



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 260 CMR 1.00

CHAPTER TITLE: Standards, Complaint and Grievance Procedure

AGENCY: Board of Registration in Speech-Language Pathology and Audiology

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
This regulation establishes the types of actions by Speech-Language Pathologists, Audiologists, Speech-Language Pathology Assistants and Audiology Assistants that can be grounds for disciplinary action by the Board, and the process for hearing disciplinary actions.

REGULATORY AUTHORITY: M.G.L. c. 13, ss. 85 through 87 and c. 112, ss. 138 through 147

AGENCY CONTACT: Lynn Read, Board Counsel PHONE: (617) 727-4423

ADDRESS: Div. of Prof. Licensure, 1000 Washington Street, Suite 710, Boston, MA 02118

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

EO 562 approval received – 04/08/16

DHCD and MA Municipal Assoc. notified by letter – 05/31/16

Notice of Public Hearing published in Boston Globe & Springfield Republican – 06/20/16

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: Hearing on 07/21/16; comment ended on 08/04/16

413

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: None

For the first five years: None

No fiscal effect: No Fiscal Effect

SMALL BUSINESS IMPACT - M.G.L. c. 30A section 5 requires each agency to file an amended small business impact statement with the Secretary of the Commonwealth prior to the adoption of a proposed regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

Date amended small business impact statement was filed: 08/12/16

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:
Speech-Language Pathology, Audiology, Ethics, Standards of Practice, Professional Conduct, Licensure, Registration, Renewal, Reinstatement, Complaint, Adjudication, Sanctions

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

Amends 260 CMR 1.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: *Lynia P. Head* DATE: 8/16/16

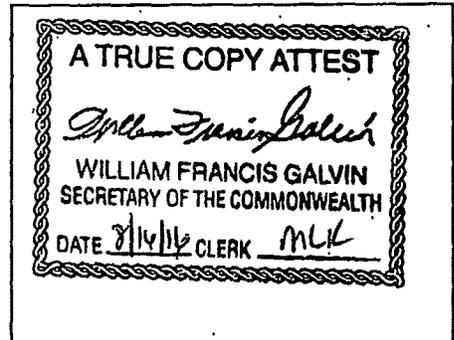
Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1321 DATE: 9/9/16

EFFECTIVE DATE: 9/9/16

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	Insert these pages:
1-8	1-8



407

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

Table of Contents

	<u>Page</u>
260 CMR 1.00: STANDARDS, COMPLAINT AND GRIEVANCE PROCEDURE	3
Section 1.01: Definitions	3
Section 1.02: Misrepresentation/Unlicensed Practice	5
Section 1.03: Grounds for Imposition of Disciplinary Sanctions	5
Section 1.04: Requirement to Respond to the Board	7
Section 1.05: Adjudicatory Hearing	7
Section 1.06: Disposition and Sanctions	7
260 CMR 2.00: APPLICATION AND LICENSING REQUIREMENTS	8.1
Section 2.01: Application Procedures	8.1
Section 2.02: Good Moral Character Requirement	8.1
Section 2.03: Educational, Supervised Professional Practice, and Examination Requirements	8.3
Section 2.04: Reciprocal Licensure	8.4
(260 CMR 3.00 AND 4.00: RESERVED)	9
260 CMR 5.00: RENEWAL PROCEDURES	11
Section 5.01: License Renewal	11
Section 5.02: Late Filing Fee	11
Section 5.03: Dual Licensure in Speech-Language Pathology and Audiology	11
Section 5.04: Procedures for Renewal of a Lapsed/Expired License	11
(260 CMR 6.00: RESERVED)	13
260 CMR 7.00: CONTINUING EDUCATION	15
Section 7.01: Scope and Purpose	15
Section 7.02: Continuing Education Requirements	15
Section 7.03: Evaluation and Verification of Continuing Education Hours and Programs	16
260 CMR 8.00: LOCATION OF LICENSEES	17
Section 8.01: Board Notification of Change in Name or Address	17
(260 CMR 9.00: RESERVED)	19
260 CMR 10.00: USE AND SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY ASSISTANTS	21
Section 10.01: Supervision and Documentation	21
Section 10.02: Scope of Practice	21
Section 10.03: Code of Ethics	22

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

NON-TEXT PAGE

4/10

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

260 CMR 1.00: STANDARDS, COMPLAINT AND GRIEVANCE PROCEDURE

Section

- 1.01: Definitions
- 1.02: Misrepresentation and Unlicensed Practice
- 1.03: Grounds for Imposition of Disciplinary Sanctions
- 1.04: Requirement to Respond to the Board
- 1.05: Adjudicatory Hearing
- 1.06: Disposition and Sanctions

1.01: Definitions

For purposes of 260 CMR the following terms shall have the following meanings.

Aide. A person who performs non-treatment activities for a Speech-language Pathologist, Audiologist, or for a Speech-language Pathology Assistant or Audiology Assistant.

ASHA. The American Speech-Language-Hearing Association

ASHA Code of Ethics. *American Speech-Language-Hearing Association, 2016, Code of Ethics*, available from <http://www.asha.org/policy>, [Ethics], adopted by the Board for practice as a Speech-Language Pathologist or Audiologist.

Audiologist. Any person who is duly licensed as an Audiologist by the Board and who engages in the practice of Audiology.

Audiology. The application of principles, methods, and procedures in diagnostics and non-medical treatment of hearing and balance disorders, and consultation and remediation of such disorders. Services may include testing of hearing and balance; recommendation and dispensing of amplification including hearing aids and assistive listening devices; recommendation and management of implantable hearing-related devices; implementation and facilitation of aural habilitation and rehabilitation programs; recommendation and implementation of environmental modifications and educational accommodations; and facilitation of hearing conservation programs.

Audiology Assistant. A person duly certified by the Board who assists in the practice of Audiology and who works under the supervision and direction of a duly licensed Audiologist.

Board. Board shall refer to the Board of Registration for Speech-language Pathology and Audiology of the Commonwealth of Massachusetts.

