

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 363

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

DISCUSSION DRAFT

AN ACT

RELATING TO LICENSURE; ADDING SCOPE OF PRACTICE AND LICENSURE
REQUIREMENTS FOR SPEECH-LANGUAGE PATHOLOGY ASSISTANTS;
REQUIRING SUPERVISION FOR CERTAIN ACTIVITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-14B-2 NMSA 1978 (being Laws 1996,
Chapter 57, Section 2, as amended) is amended to read:

"61-14B-2. DEFINITIONS.--As used in the Speech-Language
Pathology, Audiology and Hearing Aid Dispensing Practices Act:

A. "apprentice" means a person working toward full
licensure in speech-language pathology who meets the
requirements for licensure as an apprentice in speech and
language pursuant to the Speech-Language Pathology, Audiology
and Hearing Aid Dispensing Practices Act;

B. "appropriate supervisor" means a person licensed

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1 pursuant to the provisions of the Speech-Language Pathology,
2 Audiology and Hearing Aid Dispensing Practices Act who has a
3 minimum of two years' experience as a speech-language
4 pathologist after the clinical fellowship year;

5 C. "auditory trainer" means a custom-fitted FM
6 amplifying instrument other than a hearing aid designed to
7 enhance signal-to-noise ratios;

8 D. "audiologist" means a person who engages in the
9 practice of audiology, who may or may not dispense hearing aids
10 and who meets the qualifications set forth in the Speech-
11 Language Pathology, Audiology and Hearing Aid Dispensing
12 Practices Act;

13 E. "bilingual-multicultural endorsement" means an
14 endorsement that is issued pursuant to the Speech-Language
15 Pathology, Audiology and Hearing Aid Dispensing Practices Act
16 to a qualified speech-language pathologist and that recognizes
17 the licensee's or applicant's demonstrated proficiency in the
18 use of languages other than English to provide speech-language
19 pathology services;

20 F. "board" means the speech-language pathology,
21 audiology and hearing aid dispensing practices board;

22 G. "business location" means a permanent physical
23 business location in New Mexico where records can be examined
24 and process served;

25 H. "certification by a national professional

1 association" means certification issued by a board-approved
2 national speech-language or hearing association;

3 I. "clinical fellow" means a person who has
4 completed all academic course work and practicum requirements
5 for a master's degree or the equivalent in speech-language
6 pathology and engages in the practice of speech-language
7 pathology as set forth in the provisions of the Speech-Language
8 Pathology, Audiology and Hearing Aid Dispensing Practices Act;

9 J. "clinical fellowship year" or "CFY" means the
10 time following the completion of all academic course work and
11 practicum requirements for a master's degree in speech-language
12 pathology and during which a clinical fellow is working toward
13 certification by a national professional association;

14 K. "department" means the regulation and licensing
15 department;

16 L. "direct supervision" means on-site, in-view
17 observation and guidance by a supervisor of a speech-language
18 pathology assistant while the speech-language pathology
19 assistant performs a clinical activity;

20 [~~L.~~] M. "hearing aid" means a wearable instrument
21 or device designed or offered for the purpose of aiding or
22 compensating for impaired human hearing and any parts,
23 attachments or accessories, including earmolds but excluding
24 batteries and cords;

25 [~~M.~~] N. "hearing aid dispenser" means a person

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1 other than an audiologist or an otolaryngologist who is
2 licensed to sell, fit and service hearing aids pursuant to the
3 Speech-Language Pathology, Audiology and Hearing Aid Dispensing
4 Practices Act and maintains or occupies a permanent physical
5 business location in New Mexico where records can be examined
6 and process can be served;

7 O. "indirect supervision" means overall direction
8 and control by a supervisor of a speech-language pathology
9 assistant's work without the supervisor's presence during the
10 performance of the work;

11 P. "medically fragile" means a person who is
12 acutely ill or in an unstable condition;

13 [~~N.~~] Q. "otolaryngologist" means a licensed
14 physician who has completed a recognized residency in
15 otolaryngology and is certified by the American board of
16 otolaryngology;

17 [~~Q.~~] R. "paraprofessional" means a person who
18 provides adjunct speech-pathology or audiology services under
19 the direct supervision of a licensed speech-language
20 pathologist or audiologist;

