of cases.

Rule Caption

In the Matter of: OAR 335-001-0005, 335-001-0008, 335-001-0011

Statutory Authority: ORS 681

Other Authority:

Stats. Implemented: ORS 681

Need for the Rule(s):

These rules have not been revised in many years and Board sees need to improve the processes.

Documents Relied Upon, and where they are available:

Fiscal and Economic Impact:

See the Statement of Cost of Compliance below.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): Licensees requesting an administrative hearing will have more written requirements but this requirement will make the process clearer for both they and the Board.
2. Cost of compliance effect on small business (ORS 183.336):
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Individual licensees, not businesses, will be affected by these rules.
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: Negligible.
 - c. Equipment, supplies, labor and increased administration required for compliance: Negligible.

How were small businesses involved in the development of this rule?

Small businesses had some representation through the committee participants. Small business owners will have additional opportunity to comment at the hearing in April of 2008.

Administrative Rule Advisory Committee consulted?: Yes, a small group of practitioners discussed and developed the rules for the Board's consideration.

Brenda Carley 2/6/08

Signature

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

Secretary of State
**NOTICE OF PROPOSED RULEMAKING
HEARING***

A Statement of Need and Fiscal Impact accompanies this form.

Board of Examiners for Speech-Language Pathology and Audiology 335

Agency and Division Administrative Rules Chapter Number

Brenda Carley 800 NE Oregon St, Ste 407, Portland, Or 97232-2162
971 673-0220

Rules Coordinator Address Telephone

RULE CAPTION

Defines sexual harassment, requirements for reporting a change of address, clarifies reference in 070-0040.

Rule Caption

Friday, April 4, 2008 10:00-10:15 Conference room 1C,
800 NE Oregon St, Portland, 97232 Nancy Dunn

Hearing Date Time Location Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

AMEND:

335-005-0010

335-005-0020

335-070-0040

Stat. Auth.: ORS 681

Other Auth.:

Stats. Implemented: ORS 681

RULE SUMMARY

Proposed rules add new definition of sexual harassment. Division 5 rule revision adds a requirement for licensees to report changes of mailing address within 30 days. Division 70 rule revision clarifies reference from "above" to the actual rule number being referenced.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Noon on Thursday, April 3, 2008.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Board of Examiners for Speech-Language Pathology and Audiology 335

Agency and Division Administrative Rules Chapter Number

Defines sexual harassment, requirements for reporting a change of address, clarifies reference from 070-0040 to 070-0030.

Rule Caption

In the Matter of:

335-005-0010

335-005-0020

335-070-0040

Statutory Authority: ORS 681

Other Authority:

Stats. Implemented: ORS 681

Need for the Rule(s):

Board's experience finds that a definition of sexual harassment is needed. Board is adding a timeframe for reporting a change of address as the Board loses funds sending renewal notices to licensees who have not reported address changes prior to license expiration.

Documents Relied Upon, and where they are available:

Fiscal and Economic Impact:

See Statement of Cost of Compliance below.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): Not applicable.
2. Cost of compliance effect on small business (ORS 183.336):
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
Not applicable.
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: Unknown.
 - c. Equipment, supplies, labor and increased administration required for compliance: Not applicable.

How were small businesses involved in the development of this rule? Small businesses were represented through review of the rules. Representatives from small businesses will also have the opportunity to provide input at the public hearing in April, 2008. Administrative Rule Advisory Committee consulted?: Yes. A small group of professionals discussed and developed proposed rules for the Board's consideration.

Brenda Carley

2/6/08

Signature

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

Secretary of State
**NOTICE OF PROPOSED RULEMAKING
HEARING***

A Statement of Need and Fiscal Impact accompanies this form.

Board of Examiners for Speech-Language Pathology and Audiology 335
Agency and Division Administrative Rules Chapter Number

Brenda Carley 800 NE Oregon St, Ste 407, Portland, Or 97232-2162
971 673-0220
Rules Coordinator Address Telephone

RULE CAPTION

Revises many rules governing speech-language pathology assistants and increases Permit fee.

Rule Caption

Friday, April 4, 2008 10:00-10:15 Conference room 1C,
800 NE Oregon St, Portland, 97232 Nancy Dunn

Hearing Date Time Location Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

AMEND:

335-095-0010, 335-095-0030, 335-095-0040, 335-095-0050, 335-095-0055, 335-095-0060, 335-095-0065
335-060-0010

Stat. Auth. : ORS 681

Stats. Implemented: ORS 681

RULE SUMMARY

Amends most rules in Division 95, Speech-Language Pathology Assistants. Distinguishes qualifications for being a supervisor of speech assistants from the requirements for supervising licensed assistants. Clarifies what is required for direct and indirect supervision and the documentation of. Revises scope of duties for the speech assistant.

Sets the expiration for annual permits for July 31st of each school year. Raises the annual fee from \$60 to \$80.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Noon on Thursday, 4/3/2008.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Brenda Carley February 6, 2008
Signature Printed name Date

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Board of Examiners for Speech-Language Pathology and Audiology 335
Agency and Division Administrative Rules Chapter Number

Revises many rules governing speech-language pathology assistants and increases Permit fee.

Rule Caption

In the Matter of:

335-095-0010, 335-095-0030, 335-095-0040, 335-095-0050, 335-095-0055, 335-095-0060, 335-095-0065
335-060-0010

Statutory Authority: ORS 681

Other Authority:

Stats. Implemented: ORS 681

Need for the Rule(s):

A comprehensive review of Division 95, Speech-Language Pathology Assistants, had not been completed since the rules inception.

Documents Relied Upon, and where they are available:

Fiscal and Economic Impact:

See Statement of Cost of Compliance below.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Applicants requesting a permit to supervise Speech Assistants in lieu of applying for licensure, will pay an increase of the annual permit fee from \$60 to \$80. This will effect approximately 39 permit holders.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

Not applicable.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Record keeping requirements of Speech Assistant supervision is better defined but probably not more extensive than required under current rules.

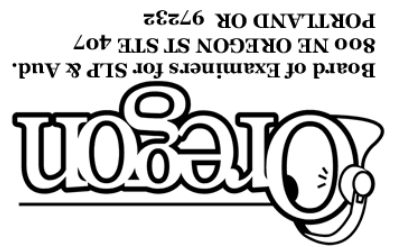
c. Equipment, supplies, labor and increased administration required for compliance:

Not applicable.

How were small businesses involved in the development of this rule? Small businesses were represented through review of the rules. Representatives from small businesses will also have the opportunity to provide input at the public hearing in April, 2008. Administrative Rule Advisory Committee consulted?: Yes. A small group of professionals discussed and drafted proposed rules for the Board's consideration.

Brenda Carley 2/6/08
Signature

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007



Board of Examiners for SLP & Aud.
800 NE OREGON ST STE 407
PORTLAND OR 97232