Board Recognized Entity. ASHA, Massachusetts Speech-Language-Hearing Association, American Academy of Audiology or such other entities as the Board may approve.

Client. Anyone to whom a licensee is providing services, including but not limited to a patient or student.

Continuing Education Activities. Continuing education activities consist of:

- (a) Continuing Education Program. A formal learning program with specific learning objectives relevant to the science or practice of Speech-language Pathology or Audiology that is approved by a Board Recognized Entity;
- (b) Continuing Education Academic Course. A graduate level course relevant to the science or practice of Speech-language Pathology or Audiology offered by an accredited university or institution of higher education; and

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

1.01: continued

(c) Continuing Education Publication. A published book, a chapter of a published book, and/or an article in a refereed journal or published by a Board Recognized Entity, where the book, chapter or article is relevant to the science or practice of Speech-language Pathology or Audiology and is authored in whole or in part by the licensee and submitted as part of a Continuing Education requirement pursuant to 260 CMR 7.00: *Continuing Education*.

Continuing Education Hour. The unit of measurement for a Continuing Education Activity lasting 60 consecutive minutes.

Continuing Education Unit (CEU). A CEU is the ASHA standard for continuing education as established by the International Association for Continuing Education and Training. 0.1 CEU is equivalent to one Continuing Education Hour.

Direct Supervision. Direct supervision means on-site and in-view observation and guidance of an assistant who is performing an assigned activity during patient/client contact time. The supervisor will review data for all patients/clients seen by the assistant.

Division. The Division of Professional Licensure.

Indirect Supervision. Indirect Supervision means the oversight, other than direct observation, of activities performed by an assistant in order to provide guidance. Such indirect supervision may include demonstration; record review; review and evaluation of recorded sessions; and supervisory conferences that may be conducted by telephone. The supervisor shall review data for all patients/clients seen by the assistant.

License. For the purposes of 260 CMR 1.00 through 10.00, the term "license" or "licensed" shall mean the authority to practice as a Speech-language Pathologist or Audiologist through licensure by the Board, or the authority to practice as a Speech-language Pathology Assistant or Audiology Assistant through certification by the Board.

Licensee. For the purposes of 260 CMR 1.00 through 10.00, the term "licensee" shall include Speech-Language Pathologists and Audiologists licensed by the Board and Speech-Language Pathology Assistants and Audiology Assistants certified by the Board except where specified.

Plan of Care (Treatment Plan). This terminology includes, but is not limited to, the "Plan of Care", "Individualized Education Program (IEP)", or "Individualized Family Service Plan (IFSP)", and other titles that outline the care of the patient/client.

Screening. A pass-fail procedure to identify people who may require further assessment.

Speech-language Pathologist. Any person who is duly licensed as a Speech-language Pathologist by the Board and who engages in the practice of Speech-language Pathology.

Speech-language Pathology.

(a) The application of principles, methods, and procedures for the measurement, testing, identification, appraisal, prediction, consultation, counseling, instruction and research related to the development and disorders of speech, voice, language, or swallowing for the purpose of diagnosing, designing and implementing programs for the amelioration of such disorders and conditions.

(b) The performance of nondiagnostic audiological screening, either for purposes of performing a speech and language evaluation or for the initial identification of individuals with other communication disorders.

(c) The provision of aural habilitation/rehabilitation services, for which the Speech-Language Pathologist has been properly trained, to persons with hearing loss.

Speech-language Pathology Assistant. A person duly certified by the Board who assists in the practice of Speech-language Pathology and who works under the supervision and direction of a duly licensed Speech-language Pathologist.

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

1.01: continued

Supervising Audiologist. An Audiologist licensed by the Board, in good standing, who has been practicing for at least two years following licensure.

Supervising Speech-Language Pathologist. A Speech-Language Pathologist licensed by the Board, in good standing, who has been practicing for at least two years following licensure.

1.02: Misrepresentation and Unlicensed Practice

(1) No person may represent oneself or one's services by using the words audiologist, Audiology assistant, audiometric technician, or Audiology or any similar titles or descriptions unless one has been duly licensed as an Audiologist or an Audiology Assistant. Use of such terms must properly reflect the Licensee's scope of practice as set out in regulatory definitions in 260 CMR 1.01 or scope of practice as defined in 260 CMR 10.03: *Code of Ethics*.

(2) No person may represent oneself, or one's services by using the words Speech-language Pathologist, speech-language pathology assistant, speech pathologist, speech therapist, speech correctionist, speech clinician, language pathologist, aphasiologist, voice pathologist, voice therapist, language therapist, logopedist, communication disorders, or any similar titles or descriptions unless one has been duly licensed as a Speech-language Pathologist or as a Speech-language Pathology Assistant. Use of such terms must properly reflect the Licensee's scope of practice as set out in regulatory definitions in 260 CMR 1.01 or scope of practice as defined in 260 CMR 10.03: *Code of Ethics*.

(3) No person shall engage in the practice of Audiology unless he or she is duly licensed by the Board.

(4) No person shall engage in the practice of Speech-language Pathology unless he or she is duly licensed by the Board.

(5) The student who has not completed his or her professional preparation must not provide Speech-language Pathology or Audiology services except in a supervised clinical practicum situation as part of his or her training. The student must not accept remuneration for services. The receipt of stipends for undergraduate or graduate study shall not be construed to violate 260 CMR 1.02(5).

