

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.