

HOUSE BILL No. 2761

By Committee on K-12 Education Budget

Requested by Representative Goetz

2-6

AN ACT concerning health professions and practices; relating to speech-language pathology; enacting the speech-language pathology assistant licensure act.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Sections 1 through 8, and amendments thereto, shall be known and may be cited as the speech-language pathology assistant licensure act and shall be a part of and supplemental to article 62 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(b) As used in this act:

(1) "Certified speech-language pathology assistant" or "C-SLPA" means an individual who, following academic degree completion and practicum or on-the-job training, completed the application and national organization certification requirements of such organizations as the American speech-language hearing association, performs tasks as prescribed, directed and supervised by a licensed speech-language pathologist who meets the qualifications of a supervising speech-language pathologist.

(2) "Direct supervision" means on-site, in-view observation and guidance by a speech-language pathologist while an assigned clinical activity is being performed by a speech-language pathology assistant. "Direct supervision" includes the supervising speech-language pathologist viewing and communicating with the speech-language pathology assistant through telecommunication technology while the speech-language pathology assistant provides clinical services. Direct supervision does not include reviewing an audio or video recorded session after such session occurred.

(3) "Indirect supervision" means 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 or interactive television.

(4) "Licensed speech-language pathology assistant" or "SLPA" means an individual who meets the minimum qualifications established by the secretary that are less stringent than those established by this act as necessary for licensing as a speech-language pathologist, does not act

1 independently and works under the direction and supervision of a
2 speech-language pathologist licensed under this act.

3 (5) "Secretary" means the secretary of health and environment.

4 (6) "Speech-language pathology" means the same as defined in
5 K.S.A. 65-6501, and amendments thereto.

6 (7) "Speech para" means a person without the qualifications
7 necessary to be considered a licensed SLPA. A "speech para" may assist
8 with activity preparation, transporting a client or patient from class to the
9 speech therapy room, assisting with teletherapy technology issues and
10 providing direct services according to a plan developed by a licensed
11 speech-language pathologist.

12 (8) "Supervising speech-language pathologist" means a speech-
13 language pathologist who holds a current Kansas license or a privilege to
14 practice in the state of Kansas and has two years of full-time professional
15 experience as a speech-language pathologist following successful
16 completion of a post graduate professional experience, such as clinical
17 fellowship experience.

18 (9) "Telepractice" means the delivery of services using
19 telecommunication and internet technology to remotely connect SLPAs to
20 clients for intervention purposes.

21 Sec. 2. (a) The secretary shall issue to each person who has met the
22 educational and training requirements of this section and such other
23 reasonable qualifications as may be adopted by the secretary in rules and
24 regulations.

25 (b) A speech-language pathology assistant shall meet the following
26 qualifications for licensure under this act:

27 (1) (A) Completion of a bachelor's degree in communication sciences
28 and disorders from an accredited institution;

29 (B) a bachelor's degree in another field and 24 hours of core
30 coursework in communication sciences and disorders; or

31 (C) completion of an SLPA program from a regionally accredited
32 institution that offers an associate's degree, a technical training program or
33 a certificate program; and

34 (2) completion of a supervised clinical experience that consists of 100
35 clock hours of supervised clinical fieldwork with direct client or patient
36 contact or clinical practicum that may be completed through an academic
37 practicum or while on the job under a supervising speech-language
38 pathologist.

39 (c) An applicant for licensure shall submit an application to the
40 secretary upon the forms prescribed and furnished by the secretary and pay
41 appropriate fees as established by the secretary. All licenses shall expire
42 after two years and may be renewed by submitting an application that
43 show proof of completing the required continuing education and paying a

1 renewal fee to be established by rule and regulation and collected by the
2 secretary. The secretary may issue a license for a period of less than two
3 years for the purpose of administratively adjusting renewals. In such case,
4 the licensee shall be charged a prorated renewal fee based upon the current
5 renewal fee structure.

6 (d) At least 30 days before the expiration of the license, the secretary
7 shall electronically notify the licensee of the expiration date through the
8 email address on file with the secretary. If the licensee fails to submit an
9 application and pay the appropriate fee by the date of expiration of the
10 license, the licensee shall be given a second notice stating that such license
11 has expired and such license may only be renewed if the application,
12 renewal fee and late renewal fee are received by the secretary within the
13 30-day period following the date of expiration and that, if both fees are not
14 received within the 30-day period, such license shall be considered to have
15 lapsed for failure to renew and be reissued only after the applicant has
16 been reinstated under subsection (d). Temporary licenses may be renewed
17 for one consecutive 12-month period upon payment of the renewal fee and
18 documentation of failure to complete requirements for which the
19 temporary license was originally issued.

