

**January 20, 2022**  
**Board Room 3**  
**10:00 a.m.**

**Agenda**  
**Virginia Board of Audiology &**  
**Speech-Language Pathology**  
**Regulatory Advisory Panel**

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**Call to Order – Alison Ruth King, Ph.D., CCC-SLP, Chair**

**Page 1**

- Welcome
- Emergency Egress
- Introductions
- Mission Statement

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**Ordering of Agenda – Dr. King**

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**Public Comment – Dr. King**

The Board will receive all public comment related to agenda items at this time. The Board will not receive comment on any regulatory process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

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**Discussion Items – Dr. King**

**18VAC30-21-140. Supervisory responsibilities; supervision of unlicensed assistants.**

**Page 2-10**

- 18VAC30-21-140(E)(2) – Consideration to allow tele-supervision of assistants
- 18VAC30-21-140(E)(1) – Consideration of the number of assistants supervised by a speech-language pathologist

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**New Business – Dr. King**

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**Next Meeting – Dr. King/Ms. Knachel**

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**Meeting Adjournment – Dr. King**

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This information is in **DRAFT** form and is subject to change.

# MISSION STATEMENT

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Our mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.

# Request for Comment on a Petition for Rulemaking

X

Promulgating Board: **Board of Audiology and Speech-Language Pathology**

Elaine J. Yeatts

Regulatory Coordinator: (804)367-4688

elaine.yeatts@dhp.virginia.gov

Agency Contact:

Leslie L. Knachel

Executive Director

(804)597-4130

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Contact Address:

Department of Health Professions

9960 Mayland Drive

Suite 300

Richmond, VA 23233

Chapter Affected:

18 vac 30 - **Regulations Governing the Practice of Audiology and Speech-  
21: Language Pathology**

Statutory Authority: State: Chapters 24 and 26 of Title 54.1

Date Petition Received 09/09/2021

Petitioner

Rebecca Delbridge

## **Petitioner's Request**

To allow for supervision of assistants by speech-language pathologists via telepractice.

## **Agency Plan**

The petition will be published on October 11, 2021 in the Register of Regulations and also posted on the Virginia Regulatory Townhall at [www.townhall.virginia.gov](http://www.townhall.virginia.gov) to receive public comment ending November 10, 2021. Following receipt of all comments on the petition to amend regulations, the Board will decide whether to make any changes to the regulatory language. This matter may also be discussed at the Board meeting on October 19, 2021 in the context of a periodic review of regulations. The petitioner will be informed of its decision.

Publication Date 10/11/2021 *(comment period will also begin on this date)*

Comment End Date 11/10/2021



# COMMONWEALTH OF VIRGINIA

## Board of Audiology & Speech-Language Pathology

9960 Mayland Drive, Suite 300  
Richmond, Virginia 23233-1463

(804) 367-4630 (Tel)  
(804) 527-4471 (Fax)

Note: As of June 1, 2019, the Boards phone number will change to: (804) 597-4132

### Petition for Rule-making

The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board to develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow written comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition. If the board has not met within that 90-day period, the decision will be issued no later than 14 days after it next meets.

<b>Please provide the information requested below. (Print or Type)</b>		
Petitioner's full name (Last, First, Middle initial, Suffix,)		
Delbridge, Rebecca A		
Street Address	Area Code and Telephone Number	
1200 GARTH CT	919-616-6262	
City	State	Zip Code
Virginia Beach	VA	23454
Email Address (optional)	Fax (optional)	
rebecca.a.delbridge@gmail.com		

**Respond to the following questions:**

1. What regulation are you petitioning the board to amend? Please state the title of the regulation and the section/sections you want the board to consider amending. 18VAC30-21-140. Supervisory responsibilities; supervision of unlicensed assistants.  
 E. Supervision of an assistant in speech-language pathology.  
 2. The speech-language pathologist shall provide the level of supervision to the speech-language pathologist assistant necessary to ensure quality of care to include onsite supervision of at least two client sessions for each assistant being supervised every 30 days to directly observe and evaluate the performance of the assistant. The speech-language pathologist shall document such onsite observation and evaluation in the client record for each session.
2. Please summarize the substance of the change you are requesting and state the rationale or purpose for the new or amended rule.  
 I am requesting to change the verbiage of supervision requirements from "onsite" supervision to "direct supervision via onsite or telepractice". This will ensure that every speech language pathologist assistant is able to work to their full potential of which they have been trained while guaranteeing adequate supervision for best therapy provision to clients. There are many school divisions in rural areas that are unable to access speech-language pathologists, but are able to access fully trained speech language pathology assistants. This will ensure students are still able to receive quality speech therapy services despite location, use of telepractice, or a student's inability to attend school due to public health emergencies. Proposed verbiage:  
 E. Supervision of an assistant in speech-language pathology  
 2. The speech-language pathologist shall provide the level of supervision to the speech-language pathologist assistant necessary to ensure quality of care to include direct supervision, via onsite or telepractice, of at least two client sessions for each assistant being supervised every 30 days to directly observe and evaluate the performance of the assistant. The speech-language pathologist shall document such direct observation and evaluation in the client record for each session.
3. State the legal authority of the board to take the action requested. In general, the legal authority for the adoption of regulations by the board is found in § 54.1-2400 of the Code of Virginia. If there is other legal authority for promulgation of a regulation, please provide that Code reference.