1.03: Grounds for Imposition of Disciplinary Sanctions

The Board may, pursuant to 260 CMR 1.06, take disciplinary action against a Speech-language Pathologist or Audiologist or a Speech-language Pathology Assistant or Audiology Assistant. Grounds for such disciplinary action shall include but not be limited to:

(1) engaging in, authorizing, or aiding or abetting fraud, deceit, misrepresentation of material facts, the provision of false or forged evidence, or bribery in connection with any application for any License or certification which may be issued by the Board or in connection with any application for reinstatement of a License or certification issued by the Board;

(2) violating any provision of the laws of the Commonwealth relating to the practice of Speech-language Pathology and Audiology or any rule or regulation adopted thereunder;

(3) committing professional misconduct or negligence in the practice of Speech-language Pathology or Audiology;

(4) using drugs or alcohol to an extent which adversely affects his or her professional competence;

(5) having been convicted of any crime including any misdemeanor or felony under the law of the Commonwealth of Massachusetts, the United States or laws of another jurisdiction which if committed in Massachusetts would constitute a crime under Massachusetts law;

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

1.03: continued

- (6) having been disciplined by another state or jurisdiction, provided that the conduct disciplined in another state or jurisdiction constitutes a violation of Massachusetts law;
- (7) having continued to practice while his or her registration is lapsed/expired, suspended, or revoked;
- (8) failing to possess the appropriate qualifications as outlined in the M.G.L. c. 112, §§ 138 through 147, M.G.L. c. 13, §§ 85 through 87 and 260 CMR 2.00: *Application and Licensing Requirements*;
- (9) having provided services for which he or she is not appropriately licensed;
- (10) failing to charge fees that are commensurate with services rendered;
- (11) failing to take all reasonable precautions to avoid injuring persons in the delivery of professional services;
- (12) failing to conduct himself or herself professionally;
- (13) failing to hold responsibility for all Speech-language Pathology or Audiology services provided to persons being served by him or her;
- (14) failing to provide accurate information to persons served professionally and to the public about the nature and management of communication disorders, and about the profession and services rendered by its practitioners;
- (15) failing to maintain objectivity in all matters concerning the welfare of persons served professionally;
- (16) failing to establish and maintain an adequate, confidential, legible, secure, and accurate written case record for each patient, and failing to furnish or assist in furnishing a copy of the patient's case record to the patient to whom that record pertains, or to the patient's authorized representative, upon request.

Applicable only to Speech-language Pathologists and Audiologists:

- (17) failing to comply with the *ASHA 2016 Code of Ethics*, available from <http://www.asha.org/Code-of-Ethics/>;
- (18) failing to hold responsibility for all Speech-language Pathology or Audiology services provided by any of his or her agents, supervisors or employees, and shall be responsible for any and all acts or omissions of such agents or employees;
- (19) failing to dispense communication related products in observance with the following standards:
 - (a) Products associated with professional practice must be dispensed to persons served as a part of a program of comprehensive habilitative/rehabilitative care.
 - (b) Fees established for professional services must be determined independent of whether a product is dispensed.
 - (c) No professional shall require that any person served obtain a service or product from a particular source.
 - (d) Price information about professional services rendered and products dispensed must be disclosed by providing to persons served a complete schedule of fees and charges in advance of rendering services, which schedule differentiates between fees for professional services and charges for products dispensed.
 - (e) Products dispensed to the person served shall be evaluated to determine effectiveness.

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

1.04: Requirement to Respond to the Board

- (1) A licensee shall respond within 30 days to a written communication from the Board or its designee and shall make available to the Board any relevant and authorized records with respect to an inquiry or complaint about the licensee's professional conduct.
- (2) A licensee shall cooperate with any reasonable request from a Division agent or employee acting on behalf of the Board.

1.05: Adjudicatory Hearing

Whenever the Board determines that a complaint warrants an adjudicatory hearing, all adjudicatory proceedings before the Board are governed by M.G.L. c. 30A, M.G.L. c. 112, § 62, and 801 CMR 1.00: *Standard Adjudicatory Rules of Practice and Procedure* as promulgated by the Executive Office of Administration and Finance.

1.06: Disposition and Sanctions

The Board may, by a majority vote and upon determination made after a hearing pursuant to M.G.L. c. 30A, find that a licensee has violated the provisions of M.G.L. c. 112, §§ 138 through 147 or M.G.L. c. 112, § 61, 260 CMR, and impose sanctions, fines and penalties as set out in M.G.L. c.112, § 138 through 147, and M.G.L. c. 112, §§ 61 through 65F.

REGULATORY AUTHORITY

260 CMR 1.00: M.G.L. c. 112, §§ 138 through 147; c. 13, §§ 85 through 87.

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

NON-TEXT PAGE

Handwritten signature or initials



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 260 CMR 2.00

CHAPTER TITLE: Application and Licensing Requirements

AGENCY: Board of Registration in Speech-Language Pathology and Audiology

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
This regulation establishes the licensing application process and qualification requirements such as good moral character, education and degree, supervised professional practice and an examination for Speech-Language Pathologists, Audiologists, Speech-Language Pathology Assistants and Audiology Assistants.

REGULATORY AUTHORITY: M.G.L. c. 13, ss. 85 through 87 and c. 112, ss. 138 through 147

AGENCY CONTACT: Lynn Read, Board Counsel PHONE: (617) 727-4423

ADDRESS: Div. of Prof. Licensure, 1000 Washington Street, Suite 710, Boston, MA 02118

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

EO 562 approval received – 04/08/16

DHCD and MA Municipal Assoc. notified by letter – 05/31/16

Notice of Public Hearing published in Boston Globe & Springfield Republican – 06/20/16

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: Hearing on 07/21/16; comment ended on 08/04/16

42

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: None

For the first five years: None

No fiscal effect: No Fiscal Effect

SMALL BUSINESS IMPACT - M.G.L. c. 30A section 5 requires each agency to file an amended small business impact statement with the Secretary of the Commonwealth prior to the adoption of a proposed regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

Date amended small business impact statement was filed: 08/12/16

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:
Speech-Language Pathology, Audiology, Standards of Practice, License, Supervision, Character

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

Amends 260 CMR 2.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: *Lynn S. Head* DATE: 8/16/16

Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1321 DATE: 9/9/16

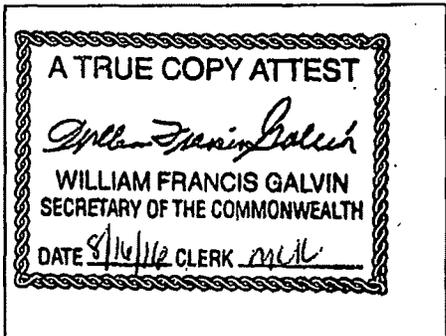
EFFECTIVE DATE: 9/9/16

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages: _____ Insert these pages: _____

