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**EDWARD A.
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CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Policy No. 2019-001

Policy: Providing Speech-Language Pathology and Audiology Services by Electronic Means

The Board of Registration for Speech-Language Pathology and Audiology (“Board”) issues this policy on providing speech-language pathology and audiology services by electronic means, which the Board refers to as “telepractice” as defined in this Policy.

DEFINITIONS

The following terms used in this Policy are defined as follows:

“Board” means the Massachusetts Board of Registration for Speech-Language Pathology and Audiology.

“Client” means a natural person who is a consumer of speech-language pathology or audiology services either in person or through telepractice.

“Facilitator” means a person who is physically present with the client and facilitates telepractice services at the direction of a speech-language pathologist or audiologist.

“State” means a state or territory of the United States, the District of Columbia or Puerto Rico.

“Telepractice” and “telepractice services” mean the application of telecommunication technology to deliver speech-language pathology or audiology services as defined by G.L. c. 112, § 138, but not including initial assessment of clients, using audio-visual mechanism in real-time (synchronous), stored and recorded sessions (asynchronous), or a combination of real-time and recorded sessions (hybrid models).

“Telepractitioner” means a speech-language pathologist or audiologist who provides telepractice services after obtaining the initial training described in this Policy.



POLICY

Telepractice is a permitted mode of practice in Massachusetts subject to the terms of this Policy.

Licensure

1. All persons who provide telepractice services to clients who reside or are located in Massachusetts must be licensed by the Board.
2. Massachusetts-licensed Speech-Language Pathologists and Audiologists must comply with statutes, regulations and policies of the state or country where the client is located and with applicable Massachusetts statutes, regulations and policies to the extent they do not conflict with the applicable law of the state or country where the client is located.

Standards

3. A telepractitioner must be competent in the type of services provided and in the methodology and equipment used to provide the service.
4. The scope, nature and quality of telepractice services must be equivalent to the quality of services delivered face-to-face and in-person.
5. Before providing telepractice services, a speech-language pathologist or audiologist must obtain ten (10) hours of training in telepractice in classroom courses or via distance learning. Training must include equipment and technology, clinical practice via telepractice, security and encryption of data, and compliance with Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA). Telepractitioners must maintain documentation of their training for inspection by the Board upon request.
6. A telepractitioner may begin a client relationship via telepractice following an in-person evaluation of the prospective client by a licensed speech-language pathologist or audiologist to assess the client's need for services and candidacy for telepractice, including behavioral, physical and cognitive abilities to participate in telepractice services.
7. Prior to initiating telepractice services, a telepractitioner must:
 - a. Document whether the client has the necessary knowledge and skills to benefit from the type of telepractice provided by the licensee;
 - b. Obtain informed consent of the client to use a private environment with a secure connection;
 - c. Assess the equipment and environment to be used by the client for the telepractice services, or ensure that such an assessment has been performed;
 - d. Provide orientation and training to the client in the use of telepractice equipment and the telepractice protocol at an appropriate level for the client;
 - e. Provide orientation and training to a facilitator, if needed for the client, in the use of telepractice equipment and the telepractice protocol;
 - f. Give the client written notification of telepractice services, including notification of:
 - i. The limitations of using technology in providing telepractice;

- ii. The potential risks to the confidentiality of information due to technology used in telepractice;
 - iii. How communications can be directed to a specific licensee;
 - iv. Options for service delivery by telepractice and in person;
 - v. The client's right to refuse or discontinue telepractice services;
 - vi. Instructions on filing and resolving complaints; and
 - g. Obtain the signature of the client or the parent or guardian of a minor client on this written document, and maintain this document in the clinical record.
8. The office or off-site location from which telepractice services are being transmitted should be controlled and managed for security and confidentiality of client information in compliance with HIPAA and FERPA guidelines and all other applicable state and federal laws.
9. Telepractitioners must know and comply with existing law, rules and regulations regarding security, privacy protections, reimbursement for services, licensure, liability and malpractice.
10. In addition to the above requirements, licensees must address the particular impact of telepractice on every aspect of providing speech-language pathology services or audiology services, by taking action including but not limited to:
- a) Maintaining appropriate documentation of all services provided to the client;
 - b) Taking into account cultural and linguistic variables that affect the assessment and treatment of individuals receiving services via telepractice;
 - c) Evaluating the effectiveness of services provided by telepractice and measuring their outcomes;
 - d) Ensuring the confidentiality and privacy of patients and their transmissions, and complying with all Massachusetts, HIPAA and FERPA requirements and any other applicable state and federal requirements regarding patient records and confidentiality of patient information; and
 - e) Collaborating with physicians for timely referral and follow-up services as necessary.

11. Continuing Education

As a matter of professional responsibility, those providing telepractice services must obtain a minimum of two (2) hours of continuing education in telepractice as part of the 20 hours of continuing education required by the Board's regulations (260 CMR 7.02) during every licensure renewal period.

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