

Arkansas Board of Examiners for Speech-Language Pathology and Audiology

Proposed Rules – Comment Summary

Commenter's Name: Brandi Worthington

1. After reviewing, I thoroughly agree with the proposed changes to be more uniform with other state guidelines such as Medicaid, requiring direct supervision once per patient every 30 days, versus the current two week guidelines. I also thoroughly support the change to direct supervision to be possible via telesupervision, if necessary, given the ability to provide face-to-face guidance via Zoom, Facetime, etc. during periods of sickness or travel by the SLP. I did have one suggestion in regards to direct supervision. Please see below the addition I added in red: [BLR Staff Note: text originally in red is underlined below]

13.12 SUPERVISION GUIDELINES FOR A SPEECH-LANGUAGE PATHOLOGY ASSISTANT A. A total of at least 30% direct and indirect supervision is required and must be documented for the first ninety (90) workdays. (For a 40 hours work week of direct client contact, this would be 12 hours for both direct and indirect supervision.) During the first 90 workdays, documented direct supervision of patient/client care shall be required no less than 20% of the actual patient/client contact time weekly for each speechlanguage pathology assistant SLP-A. During each week, data on every patient/client seen by the speech-language pathology assistant must be reviewed by the supervisor. In addition, the 20% direct supervision must be scheduled so that all patients/clients seen by the assistant are directly supervised in a timely manner. Supervision days and time of day (morning/afternoon) must may be alternated to ensure that all patients/clients receive direct contact with the speech language pathologist at least once every two (2) weeks. Information obtained during direct supervision must include data relative to (a) agreement (reliability) between the assistant and the supervisor on correct/incorrect recording of target behavior, (b) accuracy in 3 implementation of screening and treatment procedures, (c) accuracy in recording data, and (d) ability to interact effectively with the patient/client. After the first 90 workdays, The amount of supervision can be adjusted if the supervising SLP determines the SLPA has met appropriate competencies and skill levels with a variety of communication and related disorders. Minimum ongoing supervision must always include documentation of direct supervision provided by the SLP to each student, patient, or client at least every 30 calendar days. A minimum of 1 hour of direct supervision weekly, or a minimum of 10%, (for SLPAs treating less than 10 hours per week), and as much indirect supervision as needed to facilitate the delivery of quality services must be maintained. Documentation of all supervisory activities, both direct and indirect, must be accurately recorded. Further, 100% direct supervision of SLPAs for medically fragile students, patients, or clients is required.

My reason for suggesting this is that there are many weeks that my SLPAs do not get 10 hours. Therefore, if they work 5 hours, 10% would only be 30 minutes. Otherwise, 1 hour minimum would be way more than the current 10%.

RESPONSE: After discussion, the addition of “or a minimum of 10% (for SLPAs treating less than 10 hours per week),” was accepted.

Commenter’s Name: Paige Burgess

1. In reference to the direct supervision portion for SLPA's. It doesn't specify whether the SLP supervising can be treating a child or not while they are completing direct supervision. Also, could the direct contact time frame be reconsidered? I know for Occupational Therapy the supervising OT has to treat each client at least once every 30 days. I feel if the time frame for direct contact could be extended some it would help with caseloads, take stress off of the supervising SLP and SLPA, and could possibly increase the number of businesses who use SLPA's. **RESPONSE:** The board believes other changes address this issue.

Commenter’s Name: Gretchen Hicks

1. Page 28, Section 12.4 I think this should remain because telesupervision has been shown to be successful and reliable. **RESPONSE:** The board will keep this strike out because in the new definition of direct supervision, telesupervision is addressed.

2. Section 13. Be consistent with ADE vs DESE. Current language used is Division of Elementary and Secondary Education (DESE) according to Jeff Adams and Aleecia Starkey. **RESPONSE:** The board will address the update to ADE's name to Division of Elementary and Secondary Education (DESE) throughout the document.

3. 13.1 add “and supervision”: “13.1 The purpose of this document rule is to set minimum qualifications for the registration and supervision of speech-language pathology assistants (SLP-A’s) by the Arkansas Board of Examiners in Speech Language Pathology and Audiology (ABESPA) as specified in Ark. Code Ann. §17-100-103 to - 104. ~~Rules for their registration and supervision are also established.~~” **RESPONSE:** The board accepts the addition of “and supervision.”