8.1-8.4

8.1-8.4



4/27

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

260 CMR 2.00: APPLICATION AND LICENSING REQUIREMENTS

Section

- 2.01: Application Procedures
- 2.02: Good Moral Character Requirement
- 2.03: Educational, Supervised Professional Practice, and Examination Requirements
- 2.04: Reciprocal Licensure

2.01: Application Procedures

- (1) Application must be made on electronic or paper forms furnished by the Board. Applicants are required to have a full understanding of M.G.L. c. 112, §§ 138 through 147 and 260 CMR.
- (2) No application shall be acted upon by the Board unless said application is made on electronic or paper forms which are furnished by the Board, and unless said application is completely and properly filled out, signed under the penalties of perjury, includes designated fees, and is accompanied by such other information as the Board requires.
- (3) Before commencing employment in the Commonwealth as a Speech-language Pathologist, Audiologist, Speech-language Pathology Assistant, or Audiology Assistant the applicant must first secure a license from the Board.
- (4) There will be no proration of fees for those applying between renewal dates.
- (5) An individual seeking licensure as both a Speech-language Pathologist and an Audiologist must submit a separate application for each license and will be required to pay the relevant fees for each license.
- (6) An individual seeking licensure as both a Speech-language Pathology Assistant and an Audiology Assistant must submit a separate application for each license and will be required to pay the relevant fees for each license.

2.02: Good Moral Character Requirement

- (1) An application for registration as a Speech-language Pathologist, Audiologist, Speech-language Pathology Assistant, or Audiology Assistant, whether by examination pursuant to 260 CMR 2.03 or by reciprocity pursuant to 260 CMR 2.04, shall be accompanied by such written documentation as the Board may reasonably require in order to determine whether the applicant is of good moral character.
- (2) If the Board receives information about an applicant for registration which reasonably raises a question about whether that applicant is of good moral character, the Board shall conduct a further inquiry into the relevant facts and circumstances before making a final decision on the application.
 - (a) If the Board determines, in its discretion, that such steps are reasonably necessary, the Board may require the applicant to appear personally before the Board, and/or furnish additional written information to the extent permitted by applicable state or federal law.
 - (b) The burden of demonstrating that the applicant possesses the good moral character required for registration shall rest with the applicant.
- (3) Conduct which reasonably raises a question about whether an applicant possesses the good moral character required for registration includes, but is not necessarily limited to, any of the following:
 - (a) Conviction of any criminal offense, other than a routine traffic violation;
 - (b) Disciplinary action taken against any professional license, registration or certification held by the applicant, or denial of licensure, by the applicable governmental authority of any state, territory or political subdivision of the United States or Canada; or

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

2.02: continued

- (c) Conduct which is not within the meaning of 260 CMR 1.03: *Grounds for Imposition of Disciplinary Sanctions* or 2.02(3)(b), but which nevertheless involves any of the following:
1. Failure to exercise proper regard for the health, welfare, safety or legal rights of another person; or
 2. Fraud, deception or lack of honesty or truthfulness.

- (4) For purposes of 260 CMR 2.02(3), the term "conviction" means any of the following:
- (a) a final judgment entered after a jury verdict of guilty or a judicial finding of guilty;
 - (b) a plea of guilty;
 - (c) a plea of *nolo contendere* (no contest); or
 - (d) any other plea or finding which is treated by the court as a plea or finding of guilty.

The standards in 260 CMR 2.06(4)(a) through (d) shall apply regardless of the law of the jurisdiction in which the disposition occurred.

- (5) For purposes of 260 CMR 2.02(3), the term "disciplinary action" means any of the following:

- (a) Denial of a license, registration or certification for any reason other than failure to meet the educational, experiential or examination requirements established by applicable law or regulation for that license, registration or certification;
- (b) Refusal to issue a license, registration or certification for any reason other than failure to meet the educational, experiential or examination requirements established by applicable law or regulation for that license, registration or certification;
- (c) Revocation or suspension of a license, registration or certification;
- (d) Placement of a license, registration or certification on probation;
- (e) Issuance of a letter of censure;
- (f) Issuance of a written reprimand; or
- (g) Any other adverse action against the applicant's license, registration or certification which constitutes "disciplinary action" under the applicable laws and/or regulations of the jurisdiction in which that adverse action was taken.

- (6) In determining whether an application for registration should be denied because the applicant has been convicted of a criminal offense, within the meaning of 260 CMR 2.02(3)(a), or the applicant has been the subject of a disciplinary action by the applicable governmental authority of another jurisdiction, within the meaning of 260 CMR 2.02(3)(b), the Board shall consider all of the relevant facts and circumstances, including, but not limited to the following:

- (a) The nature of the criminal offense(s) or conduct which gave rise to the disciplinary action;
- (b) The date of the criminal conviction(s) or date of the disciplinary action;
- (c) The age of the applicant at the time of the criminal conviction(s) or age and level of professional experience at the time of the conduct which gave rise to the disciplinary action;
- (d) The number of criminal conviction(s) or number of disciplinary actions taken against the applicant;
- (e) The nature and severity of the sentence or sanction imposed for each criminal conviction or nature and severity of the disciplinary sanction(s) imposed;
- (f) Whether the conduct which gave rise to the criminal conviction or disciplinary action demonstrates an intentional or deliberate disregard for the life, health, safety or welfare of others;
- (g) Whether the conduct which gave rise to the criminal conviction involved the commission of acts of physical or sexual violence or coercion against another person;
- (h) Whether the conduct which gave rise to the criminal conviction or disciplinary action otherwise poses a continued or continuing risk to the health, safety or welfare of the public;
- (i) Whether the conduct which gave rise to the criminal conviction or disciplinary action involved trafficking in, or illegally manufacturing, controlled substances as defined by applicable state or federal law;
- (j) Whether the conduct which gave rise to the criminal conviction or disciplinary action involves fraud, deception, a lack of honesty, a lack of truthfulness or veracity, or a lack of personal integrity or trustworthiness;

