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CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 205

**Introduced by Assembly Member Machado
(Principal coauthor: Assembly Member Honda)**

February 4, 1997

An act to amend Sections 2530.2 and 2534.2 of, to amend the heading of Article 6 (commencing with Section 2535) of Chapter 5.3 of Division 2 of, to amend and renumber Sections 2538 and 2539 of, to add Section 2532.6 to, and to add Article 7.5 (commencing with Section 2538) to Chapter 5.3 of Division 2 of, the Business and Professions Code, and to amend Section 56363 of the Education Code, relating to speech-language pathology, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 205, as amended, Machado. Speech-language pathologist.

(1) Existing law provides for the licensure of speech-language pathologists and prohibits the practice of speech-language pathology without a license. Existing law authorizes a speech-language pathology aide who meets the

minimum requirements established by the Speech-Language Pathology and Audiology Examining Committee to work directly under the supervision of a speech-language pathologist who is responsible for the extent, kind, and quality of services performed by the aide, consistent with the committee's designated standards and requirements.

This bill would authorize a speech-language pathology assistant, as defined, to assist in the provision of speech-language pathology under the direction and supervision of a speech-language pathologist who shall be responsible for the extent, kind, and quality of the services provided by the speech-language pathologist assistant. The bill would establish certain requirements for a speech-language pathologist who supervises a speech-language pathology assistant and who is employed or contracted for by a public school.

The bill would require the committee to adopt regulations, would establish certain qualifications of a speech-language pathology assistant, and would provide procedures for a speech-language pathology aide with certain qualifications to make application for registration as a speech-language pathology assistant.

The bill also would change the name of the Speech-Language Pathology and Audiology Examining Committee to the Speech-Language Pathology and Audiology Board.

(2) Existing law authorizes the committee to direct applicants to be examined for knowledge in whatever theoretical or applied fields of speech pathology or audiology as it deems appropriate.

This bill would prohibit, after January 1, 1999, the committee from renewing any license or registration, unless the applicant certifies to the committee that he or she has completed in the preceding 2 years not less than the minimum number of continuing professional development hours to be established by the committee for the professional practice authorized by his or her license or registration. The bill would set forth continuing professional development requirements, require the committee to prescribe the forms to be utilized for continuing professional development and establish



exceptions from the requirements, and authorize the committee to audit and require an applicant to maintain records of completion of required continuing professional development.

(3) Existing law requires a person engaging in the practice of speech-language pathology to pay a licensing fee, to be deposited in the Speech-Language Pathology and Audiology Examining Committee Fund, a continuously appropriated fund.

This bill would impose licensing fees upon a speech-language pathology assistant. The bill would also require the committee, by regulation, to fund the administration of the continuing professional development required by this bill as provided in (2) above through provider fees to be deposited in the fund. By increasing the source of moneys in a continuously appropriated fund, this bill would make an appropriation.

Existing law provides that a violation of the provisions regulating a speech-language pathologist is subject to criminal sanction.

This bill would set forth prohibitions regarding the utilization of the title speech-language pathology assistant or a similar title and would prohibit a person who is not registered as a speech-language pathology assistant from performing the duties and functions of a speech-language pathology assistant, except as provided in the provisions regulating the practice of speech-language pathology. By expanding the class of persons subject to criminal sanction under these provisions, this bill would impose a state-mandated local program by changing the definition of a crime.

Existing law requires that a continuum of program options be available to meet the needs of individuals with exceptional needs. Existing law requires that designated instruction and services be available when necessary for the educational benefit of pupils with exceptional needs to be provided by specified individuals. The designated services include, but are not limited to, language and speech development and remediation.



This bill would provide that these language and speech development and remediation services may be provided by a speech-language pathologist assistant.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2530.2 of the Business and
2 Professions Code is amended to read:

3 2530.2. As used in this chapter, unless the context
4 otherwise requires:

5 (a) ~~“Committee”~~ “Board” means the
6 Speech-Language Pathology and Audiology ~~Examining~~
7 ~~Committee~~ Board.