4. 13.3 correct ADE vs DESE. I think that the highlighted sentence below needs to be kept in light of changes to Medicaid online provider verification requiring practitioners to register through ABESPA and ADE:

13.3 This document rule also provides for the ~~Arkansas Department of Education (ADE)~~ Division of Elementary and Secondary Education (DESE), in accordance with its statutory, general supervision authority over public agencies which provide educational services to children with disabilities birth to twenty-one years of age, in conjunction with the Department of Human Services (DHS), Developmental Disabilities Services (DDS), to regulate speech-language pathology assistants and aides performing duties in such programs. ~~ABESPA approved the 1999 ADE guidelines for registration, training, scope of responsibilities, supervision, and review of these individuals. Any proposed revisions to the guidelines will be submitted to ABESPA for approval. The ADE DESE will provide ABESPA, upon request, any reports and/or records with regard to these~~

~~individuals in the performance of their duties as may be necessary to ensure compliance with established standards.~~

RESPONSE: The board will address the update to ADE's name to Division of Elementary and Secondary Education (DESE) throughout the document. The board agreed that the last sentence, “DESE will provide ABESPA, upon request, any reports and/or records with regard to these individuals in the performance of their duties as may be necessary to ensure compliance with established standards[,]” will not be deleted but be kept in.

5. 13.8 DEFINITIONS, 13.8 D. DIRECT SUPERVISION – this not the definition that was on committee working document. The working document included telesupervision. I do not have that with me right now but can send it later. **RESPONSE:** The board will accept the change presented in an email on 1/21/22 with the updated Direct Supervision definition: “Direct Supervision means on site, in-view observation and guidance by an SLP while an assigned activity is performed by support personnel. Direct supervision performed by the supervising SLP may include, but is not limited to the following: observation of a portion of the screening or treatment procedures performed by the SLPA, coaching the SLPA and modeling for client by the SLP. The supervising SLP must be physically present during all services provided to a medically fragile client by the SLPA (e.g. general and telesupervision). The SLP can view and communicate with the patient and SLPA live via real time telepractice technology to supervise the SLPA, giving the SLP the opportunity to provide immediate feedback. This does not include reviewing a taped session later.”

6. 13.9 REGISTRATION OF SPEECH LANGUAGE PATHOLOGY ASSISTANTS. A. Correct ADE vs DESE. **RESPONSE:** The board will accept the change from ADE to DESE.

7. Section 13.9.B.1. Change SLP-Assistant to SLP-A: “This application must be approved before employment of the SLP-Assistant can begin. At no time may an SLP-Assistant work without both a current approved registration and approved supervisor.” **RESPONSE:** The board will use SLPA.

8. Section 13.9.B.3. Add supervisor after SLP: “B. 3. The prospective SLP supervisor and the prospective SLP-A must attend an initial training session prior to registration approval. C.(c)A. Change SLP Assistant to SLP-A: (d)(c) A statement that the applicant for SLP-Assistant and supervising speech-language pathologist have read Ark. Code Ann. § 17-100-103 to -104 and the Board rules, and that they agree to abide by them”. **RESPONSE:** The board will add “supervisor.”

9. Section 13.9.C.2. There is currently not a fee for SLP-As. In addition the working in Section 4.1 includes “Licensure” which is confusing because SLP-As get a “registration”. Either leave it out or add registration. **RESPONSE:** The board will strike this section because there is no fee.

10. Section 13.9.C.(d). “A list of facilities in which the SLP-Assistant will be utilized. The location of work settings must be kept current. Any change must be reported in writing to ABESPA within twenty-one (21) days. Based on information received, the Board may limit the number of practice sites.” **RESPONSE:** The board will use “SLPA.”

11. 13.10 REQUIREMENTS FOR A SPEECH-LANGUAGE PATHOLOGY ASSISTANT.

Strike the first A: “A. An speech-language pathology assistant SLPA-A ~~must~~shall:”

RESPONSE: The board will use “SLPA.” The board will change “must” to “shall.”

12. Section 13.10. Strike “degree” after “program”: “Complete an speech-language pathology assistant SLP-A training program ~~degree~~ (two year minimum), which meets the requirements described in Section 13.10.B.” **RESPONSE:** The board will strike “degree.”

13. This is under the section Technical Knowledge for a SLP-A Training program. Should this be a section of its own? The observation is required for BS degree while field work is required for SLP A training program. It could go under 13.10.A.1.i after the info on 25 hours of observation: “vi. Observation. Observation experiences include direct, on-site observation of an ASHA-certified speech-language pathologist. Additional observation experiences may include pre-approved (by the supervising speech-language pathologist) on-site or video observation of an ASHA-certified speech-language pathologist.” **RESPONSE:** The commenter withdrew the comment because it is already addressed in Section 13.10.A.1.i

14. 13.12 SUPERVISION GUIDELINES FOR A SPEECH-LANGUAGE PATHOLOGIST ASSISTANT. This is not what committee landed on. Even with the changes I have below, I don’t think it reflects what the committee intended.