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

2.02: continued

- (k) Whether there is a significant relationship between the conduct which gave rise to the criminal conviction or disciplinary action and the nature of the activities which the applicant will be authorized to perform if the registration is granted;

2.03: Educational, Supervised Professional Practice, and Examination Requirements

To be licensed as a Speech-language Pathologist, Audiologist, Speech-language Pathology Assistant, or Audiology Assistant, an applicant must be of good moral character and meet the following educational, clinical, supervised professional practice, and examination requirements. Where standards created by professional organizations are referenced, the Board does not require that licensees maintain membership in said organization. Additionally, where clinical supervision is required, the Board will accept supervision from a supervisor with a current license in good standing in Speech-language Pathology or Audiology in Massachusetts, or a current license in good standing in a state or territory with equivalent standards to those of Massachusetts, or a certificate from the appropriate professional organization.

(1) Applicants who apply for licensure as a Speech-Language Pathologist on or after October 1, 2016, or whose applications are pending as of that date, must submit evidence that the applicant meets the *2014 Standards for the Certificate of Clinical Competence in Speech-Language Pathology*, revised March 1, 2016, published by the ASHA Council for Clinical Certification in Audiology and Speech-Language Pathology and available at <http://www.asha.org/Certification/2014-Speech-Language-Pathology-Certification-Standards/>.

(2) Applicants who apply for licensure as an Audiologist on or after October 1, 2016, or whose applications are pending as of that date must submit evidence that the applicant either:

- (a) meets the January 1, 2012 *ASHA Standards and Implementation Procedures for a Certificate of Clinical Competence in Audiology* available at <http://www.asha.org/certification/2012-Audiology-Certification-Standards/>; or
(b) meets the April 1, 2012, requirements for board certification from the American Board of Audiology available at <http://www.boardofaudiology.org>.

(3) Applicants who apply for licensure as a Speech-language Pathology Assistant or Audiology Assistant must:

- (a) provide evidence of one of the following types of appropriate educational preparation;
1. possess an associate's degree in Speech-language Pathology or Audiology from a training program approved by a national certifying body; or
 2. possess a bachelor's degree with a major in Speech-language Pathology or Audiology; or
 3. possess a bachelor's degree and a certificate from a Board approved Speech-language Pathology or Audiology assistant program; or
 4. possess an associate degree, bachelor degree, or advanced degree, and demonstrate having successfully completed 18 semester credit hours of coursework in Speech-language Pathology and/or Audiology, six of which must be in disorders of speech, language, or hearing; or other coursework as the Board may approve.
- (b) Such applicants must also have completed 20 hours of observation of clinical practice by a licensed Speech-language Pathologist or Audiologist.

421

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

2.04: Reciprocal Licensure

The Board may, at its discretion and without examination, license a Speech-language Pathologist, an Audiologist, a Speech-language Pathology Assistant, or an Audiology Assistant who is duly licensed or registered under the laws of another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, or from a foreign country, state or province that requires an exam approved by the Board or a Board Recognized Entity. Such an applicant must hold a current valid license from another state, district, or territory or foreign country, state or province. The applicant must meet the requirements prescribed under 260 CMR in effect at the time of application. The applicant must report to the Board any previous reprimands, suspensions, or revocations of their license or any other Disciplinary Action. In its determination whether or not to reciprocally license an applicant, the Board may require any necessary documents for proper evaluation and payment of any relevant fees.

REGULATORY AUTHORITY

260 CMR 2.00: M.G.L. c. 112, §§ 138 through 147; c. 13, §§ 85 through 87.



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 260 CMR 5.00

CHAPTER TITLE: Renewal Procedures

AGENCY: Board of Registration in Speech-Language Pathology and Audiology

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
This regulation establishes the process to renew the licenses of Speech-Language Pathologists, Audiologists, Speech-Language Pathology Assistants and Audiology Assistants.

REGULATORY AUTHORITY: M.G.L. c. 13, ss. 85 through 87 and c. 112, ss. 65F and 138 through 147

AGENCY CONTACT: Lynn Read, Board Counsel PHONE: (617) 727-4423

ADDRESS: Div. of Prof. Licensure, 1000 Washington Street, Suite 710, Boston, MA 02118

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

EO 562 approval received - 04/08/16

DHCD and MA Municipal Assoc. notified by letter - 05/31/16

Notice of Public Hearing published in Boston Globe & Springfield Republican - 06/20/16

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: Hearing on 07/21/16; comment ended on 08/04/16

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: None

For the first five years: None

No fiscal effect: No Fiscal Effect

SMALL BUSINESS IMPACT - M.G.L. c. 30A section 5 requires each agency to file an amended small business impact statement with the Secretary of the Commonwealth prior to the adoption of a proposed regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

Date amended small business impact statement was filed: 08/12/16

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:
Speech-Language Pathology, Audiology, License, Renew, Renewal, Continuing Education

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

Amends 260 CMR 5.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: [Signature] DATE: 8/16/16

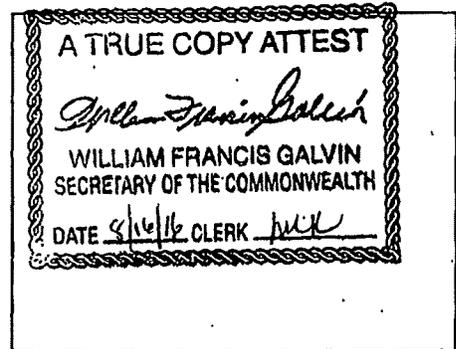
Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1321 DATE: 9/9/16

EFFECTIVE DATE: 9/9/16

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	Insert these pages:
11, 12	11, 12



430

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

260 CMR 5.00: RENEWAL PROCEDURES

Section

- 5.01: License Renewal
- 5.02: Late Filing Fee
- 5.03: Dual Licensure in Speech-language Pathology and Audiology
- 5.04: Procedures for Renewal of a Lapsed/Expired License

5.01: License Renewal

Licenses must be renewed every two years. The Board will issue licenses so as to establish a birth date expiration.