20 (e) A licensee who fails to renew as provided in this act may be
21 reinstated upon payment of the renewal fee and the reinstatement fee and
22 upon submitting evidence of satisfactory completion of any applicable
23 continuing education requirements established by the secretary. The
24 secretary shall adopt rules and regulations establishing appropriate
25 continuing education requirements for the reinstatement of persons whose
26 licenses have lapsed for failure to renew.

27 (f) The secretary may grant a license to practice as a speech-language
28 pathology assistant to an applicant licensed to practice in another
29 jurisdiction if:

30 (1) The secretary receives from the issuing state or states
31 documentation that the licensee is currently in good standing without
32 violations or sanctions pending or in effect;

33 (2) the applicant meets the current educational and clinical experience
34 requirements of this act or hold a current, unrestricted license to practice as
35 a speech-language pathology assistant in another jurisdiction in the United
36 States;

37 (3) the applicant meets other qualifications as determined in
38 regulations adopted by the secretary; and

39 (4) the applicant pays an endorsement and application fee pursuant to
40 rules and regulations of the secretary.

41 (g) The secretary may issue a temporary speech-language pathology
42 assistant license for a period of 12 months pursuant to rules and
43 regulations of the secretary.

1 Sec. 3. (a) A speech-language pathology assistant shall satisfactorily
2 complete 12 hours of approved continuing education or 1.2 continuing
3 education units during each two-year licensing period.

4 (1) Continuing education shall be reported on forms and in the time
5 and manner specified by the secretary.

6 (2) A licensee shall maintain records of continuing education hours or
7 continuing education units earned for a period of four years, and such
8 records shall be made available to the secretary upon request.

9 (b) The secretary may deny, revoke, suspend or limit the license
10 provided for in this act for any of the reasons specified in K.S.A. 65-6508,
11 and amendments thereto.

12 Sec. 4. (a) A supervising speech-language pathologist shall:

13 (1) Be a speech-language pathologist who holds a current Kansas
14 license or a privilege to practice in the state of Kansas;

15 (2) have two years of full-time professional experience as a speech-
16 language pathologist following successful completion of the post graduate
17 professional experience;

18 (3) have earned at least two hours of professional development in the
19 area of supervision or clinical instruction following licensure;

20 (4) earn at least one hour of professional development in the area of
21 ethics every three years;

22 (5) institute a training program for each speech-language pathology
23 assistant that encompasses all of the procedures to be performed.
24 Documentation of such training in formal substance acceptable to the
25 secretary shall be retained in the speech-language pathology assistant's
26 file;

27 (6) inform the client or patient about the use of a speech-language
28 pathology assistant; (7) provide and document appropriate
29 supervision of the speech-language pathology assistant to the secretary as
30 outlined in the secretary's rules and regulations adopted pursuant to this
31 act;

32 (8) assume the legal and ethical responsibilities of the speech-
33 language pathology assistant's day-to-day conduct;

34 (9) maintain original documentation for three years;

35 (10) not supervise more than two full-time or three part-time speech-
36 language pathology assistants. The combined hours worked by three part-
37 time speech-language pathology assistants shall not exceed the total hours
38 worked by two full-time speech-language pathology assistants; and

39 (11) not have a pending or previous disciplinary action or allegation
40 by the state licensure board or only possess a provisional or temporary
41 speech-language pathology license.

42 (b) The amount and type of supervision required for a speech-
43 language pathology assistant shall be consistent with the:

1 (1) Speech-language pathology assistant's skills and experience;
2 (2) needs of the students, patients and clients;
3 (3) service setting;
4 (4) tasks assigned; and
5 (5) laws and rules and regulations that govern speech-language
6 pathology assistants.

7 (c) (1) Minimum ongoing supervision of a speech-language
8 pathology assistant shall include:

9 (A) Documentation of direct supervision provided by the speech-
10 language pathologist for each student, patient or client at least every 60
11 days;

12 (B) direct supervision of at least 10% of the speech-language
13 pathology assistant's total client contact time, which may be performed in
14 person or remotely through live video conferencing; and

15 (C) the supervising speech-language pathologist having discretion
16 over the amount of supervision necessary; and

17 (2) if there is a change in the supervising speech-language
18 pathologist, the speech-language pathology assistant shall be responsible
19 for notifying the secretary of the new supervisor within seven business
20 days following the change.

21 Sec. 5. (a) The supervising speech-language pathologist shall accept
22 full and complete responsibility for all services and tasks performed or
23 omitted by the speech-language pathology assistant.