A. A total of at least 30% direct and indirect supervision is required and must be documented for the first ninety (90) workdays. (For a 40 hours ~~work week~~ of direct client contact, this would be 12 hours for both direct and indirect supervision.) During the first 90 workdays, documented direct supervision of patient/client care shall be required no less than 20% of the actual patient/client contact time weekly for each ~~speech language pathology assistant~~ SLP-A. During each week, data on every patient/client seen by the speech-language pathology assistant must be reviewed by the supervisor. In addition, the 20% direct supervision must be scheduled so that all patients/clients seen by the assistant are directly supervised in a timely manner. Supervision days and time of day (morning/afternoon) ~~must~~ may be alternated to ensure that all patients/clients receive direct contact with the speech language pathologist at least once every two (2) weeks. Information obtained during direct supervision must include data relative to (a) agreement (reliability) between the assistant and the supervisor on correct/incorrect recording of target behavior, (b) accuracy in implementation of screening and treatment procedures, (c) accuracy in recording data, and (d) ability to interact effectively with the patient/client.”

RESPONSE: After much discussion the board agreed to the following changes. Change 90 workdays to 45 workdays. Change the example to say (For 30 hours of direct client contact, this would be 9 hours for both direct and indirect supervision.) Change 90 workdays to 45 workdays. Change SLP-A to SLPA. Change must to “may.”

15. Section 13.12. Add the following language: “After the first 90 workdays, The amount of supervision can be adjusted if the supervising SLP determines the SLPA has met appropriate competencies and skill levels with a variety of communication and related disorders.”

RESPONSE: The board accepted this addition with a change of 90 days to 45.

16. Section 13.12. Add the following language: “Minimum ongoing supervision must always include documentation of direct supervision provided by the SLP to each student, patient, or client at least every 30 calendar days.” **RESPONSE:** The board accepted this addition with change of the word supervision to contact.

17. Section 13.12. Add the following language: “A minimum of 1 hour of direct supervision weekly and as much indirect supervision as needed to facilitate the delivery of quality services must be maintained.” **RESPONSE:** The board rejected this language. See first comment above.

18. Section 13.12. Add the following language: “Documentation of all supervisory activities, both direct and indirect, must be accurately recorded.” **RESPONSE:** The board accepted this comment.

19. Section 13.12. Add the following language: “Further, 100% direct supervision of SLPAs for medically fragile students, patients, or clients is required.” **RESPONSE:** The board accepted this comment.

20. This section had changes but I was not able to fix it without rewriting the entire paragraph:

~~B. Indirect supervision is required no less than 10% of the actual patient/client contact time and may include demonstration, record review, review and evaluation of audio or videotaped sessions, interactive television, and/or supervisory conferences that may be conducted by telephone. Treatment data must be reviewed at least weekly or every five (5) sessions for each case. The speech language pathologist will review each plan of care as needed for timely implementation of modifications.~~

B. Indirect supervision does not require the SLP to be physically present or available via telecommunication in real time while the SLPA is providing services. Indirect supervisory activities may include demonstration tapes, record review, review and evaluation of audio- or videotaped sessions, and/or supervisory conferences that may be conducted by telephone and/or live, secure webcam via the Internet. The SLP will review each treatment plan as needed for timely implementation of modifications.

RESPONSE: The board accepted this addition.

21. “C. During the initial 90 day period, the speech-language pathologist supervisor must have direct contact with each patient/client at least once every two (2) weeks. After the initial ninety (90) day work period, the amount of supervision may be adjusted depending on the competency of the assistant, the needs of the patients/clients served, and the nature of the assigned tasks. ~~The minimum is 20% documented supervision, with no less than 10% being direct supervision. (For a 40-hour work week, this is 8 hours of supervision, at least 4 of which is direct supervision.)~~ Supervision days and time of day (morning/afternoon) must be alternated to ensure that all patients/clients receive direct contact with the speech-language pathologist at least once every two (2) weeks.” **RESPONSE:** The board rejected the first sentence. The board changed “90 days” to “45.” The board accepted the striking of the last three sentences.

22. “D. A supervising speech-language pathologist must be able to be reached by personal contact, phone, ~~pager,~~ or other immediate means at all times when direct patient/client care is being rendered. If, for any reason (i.e., extended leave, illness, change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, ~~the speech-language pathology assistant SLP-A~~ may not perform direct patient/client care until a qualified and licensed speech language pathologist has been designated as the ~~speech-language pathology assistant SLP-A’s~~ supervisor and ABESPA has advised approval of the change.” **RESPONSE:** The board will use SLPA.

23. “E. ~~Whenever the SLP Assistant’s performance is judged by the supervising speech-language pathologist to be unsatisfactory over two (2) consecutive observations, the SLP Assistant shall be retrained in the necessary skills and direct observations shall be increased to 50% of all clinical sessions until the SLP Assistant’s performance is judged to be satisfactory, through written documentation, over two (2) consecutive observations.~~” **RESPONSE:** The board accepted the striking out of this section.