5.02: Late Filing Fee

Renewal forms and fees received after the due date will be subject to a late filing fee.

5.03: Dual Licensure in Speech-language Pathology and Audiology

An individual seeking licensure as a Speech-language Pathologist and Audiologist must submit a separate application for each discipline and will be required to pay the full license and application fee for each discipline.

An individual seeking licensure as a Speech-language Pathology Assistant and Audiology Assistant must submit a separate application for each discipline and will be required to pay the full license and application fee for each discipline.

5.04: Procedures for Renewal of a Lapsed/Expired License

(1) If a licensee fails to meet the license requirements for renewal of his or her license, the license of such person is considered lapsed or expired. A lapsed/expired license is a license not in good standing. A licensee with a lapsed/expired license is not authorized to practice Speech-language Pathology or Audiology in the Commonwealth of Massachusetts during the period that the license is lapsed/expired.

(2) Reinstatement of a lapsed/expired license where the licensee practiced as a Speech-language Pathologist, Audiologist, Speech-language Pathology Assistant, or Audiology Assistant during the period the license was lapsed/expired.

When an applicant for reinstatement applies to reinstate a license which has been lapsed/expired the application is subject to approval by the Board. The applicant for reinstatement must submit:

- (a) a completed renewal form;
- (b) payment of up to two past due renewal fees and a late fee, as required by the Board;
- (c) documentation satisfactory to the Board showing completion of Continuing Education Activities, as defined in 260 CMR 7.00: *Continuing Education*, as required by the Board;
- (d) submission of an affidavit signed under the pains and penalties of perjury by the Licensee listing the site(s) and date(s) where the Licensee has been practicing during the period the license was lapsed/expired;
- (e) any other pertinent information as required by the Board; and
- (f) the licensee may be required to personally appear before the Board.

(3) Reinstatement of a lapsed/expired license where the applicant for reinstatement did not practice as a Speech-language Pathologist, Audiologist, Speech-language Pathology Assistant, or Audiology Assistant during the period the license was lapsed/expired.

The applicant for reinstatement must submit the following:

- (a) completion of renewal form;
- (b) payment of current application fee, license fee, and a late fee;
- (c) submission of an affidavit signed under the pains and penalties of perjury attesting that the applicant has not been practicing Speech-language Pathology or Audiology during the period the license was lapsed/expired;

431

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

5.04: continued

- (d) completion of Continuing Education Activities, as defined in 260 CMR 7.00: *Continuing Education*, and as required by the Board.
- (e) Additionally, Speech-language Pathologists and Audiologists must submit documentation satisfactory to the Board evidencing one of the following:
 1. current ASHA certification; or
 2. achievement of a passing score on the National Examination, in Audiology or Speech-language Pathology, where the applicant passed such exam within six months of making the request for reinstatement,

REGULATORY AUTHORITY

260 CMR 5.00: M.G.L. c. 112, §§ 65F and 138 through 147; c. 13, §§ 85 through 87.

43



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 260 CMR 7.00

CHAPTER TITLE: Continuing Education

AGENCY: Board of Registration in Speech-Language Pathology and Audiology

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*

This regulation establishes requirements for continuing education and a process for the Board's evaluation and verification of continuing education courses attended by Speech-Language Pathologists, Speech-Language Pathology Assistants, Audiologists and Audiology Assistants.

REGULATORY AUTHORITY: M.G.L. c. 13, ss. 86 and 87 and c. 112, s. 139

AGENCY CONTACT: Lynn Read, Board Counsel PHONE: (617) 727-4423

ADDRESS: Div. of Prof. Licensure, 1000 Washington Street, Suite 710, Boston, MA 02118

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *If this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

EO 562 approval received – 04/08/16

DHCD and MA Municipal Assoc. notified by letter – 05/31/16

Notice of Public Hearing published in Boston Globe & Springfield Republican – 06/20/16

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: Hearing on 07/21/16; comment ended on 08/04/16

435

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: None

For the first five years: None

No fiscal effect: No Fiscal Effect

SMALL BUSINESS IMPACT - M.G.L. c. 30A section 5 requires each agency to file an amended small business impact statement with the Secretary of the Commonwealth prior to the adoption of a proposed regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

Date amended small business impact statement was filed: 08/12/16

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:
Speech-Language Pathology, Audiology, Continuing Education, Renewal, Audit

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

Amends 260 CMR 7.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: *Lynne S. Head* DATE: 8/16/16

Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1321 DATE: 9/9/16

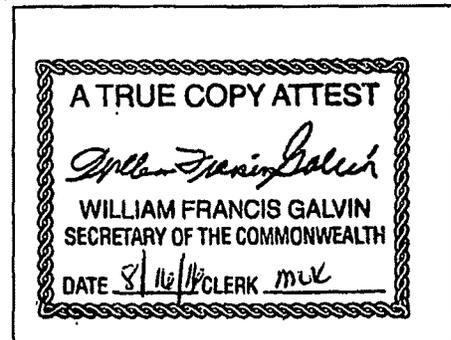
EFFECTIVE DATE: 9/9/16

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages: _____ Insert these pages: _____

15, 16

15, 16



260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

260 CMR 7.00: CONTINUING EDUCATION

Section

- 7.01: Scope and Purpose
- 7.02: Continuing Education Requirements
- 7.03: Evaluation and Verification of Continuing Education Hours and Programs

7.01: Scope and Purpose

The purpose of continuing education is to assure high standards of practice of Speech-language Pathologists and Audiologists by requiring licensees to participate in on-going educational activities. Through these experiences, licensees may increase their competence and enhance the knowledge obtained during prior education and training as a Speech-language Pathologist and Audiologist.

7.02: Continuing Education Requirements

(1) General Requirements.

(a) Persons holding a license for more than one year before the last day of the license renewal period.