No other code reference

Signature: Rebecca A Delbridge MS CCC SLP Date: 8/12/21

## Comments on Delbridge Petition

10/14/21 10:34 am

**Commenter:** Luke

### **Please Allow Supervision via Telemedicine**

Allowance of speech language pathologists to supervise assistants via telemedicine makes workplaces safer and modernizes SLP practice. Please allow this to happen.

CommentID: 109893

10/17/21 7:56 pm

**Commenter:** Chriss

### **Funding will come from ...?**

Before we add positions we must ask if we have the funding and if not, where will the funding come from? If TELE-conference why not have parents participate if supervision is deemed essential? Maybe I don't understand fully but if it's accesible via computer screen then more than one person can be at each end. It shouldn't have to cost tax payer \$ when we're in an already crazy-bad economy due to poor leadership on all levels AND we have such a shortage of teachers anyway. This sounds like one mom who wants a babysitter for her kid's tele-class. If I'm wrong, pardon. If I'm right, none of us deserve/have earned special treatment or favor.

CommentID: 115011

10/18/21 11:29 am

**Commenter:** Terri

### **Allow the use of telemedicine for the supervision of SLPAs & increase the number allowed to supervis**

ITCVA is in favor of allowing Speech language pathologists to use telemedicine to supervise speech language pathology assistants. We are also in favor of increasing the number of SLPAs allowed to be supervised by each SLP from 2 to allowing each SLP to determine how many they are capable of supervising. This grows the capacity of this specialized field and allows better access for families with children needing the service. Thank you for your consideration.

CommentID: 116534

10/19/21 2:58 pm

**Commenter:** Mary Ellen Plitt

### **Telemedicine in the Supervision of speech-language assistants**

It is essential that families participating in early intervention services receive these services in their natural environments. Many families in Virginia live in areas where there is a shortage of providers and SLPAs are an answer to providing quality services in those areas. In order to increase access for families with infants and toddlers eligible for early intervention services, we need to allow for flexibility with regards to how SLPAs are supervised. I support the use of telemedicine for supervisoin by an SLP and I also support allowing the SLP or the SLP's employing agency to determine the number of SLPAs that can be effectively supervised by that SLP.

CommentID: 116539

11/10/21 5:31 am

**Commenter:** Ruman

**Speech-language pathologists**

Speech-language pathologists and audiologists assess, diagnose, treat, and help to prevent speech and hearing problems caused by accidents, diseases, and genetic disorders.

CommentID: 116714

October 5, 2021

Elaine Yeatts  
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Leslie Knachel  
Executive Director VA BASLP  
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Virginia Board of Audiology & Speech-Language Pathology

**RE: Petition to amend 18VAC30-21-140**

Dear Ms. Yeatts, Ms. Knachel, and the VABASLP,

I am writing in response to the petition to amend 18VAC30-21-140 Supervisory responsibilities; supervision of unlicensed assistants, specifically:

E. Supervision of an assistant in speech-language pathology.

2. The speech-language pathologist shall provide the level of supervision to the speech-language pathologist assistant necessary to ensure quality of care to include onsite supervision of at least two client sessions for each assistant being supervised every 30 days to directly observe and evaluate the performance of the assistant. The speech-language pathologist shall document such onsite observation and evaluation in the client record for each session.

The petitioner is requesting the verbiage be changed to “direct supervision via onsite or telepractice”.

I understand the rationale for the request, which is reasonable. Additionally, understand that the VABASLP does not license, regulate or discipline SLP Assistants, however this request raises some issues for further Board consideration:

- Is the SLP Assistant providing services at the same physical location as the physically present licensed SLP supervisor. If that is the case, this would seem to be a reasonable modification. If not, this would be of concern. So additional clarification of language would be warranted.
- Is the SLP Assistant being supervised via synchronous telecommunication technology/videoconferencing by secure means. It seems the language would need to be specific in this regard.
- This would imply viewing of recorded sessions is not appropriate to meet the requirement for direct supervision.
- Additionally, it seems telehealth/telepractice supervision would not include email, instant messaging, telephone or fax.
- Is the SLP Assistant providing services via telepractice. This is not specifically addressed in the Code. Nor is that the request here, but there is some implication for it and should be a consideration too.
- If the SLP Assistant does provide services via telepractice, the supervising licensed SLP would need to determine whether or not the SLP Assistant had the professional and technical skills to provide teletherapy.

I appreciate the VABSLP’s attention to this matter. Thank you for your consideration.

Most sincerely,  
Laura Purcell Verdun, M.A., CCC/SLP

Cc: Laura Jackson

Excerpts from the [Laws Governing Audiology and Speech-Language Pathology](#)

**§ 54.1-2605. Practice of assistant speech-language pathologists.**

A person who has met the qualifications prescribed by the Board may practice as an assistant speech-language pathologist in accordance with regulations of the Board and may perform limited duties that are otherwise restricted to the practice of a speech-language pathologist under the supervision and direction of a licensed speech-language pathologist.