24. Check the rest of the document for SLP-A vs speech-pathology assistant. It was not changed throughout the rest of the document and I didn’t have time to go through each one. Just be consistent. Where the document has “SLPA’s,” it should read “SLP-As.” **RESPONSE:** The board will use SLPA.

Commenter’s Name: Charia Hall

1. 2. 12.1 DEFINITIONS. “a. C. (i) (b). The licensee personally knows the patient and the patient's relevant health status through an ongoing personal or professional relationship and is available to provide appropriate follow-up care, when necessary, at *medically necessary intervals;*” Change medically necessary to therapeutically necessary due to in schools not always having a physician’s note/order. **RESPONSE:** The board accepts the change to “therapeutically necessary.”

2. 3. 12.3 DELIVERY OF SERVICES VIA TELEPRACTICE. “a. D. At the patient's request, the licensee must make available to the patient an electronic or hardcopy version of the patient's record documenting the encounter. Additionally, unless the patient declines to consent, the licensee must forward a copy of the record of the encounter to the patient's regular treating healthcare professional if that healthcare professional is not the same one delivering the service via telepractice.” **RESPONSE:** This language is reflected in the current changes.

3. “b. F. If the patient, at the recommendation of the licensee, needs to be seen in person, the licensee must arrange to see the patient in person or direct the patient to their regular treating healthcare professional or other appropriate provider if the patient does not have a treating *healthcare professional*. Such recommendation shall be documented in the patient's treatment record.” Change this wording to clear up so that SLPs are included, since not always medically necessary. Suggest that healthcare professional be changed to “provider.” **RESPONSE:** The board believes the language is clear.

4. 4.13.8 DEFINITIONS. “a. C. SUPERVISING SPEECH-LANGUAGE PATHOLOGIST - A speech-language pathologist who holds a current Arkansas license and has two (2) years of professional experience as a speech-language pathologist, following successful completion of the clinical fellowship experience (See Section 2.10) may be approved by ABESPA as a supervising speech language pathologist.” Want to clarify that it means someone practicing for 3 years (CFY + 2 years). Use the language from 13.11 #1 (on page 35) which says: “Must be licensed as a speech-language pathologist in the state of Arkansas and have two (2) years of full-time professional speech-language pathology experience, after completion of the paid professional experience (CFY).” **RESPONSE:** The board believes the language is clear.

5. 5.13.12 SUPERVISION GUIDELINES FOR A SPEECH-LANGUAGE PATHOLOGY ASSISTANT “a. A. A total of at least 30% direct and indirect supervision is required and must be documented for the *first ninety (90) workdays.*” We suggest this is too rigid and needs to be changed. It is a barrier to the ability to obtain SLP-As. Ninety days is almost half of a school year (a semester). It should not take this amount of time to determine reliability (direct supervision documentation) between the speech-language pathologist and the speech-language pathology-assistant. **RESPONSE:** The board changed to 45 days which takes less time.

Commenter's Name: Breanne Damron

1. Total amount of direct supervision to be completed over a two week period- I have been supervising SLPA's for about 11 years now and it's hard to take a week vacation when you have to supervise an SLPA 10% every week. **RESPONSE:** The board has made other changes that are relevant to this comment.

2. Being able to treat at several locations, as long as there is another SLP present. **RESPONSE:** The board rejected this comment. The chair has appointed an SLPA registration and standards committee to further study this comment.

Commenter's Name: Colleen Sears

1. Using an SLP/SLPA team without an agreement from the Superintendent and LEA Supervisor. **RESPONSE:** This is an ADE/DESE guideline issue.

2. Utilizing an SLP/SLPA team without parental permission. **RESPONSE:** The current rules do not require permission. This will also be addressed with ADE/DESE.

3. Reduce the initial 90 day period to 30 days. The current requirement is equivalent to approximately a semester in a school setting. **RESPONSE:** This comment has been addressed by changing it to 45 days.

4. Reduce direct provision of services by SLP to student/patient/client to every 30 days. **RESPONSE:** This comment has been addressed in earlier changes.

5. Allow direct supervision to be fulfilled via tele-supervision when needed. **RESPONSE:** This comment has been addressed in other changes above related to telesupervision and direct supervision.

6. Provide direct supervision to SLPA 1 hour per 40 hours worked. This takes into consideration if SLPA has multiple supervisors or does not work full time. **RESPONSE:** This comment has been addressed in other changes above related to direct supervision.

7. Allow SLPA to treat in a different setting when situation arises if supervisor is currently supervising an SLPA or has been a supervisor previously. Current requirements affect coverage and limit SLPA's opportunity to work when closings or fluctuating caseloads occur.

RESPONSE: The board rejected this comment. The chair has appointed an SLPA registration and standards committee to further study this comment.