1. Licensees holding a license as either a Speech-language Pathologist or Audiologist are required, as a condition of license renewal, to complete a minimum of the equivalent of 20 Continuing Education Hours per licensure renewal period (every two years). A minimum of ten of the total 20 Continuing Education Hours must be completed in the licensee's area of licensure.

2. Licensees holding licenses as both a Speech-language Pathologist and Audiologist are required, as a condition of license renewal, to complete a minimum of 30 Continuing Education Hours per licensure renewal period (every two years). A minimum of ten of the total 30 Continuing Education Hours must be completed in the licensee's major area of clinical service delivery and a minimum of five of the Continuing Education Hours must be in the licensee's minor area of clinical service delivery.

(b) Persons holding initial licensure six months to one year before the last day of the license renewal period are required to complete a minimum of ten Continuing Education Hours (a minimum of four Continuing Education Hours in the area of licensure) before the date of renewal.

(c) Persons holding initial licensure for six months or less before the last day of the license renewal period are not required to complete any Continuing Education Hours for that renewal period.

(2) Restrictions on Certain Programs.

(a) Continuing Education Publications.

1. Continuing Education Publications authored by the licensee may be substituted for up to 20 Continuing Education Hours per licensure renewal period.

2. Sole authors may earn up to 20 Continuing Education Hours per licensure renewal period, and multiple authors may each receive ten Continuing Education Hours per licensure renewal period for each publication.

(b) Continuing Education Instruction.

1. Instructors of a Continuing Education Program or a Continuing Education Academic Course may be credited one Continuing Education Hour for each hour of the Continuing Education Program Continuing Education Academic Course taught by the licensee, up to a maximum of ten Continuing Education Hours required per licensure renewal period.

2. Only the initial offering of a Continuing Education Program or a Continuing Education Academic Course may be credited as a Continuing Education Activity.

(c) Continuing Education Academic Course. A Continuing Education Academic Course may be substituted for not more than ten Continuing Education Hours per license renewal period.

(d) For each licensee, the licensee shall only obtain credit for those Continuing Education Activities that are non-duplicative.

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

7.02: continued

(3) Only those Continuing Education Activities which are completed during the two year period prior to each renewal date will qualify as a Continuing Education Activity.

7.03: Evaluation and Verification of Continuing Education Hours and Programs

(1) At the time of renewal, each licensee will be required to attest to his or her completion of the required hours of Continuing Education Hours on a form provided by the Board.

(2) The Board may randomly audit licensees as to satisfaction of the continuing requirements of 260 CMR 7.00.

(3) The Board may request the verification described in 260 CMR 7.03(4) through (6) for the two most recently preceding license renewal periods.

(4) Continuing Education Program. For each Continuing Education Hour earned by participation in formal learning programs, a licensee must be able to provide verification of the following:

- (a) the title of the program;
- (b) the number of hours spent in the program;
- (c) the name of the entity or entities that sponsored and approved the program; and
- (d) the date the licensee completed the program.

(5) Continuing Education Publications. For each Continuing Education Hour earned from the publication of books, chapters of books, and/or articles in reference journals, a licensee must be able to provide verification of the following information:

- (a) the title of the book, chapter or article and, in the case of a chapter or article, the title of the book or name of the journal in which it appears;
- (b) the date of publication;
- (c) the names of any co-authors; and
- (d) a copy of the book, chapter or article submitted in fulfillment of the Continuing Education Activity requirements.

(6) Continuing Education Instruction. For each Continuing Education Hour earned from the teaching of a Continuing Education Program or Continuing Education Academic Course, the licensee must be able to verify the following information:

- (a) the title of the course;
- (b) date(s) the course was presented;
- (c) the name of the institutions or entities that sponsored and approved the program; and
- (d) number of hours the licensee spent teaching.

REGULATORY AUTHORITY

261 CMR 7.00: M.G.L. c. 23, §§ 86 and 87 and c. 112, § 139.



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 260 CMR 10.00

CHAPTER TITLE: Use and Supervision of Speech-Language Pathology and Audiology Assistants

AGENCY: Board of Registration in Speech-Language Pathology and Audiology

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*

This regulation requires that Speech-Language Pathology Assistants and Audiology Assistants receive appropriate training and supervision, perform only services that do not require the qualifications of a licensee and adhere to the code of ethics.

REGULATORY AUTHORITY: M.G.L. c. 13, ss. 86 and 87 and c. 112, ss. 138 and 139

AGENCY CONTACT: Lynn Read, Board Counsel PHONE: (617) 727-4423

ADDRESS: Div. of Prof. Licensure, 1000 Washington Street, Suite 710, Boston, MA 02118

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

EO 562 approval received – 04/08/16

DHCD and MA Municipal Assoc. notified by letter – 05/31/16

Notice of Public Hearing published in Boston Globe & Springfield Republican – 06/20/16

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business-impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: Hearing on 07/21/16; comment ended on 08/04/16

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: None

For the first five years: None

No fiscal effect: No Fiscal Effect

SMALL BUSINESS IMPACT - M.G.L. c. 30A section 5 requires each agency to file an amended small business impact statement with the Secretary of the Commonwealth prior to the adoption of a proposed regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

Date amended small business impact statement was filed: 08/12/16

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:
Assistants, Supervision, Ethics, Speech-Language Pathology, Audiology

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

Amends 260 CMR 10.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: *Lynne P. Head* DATE: 8/16/16

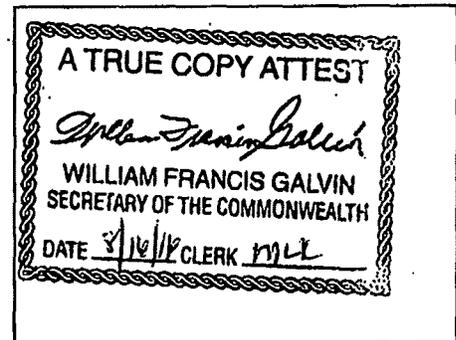
Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1321 DATE: 9/9/16

EFFECTIVE DATE: 9/9/16

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	Insert these pages:
21-24	21-24