21 [~~P.~~] S. "practice of audiology" means the
22 application of principles, methods and procedures of
23 measurement, testing, appraisal, prognostication, aural
24 rehabilitation, aural habilitation, consultation, hearing aid
25 selection and fitting, counseling, instruction and research

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1 related to hearing and disorders of hearing for the purpose of
2 nonmedical diagnosis, prevention, identification, amelioration
3 or the modification of communicative disorders involving
4 speech, language auditory function or other aberrant behavior
5 related to hearing disorders;

6 [Q-] T. "practice of hearing aid dispensing" means
7 the behavioral measurement of human hearing for the purpose of
8 the selection and fitting of hearing aids or other
9 rehabilitative devices to ameliorate the dysfunction of hearing
10 sensitivity; this may include otoscopic inspection of the ear,
11 fabrication of ear impressions and earmolds, instruction,
12 consultation and counseling on the use and care of these
13 instruments, medical referral when appropriate and the analysis
14 of function and servicing of these instruments involving their
15 modification or adjustment;

16 [R-] U. "practice of speech-language pathology"
17 means the rendering or offering to render to individuals,
18 groups, organizations or the public any service in speech or
19 language pathology involving the nonmedical application of
20 principles, methods and procedures for the measurement,
21 testing, diagnosis, prognostication, counseling and instruction
22 related to the development and disorders of communications,
23 speech, fluency, voice, verbal and written language, auditory
24 comprehension, cognition, dysphagia, oral pharyngeal or
25 laryngeal sensorimotor competencies and treatment of persons

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1 requiring use of an augmentative communication device for the
2 purpose of nonmedical diagnosing, preventing, treating and
3 ameliorating such disorders and conditions in individuals and
4 groups of individuals;

5 [S.] V. "screening" means a pass-fail procedure to
6 identify individuals who may require further assessment in the
7 areas of speech-language pathology, audiology or hearing aid
8 dispensing;

9 [F.] W. "speech-language pathologist" means a
10 person who engages in the practice of speech-language pathology
11 and who meets the qualifications set forth in the Speech-
12 Language Pathology, Audiology and Hearing Aid Dispensing
13 Practices Act;

14 X. "speech-language pathology assistant" means a
15 person who assists in the practice of speech-language pathology
16 and who meets the qualifications set forth in the Speech-
17 Language Pathology, Audiology and Hearing Aid Dispensing
18 Practices Act;

19 [U.] Y. "sponsor" means a licensed hearing aid
20 dispenser, audiologist or otolaryngologist who has an
21 endorsement to dispense hearing aids and:

22 (1) is employed in the same business location
23 where the trainee is being trained; and

24 (2) has been actively engaged in the
25 dispensing of hearing aids during three of the past five years;

1 [V-] Z. "student" means a person who is a full- or
2 part-time student enrolled in an accredited college or
3 university program in speech-language pathology, audiology or
4 communicative disorders;

5 [W-] AA. "supervisor" means a speech-language
6 pathologist or audiologist licensed pursuant to the provisions
7 of the Speech-Language Pathology, Audiology and Hearing Aid
8 Dispensing Practices Act who maintains a national certification
9 and provides supervision in the area of speech-language
10 pathology or audiology; and

11 [X-] BB. "trainee" means a person working toward
12 full licensure as a hearing aid dispenser under the direct
13 supervision of a sponsor."

14 SECTION 2. A new Section 61-14B-3.3 NMSA 1978 is enacted
15 to read:

16 "61-14B-3.3. [NEW MATERIAL] SCOPE OF PRACTICE--SPEECH-
17 LANGUAGE PATHOLOGY ASSISTANT.--

18 A. The scope of practice for a speech-language
19 pathology assistant is to provide services that are planned,
20 selected or designed by the speech-language pathology
21 assistant's supervisor. The speech-language pathology
22 assistant's supervisor may delegate to a speech-language
23 pathology assistant and supervise certain acts, tasks or
24 procedures that fall within the scope of speech-language
25 pathology practice but do not exceed the speech-language

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1 pathology assistant's education or training. The board shall
2 promulgate rules pertaining to those acts, tasks or procedures
3 that a speech-language pathology assistant may or may not
4 perform under the supervision of the speech-language pathology
5 assistant's supervisor.