24 (b) If education, training, supervision and documentation of the
25 speech-language pathology assistant are consistent with the requirements
26 of this act, the supervising speech-language pathologist may designate and
27 direct the following tasks to such speech-language pathology assistant:

28 (1) Conduct speech-language or hearing screenings without
29 interpretation following specified screening protocols developed by the
30 supervising speech-language pathologist;

31 (2) provide direct treatment to patients or clients identified by the
32 supervising speech-language pathologist;

33 (3) follow documented treatment plans or protocols developed by the
34 supervising speech-language pathologist;

35 (4) document patient or client progress toward meeting established
36 objectives as stated in the treatment plan, assist with data collection for
37 patient or client responses and prepare therapy materials and activities;

38 (5) assist the supervising speech-language pathologist during
39 assessment of patients or clients;

40 (6) prepare charts, records and graphs and assist with other clerical
41 tasks as directed by the supervising speech-language pathologist;

42 (7) perform checks and maintenance of equipment on a regular basis
43 and verify calibration on audiometric equipment at least annually;

1 (8) assist the supervising speech-language pathologist in research
2 projects,
3 in-service training and public relations programs;

4 (9) share documentation and treatment notes with the supervising
5 speech-language pathologist, who shall review and co-sign such
6 documentation and treatment notes;

7 (10) provide caregiver coaching, such as modeling and teaching
8 communication strategies for carryover of skills, as directed by the
9 supervising speech-language pathologist;

10 (11) provide teletherapy services as directed by the supervising
11 speech-language pathologist;

12 (12) program augmentative and alternative communication devices;

13 (13) provide training and technical assistance to students, patients,
14 clients and families in the use of augmentative and alternative
15 communication devices;

16 (14) develop low-tech augmentative and alternative communication
17 materials for students, patients and clients;

18 (15) collaborate with team members when following HIPAA and
19 FERPA guidelines under the guidance of the supervising speech-language
20 pathologist; and

21 (16) clearly identify oneself as a speech-language pathology assistant
22 to students, clients, families and others.

23 Sec. 6. A speech-language pathology assistant shall not:

24 (a) Perform diagnostic tests of any kind, including formal or informal
25 evaluations, nor interpret test results;

26 (b) act as a decision-maker in individualized education program
27 meetings, special education eligibility meetings or any interdisciplinary
28 team meetings in which diagnostic information is interpreted or treatment
29 plans are developed without the presence of the supervising speech-
30 language pathologist or designated speech-language pathologist who meets
31 the qualifications for a supervising speech-language pathologist;

32 (c) independently provide diagnostic or assessment results to patients
33 or clients or such patient's or client's parents or guardians;

34 (d) write, develop or modify a patient's or client's treatment plan;

35 (e) provide services outside of a documented treatment plan that has
36 been prepared by the supervising speech-language pathologist;

37 (f) provide services for which the speech-language pathology
38 assistant has not received appropriate or adequate training;

39 (g) sign any formal documents without the signature of the
40 supervising speech-language pathologist;

41 (h) identify, recommend or discharge patients or clients for services;

42 (i) make referrals for additional services without consultation with the
43 supervising speech-language pathologist;

1 (j) provide any interpretative information that is contained in reports
2 written by any licensed speech-language pathologist;

3 (k) represent oneself to be a speech-language pathologist;

4 (l) make advertisements or public announcements of professional
5 services independent of the supervising speech-language pathologist;

6 (m) assist in feeding or swallowing therapy without direct supervision
7 from the supervising speech-language pathologist; or

8 (n) treat a person who is medically fragile as determined by the
9 supervising speech-language pathologist.

10 Sec. 7. (a) On and after January 1, 2027, it shall be unlawful for any
11 person to represent oneself in any manner as a speech-language pathology
12 assistant if such person is not licensed under this act as a speech-language
13 pathology assistant or has a license that has been suspended or revoked
14 unless such person is exempted from the provisions of this act.

15 (b) Violation of any provision of this act is a class C nonperson
16 misdemeanor, and each day in violation of this act shall be considered a
17 separate offense.

18 Sec. 8. The secretary shall fix by rules and regulations the licensure
19 fee, temporary licensure fee, renewal fee, late renewal fee, reinstatement
20 fee and examination fee, if necessary, under this act. Such fees shall be
21 fixed in an amount to cover the costs of administering the provisions of
22 this act. No fee shall be more than \$200. The secretary shall remit all
23 moneys received from fees, charges or penalties under this act to the state
24 treasurer in accordance with the provisions of K.S.A. 75-4215, and
25 amendments thereto. Upon receipt of each such remittance, the state
26 treasurer shall deposit the entire amount in the state treasury to the credit
27 of the health occupations credentialing fee fund created by K.S.A. 39-979,
28 and amendments thereto.

29 Sec. 9. This act shall take effect and be in force from and after its
30 publication in the statute book.