2014, c. [661](#); 2016, c. [77](#).

Excerpts from the [Regulations Governing the practice of Audiology and Speech-Language Pathology](#) (effective date 10/15/20):

**18VAC30-21-140. Supervisory responsibilities; supervision of unlicensed assistants.**

A. Responsibility of a licensee.

1. A licensed audiologist who supervises unlicensed assistants shall document such supervision, shall be held fully responsible for their performance and activities, and shall ensure that they perform only those activities that do not constitute the practice of audiology and that are commensurate with their level of training.

2. A licensed speech-language pathologist who supervises unlicensed assistants shall document such supervision, shall be held fully responsible for their performance and activities, and shall ensure that they perform only those activities that do not constitute the practice of speech-language pathology and that are commensurate with their level of training.

a. A speech-language pathologist shall not supervise an assistant without the speech-language pathologist's knowledge and consent by the assistant and the licensee documented prior to assumption of supervisory responsibilities.

b. The frequency in which the speech-language pathologist personally delivers treatment or services to a client who is receiving some services from an assistant shall be up to the professional judgment of the speech-language pathologist and shall be determined by the treatment needs of the client, the type of services being provided, and the setting in which the client is being served, but shall occur at least every 30 days.

3. The identity of the unlicensed assistant shall be disclosed to the client prior to treatment and shall be made a part of the client's file.

B. Qualifications of a speech-language pathologist assistant.

1. A person acting as a speech-language pathologist assistant shall have:



a. A bachelor's degree or associate's degree and documented training by a licensed speech-language pathologist in topics related to the client population to be served; or

b. Employment as a speech-language pathologist assistant in a United States jurisdiction within the last five years preceding July 27, 2016.

2. A speech-language pathologist supervising an assistant shall be responsible for determining that the knowledge, skills, and clinical experience of the assistant are sufficient to ensure competency to perform all tasks to which the assistant is assigned. The speech-language pathologist shall document competency after training and direct observation of the assistant's performance of such tasks, and a record of skills and competencies shall be maintained.

C. Scope of practice of a speech-language pathologist assistant. After demonstration and documentation of competency for the duties to be assigned, an assistant shall only engage in those duties planned, designed, and supervised by a licensed speech-language pathologist, to include the following:

1. Assist with speech, language, and hearing screenings without clinical interpretation of results.

2. Assist during assessment of a client exclusive of administration or interpretation.

3. Perform activities for each session that are routine and do not require professional judgment, in accordance with a plan developed and directed by the speech-language pathologist who retains the professional responsibility for the client.

4. Document a client's performance and report information to the supervising speech-language pathologist.

5. Assist with programming augmentative and alternative communication devices and assist the client in repetitive use of such devices.

6. Sign or initial informal treatment notes and, upon request, co-sign formal documents with the supervising speech-language pathologist.

7. Engage in the following activities:

a. Preparing materials;

b. Scheduling appointments and activities;

c. Preparing charts, records, or graphs and performing other clerical duties;

d. Performing checks and maintenance of equipment; and

e. Assisting a client with transitioning to and from therapy sessions.

8. Perform duties not otherwise restricted to the practice of speech-language pathology.

D. A speech-language pathologist assistant shall not engage in the practice of speech-language pathology, including the following:

1. Represent himself as a speech-language pathologist.
2. Perform standardized or nonstandardized diagnostic tests or formal or informal evaluations.
3. Perform procedures that require a professional level of clinical acumen and technical skill.
4. Tabulate or interpret results and observations of feeding and swallowing evaluations or screenings performed by a speech-language pathologist.
5. Participate in formal conferences or meetings without the presence of the supervising speech-language pathologist.
6. Provide interpretative information to the client, the family of the client, or others regarding the client's status or service.
7. Write, develop, or modify a client's treatment plan.
8. Assist in or provide services as specified in subsection C of this section unless directed by the supervising speech-language pathologist.
9. Sign any formal documents in lieu of the supervising speech-language pathologist.
10. Select a client for service or discharge a client from service.
11. Make a decision on the need for additional services or make referrals for service.
12. Disclose clinical or confidential information either orally or in writing to anyone other than the supervising speech-language pathologist, unless mandated by law or authorized by the supervising speech-language pathologist.
13. Develop or determine the swallowing or feeding strategies or precautions for a client or provide feeding or swallowing treatment.

E. Supervision of an assistant in speech-language pathology.

1. The practice of an assistant shall only be supervised by a speech-language pathologist who retains full legal and ethical responsibility for the client. A speech-language pathologist shall only supervise the equivalent of two full-time assistants.
2. The speech-language pathologist shall provide the level of supervision to the speech-language pathologist assistant necessary to ensure quality of care to include onsite supervision

of at least two client sessions for each assistant being supervised every 30 days to directly observe and evaluate the performance of the assistant. The speech-language pathologist shall document such onsite observation and evaluation in the client record for each session.