6 B. A speech-language pathology assistant shall
7 self-identify as an assistant in speech-language pathology to
8 families, students, patients, clients, staff and others, which
9 includes using the terms "speech pathology assistant", "speech
10 pathologist assistant", "speech-language pathology support
11 personnel", "speech therapy assistant", "speech therapist
12 assistant", "speech teacher assistant", "speech monitor",
13 "speech correction assistant", "speech correctionist
14 assistant", "speech clinic assistant", "speech clinician
15 assistant", "language therapy assistant", "language therapist
16 assistant", "language pathology assistant", "language
17 pathologist assistant", "language specialist assistant", "voice
18 therapy assistant", "voice therapist assistant", "voice
19 pathologist assistant", "logopedics assistant", "logopedist
20 assistant", "communicology assistant", "communicologist
21 assistant", "communication specialist assistant", "aphasiology
22 assistant", "aphasiologist assistant", "phoniatrist assistant"
23 or any variation, synonym, coinage or other word that
24 expresses, employs or implies these terms, names or functions."

25 SECTION 3. A new Section 61-14B-15.2 NMSA 1978 is enacted

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1 to read:

2 "61-14B-15.2. [NEW MATERIAL] REQUIREMENTS FOR LICENSURE--
3 SPEECH-LANGUAGE PATHOLOGY ASSISTANT.--

4 A. A license to practice as a speech-language
5 pathology assistant shall be issued by the board to a person
6 who:

7 (1) files a completed application accompanied
8 by the required fees and documentation;

9 (2) is employed in a position that requires
10 licensure as a speech-language pathology assistant;

11 (3) demonstrates competency in the skills
12 required of a speech-language pathology assistant; and

13 (4) provides satisfactory evidence that the
14 applicant has met educational, supervisory and employment
15 requirements pursuant to any one of the following options,
16 which shall include documentation showing that the applicant:

17 (a) has completed an associate's degree
18 or certificate in a speech-language pathology assistant program
19 from an accredited program or university; or

20 (b) has completed a baccalaureate degree
21 in speech-language pathology or communicative disorders from an
22 accredited college or university and is completing, or has
23 completed, at least one hundred clinical hours of field work
24 experience under direct supervision within one year from the
25 date of licensure as a speech-language pathology assistant.

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1 B. Failure to timely complete the clinical hours
2 required in Subparagraph (b) of Paragraph (4) of Subsection A
3 of this section shall result in termination of the speech-
4 language pathology assistant license."

5 SECTION 4. Section 61-14B-19 NMSA 1978 (being Laws 1996,
6 Chapter 57, Section 19, as amended) is amended to read:

7 "61-14B-19. LICENSE RENEWAL.--

8 A. Each licensee shall renew the licensee's license
9 biennially by submitting a renewal application as provided for
10 in the board's regulations. The board may require proof of
11 continuing education as a requirement for renewal. The board
12 may establish a method to provide for staggered biennial terms.
13 The board may authorize license renewal for one year to
14 establish the renewal cycle.

15 B. A sixty-day grace period shall be allowed to
16 each licensee after each licensing period. A license may be
17 renewed during the grace period upon payment of a renewal fee
18 and a late fee as prescribed by the board.

19 C. Any license not renewed by the end of the grace
20 period will be considered expired and the licensee shall not be
21 eligible to practice within the state until the license is
22 renewed. The board shall develop rules regarding requirements
23 for renewal of an expired license and may require the licensee
24 to reapply as a new applicant.

25 D. Clinical fellow licenses may be renewed annually

1 for no more than three years; provided the clinical fellow has
2 submitted evidence of passing a recognized standard national
3 examination in speech-language pathology prior to or within the
4 clinical fellow's second year of the CFY. The CFY license
5 shall not be renewed for a second year without evidence of
6 passing a recognized standard national examination in speech-
7 language pathology.

8 E. An apprentice in speech-language pathology shall
9 renew the apprentice's license annually; provided that the
10 apprentice is accepted into a master's-level program in speech-
11 language pathology or communicative disorders within two years
12 of initial licensing.