260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

260 CMR 10.00: USE AND SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY ASSISTANTS

Section

10.01: Supervision and Documentation

10.02: Scope of Practice

10.03: Code of Ethics

10.01: Supervision and Documentation

- (1) A Supervising Speech-language Pathologist is required to inform patients/clients when services are to be provided by Speech-language Pathology Assistants, before such services commence. A Supervising Audiologist is required to inform patients/clients when services are to be provided by Audiology Assistants, before such services commence.
- (2) The supervisor is responsible for the services provided by assistants.
- (3) A supervisor must verify that an assistant holds a current, valid license from the Board prior to the commencement of services.
- (4) The supervisor must not delegate services requiring licensure to anyone not licensed by the Board.
- (5) The amount and type of supervision should be based on the skills and experience of the Speech-language Pathology Assistant or Audiology Assistant, the needs of patients/clients being served, the service setting, and the tasks assigned.
 - (a) At least 10% of services rendered by Assistants each month must be provided under Direct Supervision. An additional 10% of services must be supervised, either directly or indirectly.
 - (b) Additional direct and indirect supervision, beyond the minimum 20% required may be necessary depending on the skills of the assistant and the needs of the patient/client. The supervisor will review each plan of care as needed for timely implementation of modifications.
 - (c) The amount and type of supervision must be documented. Documentation must include hours of employment per month, and the date, type, and duration of supervision. The name, signature, and license number of the supervisor must appear on the form.
 - (d) It is the responsibility of the assistant to maintain a record of such supervision and provide a copy of this record to the Board upon request, or for audit or license renewal purposes.
- (6) A supervisor may not supervise more than three assistants at any given time.

10.02: Scope of Practice

- (1) A Speech-language Pathology Assistant or Audiology Assistant may perform the following tasks under the supervision of a Supervising Speech-language Pathologist or Supervising Audiologist:
 - (a) Assist speech-language and hearing screenings (without interpretation);
 - (b) Assist with informal documentation as directed by the supervisor;
 - (c) Follow documented treatment plans or protocols developed by the supervisor;
 - (d) Document patient/client performance (e.g., tallying data for the Speech-language Pathologist to use; preparing charts, records, and graphs) and report this information to the supervisor;
 - (e) Assist the Speech-language Pathologist or Audiologist during assessment of patients/clients;
 - (f) Assist with clerical duties such as preparing materials and scheduling activities as directed by the supervisor;

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

10.03: continued

- (g) Perform checks and maintenance of equipment;
 - (h) Collect data for monitoring quality improvement.
- (2) A Speech-language Pathology Assistant or Audiology Assistant may not perform tasks beyond the scope of his or her education and experience. A Speech-language Pathology Assistant or Audiology Assistant:
- (a) May not interpret results of standardized or nonstandardized diagnostic tests or formal or informal evaluations;
 - (b) May not screen or diagnose patients/clients for feeding/swallowing disorders;
 - (c) May not write, develop, or modify a patient's/client's individualized treatment plan in any way;
 - (d) May not assist with patients/clients without following the individualized treatment plan prepared by the Speech-language Pathologist/Audiologist, or without access to supervision;
 - (e) May not sign any formal documents (e.g., treatment plans, reimbursement forms, or reports; the assistant should sign or initial informal treatment notes for review and co-signature by the supervising professional);
 - (f) May not select patients/clients for service;
 - (g) May not determine case selection;
 - (h) May not interpret observations or data into diagnostic statements of clinical management strategies or procedures;
 - (i) May not compose clinical reports except for progress notes to be reviewed by the supervisor and held in the patient/client records;
 - (j) May not discharge a patient/client from services;
 - (k) May not disclose clinical or confidential information either orally or in writing to anyone without a supervisor's approval;
 - (l) May not make referrals for additional service;
 - (m) May not consult with the patient/client, family or others, or participate in parent conferences, case conferences, or any interdisciplinary team meetings, regarding the patient/client status or service received without the Supervisor's approval;
 - (n) May not develop, alter, or initially demonstrate swallowing strategies or precautions to patients, family, or staff;
 - (o) May not represent himself or herself as a Speech-language Pathologist or Audiologist orally or in writing;
 - (p) May not perform tasks when a Supervising Speech-language Pathologist or Supervising Audiologist cannot be reached by personal contact, phone, pager, or other immediate means or until a licensed Speech-language Pathologist or licensed Audiologist with at least two years of experience has been designated as the supervisor.

10.03: Code of Ethics

- (1) Licensees shall provide all services competently.
- (2) Licensees shall not discriminate in the delivery of professional services or the conduct of research and scholarly activities on the basis of race or ethnicity, gender, age, religion, national origin, sexual orientation, or disability.
- (3) Licensees shall adequately maintain and appropriately secure records of professional services rendered, research, and scholarly activities conducted.
- (4) Licensees shall not reveal, without authorization, any professional or personal information about identified persons served professionally or identified participants involved in research and scholarly activities unless required by law to do so, or unless doing so is necessary to protect the welfare of the person or of the community or otherwise required by law.
- (5) Licensees 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.

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

10.04: continued

- (6) Individuals shall not misrepresent their credentials, competence, education, training, experience or scholarly or research contributions.
- (7) Licensees shall not participate in professional activities that constitute a conflict of interest.
- (8) Individuals shall not engage in dishonesty, fraud, deceit, misrepresentation, sexual harassment, or any other form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.
- (9) Licensees shall not engage in sexual activities with patients, clients, or students over whom they exercise professional authority.
- (10) Licensees shall not provide professional services without exercising independent professional judgment, regardless of referral source or prescription.
- (11) Licensees shall not discriminate in their relationships with colleagues, students, and members of allied professions on the basis of race or ethnicity, gender, age, religion, national origin, sexual orientation, or disability.

REGULATORY AUTHORITY

260 CMR 10.00: M.G.L. c. 23, §§ 86 and 87 and c. 112, § 139.

260 CMR: BOARD OF REGISTRATION IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

NON-TEXT PAGE

4/11