13 F. A speech-language pathology assistant shall
14 renew the speech-language pathology assistant's license
15 biennially by providing a completed board-approved license
16 application form, the required license fee and a completed
17 board-approved verification of education form certifying
18 education and clinical hours, if applicable, as outlined in
19 Section 61-14B-15.2 NMSA 1978.

20 G. A speech-language pathology assistant shall
21 obtain twenty hours of continuing education units every two
22 years.

23 [~~F.~~] H. The board may issue rules providing for
24 inactive status of licenses."

25 SECTION 5. Section 61-14B-20 NMSA 1978 (being Laws 1996,

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1 Chapter 57, Section 20, as amended) is amended to read:

2 "61-14B-20. FEES.--The board shall establish a schedule
3 of reasonable fees for applications, licenses, renewal of
4 licenses, exams, penalties and administrative fees. The
5 license and license renewal fees shall not exceed:

6 A. one hundred dollars (\$100) for clinical fellows,
7 [~~and~~] apprentices in speech and language and speech-language
8 pathology assistants;

9 B. two hundred dollars (\$200) for audiologists or
10 speech-language pathologists;

11 C. six hundred dollars (\$600) for hearing aid
12 dispensers;

13 D. four hundred dollars (\$400) for examinations;

14 E. one hundred dollars (\$100) for late renewal
15 fees;

16 F. four hundred dollars (\$400) for hearing aid
17 dispensing endorsement;

18 G. five hundred dollars (\$500) for a hearing aid
19 dispenser trainee license, which fee includes examination, both
20 written and practical;

21 H. one hundred dollars (\$100) for bilingual-
22 multicultural endorsement; and

23 I. reasonable administrative fees."

24 SECTION 6. A new section of the Speech-Language
25 Pathology, Audiology and Hearing Aid Dispensing Practices Act

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1 is enacted to read:

2 "[NEW MATERIAL] SPEECH-LANGUAGE PATHOLOGY ASSISTANT--
3 SUPERVISION REQUIREMENTS.--

4 A. A speech-language pathology assistant shall be
5 supervised by a speech-language pathologist who:

6 (1) is licensed pursuant to the
7 Speech-Language Pathology, Audiology and Hearing Aid Dispensing
8 Practices Act and maintains a national certification;

9 (2) is working at least half time as a speech-
10 language pathologist; and

11 (3) possesses a minimum of two years'
12 experience in the field of speech-language pathology.

13 B. A supervisor may provide direct supervision or
14 indirect supervision to a maximum of two speech-language
15 pathology assistants concurrently. During the first ninety
16 days of direct or indirect supervision, a supervisor shall
17 provide a minimum of fifty percent direct supervision and
18 twenty percent indirect supervision. Thereafter, a supervisor
19 shall provide a minimum of twenty percent direct supervision
20 and ten percent indirect supervision.

21 C. A supervisor shall:

22 (1) reduce the supervisor's direct workload or
23 caseload for each speech-language pathology assistant
24 supervised; and

25 (2) ensure the maintenance of high

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1 professional standards pursuant to ethical standards provided
2 in rule.

3 D. Direct supervision shall be required during:

4 (1) any direct client activity involving
5 medically fragile individuals; and

6 (2) any screening or treatment activity for
7 which the speech-language pathology assistant has been trained,
8 but that the speech-language pathology assistant has not yet
9 performed in direct client care.

10 E. Indirect supervision shall only be allowable
11 when the speech-language pathology assistant performs:

12 (1) non-client care activities, including
13 record keeping; materials preparation; scheduling; and
14 equipment maintenance; or

15 (2) client screening or treatment activities
16 for which a supervisor:

17 (a) has previously provided training;

18 (b) observed the speech-language
19 pathology assistant performing these activities; and

20 (c) is satisfied that the activities can
21 be competently performed by the speech-language pathology
22 assistant.

23 F. A supervisor shall provide direct supervision:

24 (1) at least fifty percent of the time during
25 completion of required clinical hours and for the first ninety

1 days subsequent to completion of required clinical hours; and

2 (2) one hundred percent of the time when
3 assisting with medically fragile students, patients or clients.

4 G. A supervisor shall document and update quarterly
5 direct supervision activities."

6 SECTION 7. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is January 1, 2020.

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