8 (b) “Person” means any individual, organization, or
9 corporate body except that only individuals can be
10 licensed under this chapter.

11 (c) A “speech-language pathologist” is a person who
12 practices speech-language pathology.

13 (d) “The practice of speech-language pathology”
14 means the application of principles, methods, and
15 procedures for measurement, testing, identification,
16 prediction, counseling, or instruction related to the
17 development and disorders of speech, voice, or language
18 for the purpose of identifying, preventing, managing,
19 habilitating or rehabilitating, ameliorating, or modifying
20 those disorders and conditions in individuals or groups of
21 individuals; conducting hearing screenings; and the
22 planning, directing, conducting, and supervision of
23 programs for identification, evaluation, habilitation, and
24 rehabilitation of disorders of speech, voice, or language.

25 (e) “Speech-language pathology aide” means any
26 person meeting the minimum requirements established



1 by the ~~committee~~ *board*, who works directly under the
2 supervision of a speech-language pathologist.

3 (f) (1) “Speech-language pathologist assistant”
4 means a person who meets the academic and supervised
5 training requirements set forth by the committee and
6 who is approved by the committee to assist in the
7 provision of speech-language pathology under the
8 direction and supervision of a speech-language
9 pathologist who shall be responsible for the extent, kind,
10 and quality of the services provided by the
11 speech-language pathologist assistant.

12 (2) The supervising speech-language pathologist
13 employed or contracted for by a public school may hold
14 either a valid and current license issued by the committee
15 or a valid, current, and professional clear clinical or
16 rehabilitative services credential in language, speech,
17 and hearing issued by the Commission on Teacher
18 Credentialing. For purposes of this paragraph, a “clear”
19 credential is a credential that is not issued pursuant to a
20 waiver or emergency permit and is as otherwise defined
21 by the Commission on Teacher Credentialing.

22 (g) An “audiologist” is one who practices audiology.

23 (h) “The practice of audiology” means the application
24 of principles, methods, and procedures of measurement,
25 testing, appraisal, prediction, consultation, counseling,
26 instruction related to auditory, vestibular, and related
27 functions and the modification of communicative
28 disorders involving speech, language, auditory behavior
29 or other aberrant behavior resulting from auditory
30 dysfunction; and the planning, directing, conducting,
31 supervising, or participating in programs of identification
32 of auditory disorders, hearing conservation, aural
33 habilitation, and rehabilitation, including, hearing aid
34 recommendation and evaluation procedures including,
35 but not limited to, specifying amplification requirements
36 and evaluation of the results thereof, auditory training,
37 and speech reading.

38 (i) “Audiology aide” means any person, meeting the
39 minimum requirements established by the ~~committee~~



1 *board*, who works directly under the supervision of an
2 audiologist.

3 (j) “Board” means the Medical Board of California or
4 a division of the board.

5 (k) A “hearing screening” performed by a
6 speech-language pathologist means a binary puretone
7 screening at a preset intensity level for the purpose of
8 determining if the screened individuals are in need of
9 further medical or audiological evaluation.

10 SEC. 2. Section 2532.6 is added to the Business and
11 Professions Code, to read:

12 2532.6. (a) The Legislature recognizes that the
13 education and experience requirements of this chapter
14 constitute only minimal requirements to assure the
15 public of professional competence. The Legislature
16 encourages all professionals licensed and registered by
17 the committee under this chapter to regularly engage in
18 continuing professional development and learning that is
19 related and relevant to the professions of
20 speech-language pathology and audiology.

21 (b) After January 1, 1999, the committee shall not
22 renew any license or registration pursuant to this chapter
23 unless the applicant certifies to the committee that he or
24 she has completed in the preceding two years not less
25 than the minimum number of continuing professional
26 development hours established by the committee
27 pursuant to subdivision (c) for the professional practice
28 authorized by his or her license or registration.

29 (c) (1) The committee shall prescribe the forms
30 utilized for and the number of hours of required
31 continuing professional development for persons
32 licensed or registered under this chapter.

33 (2) The committee shall have the right to audit the
34 records of any applicant to verify the completion of the
35 continuing professional development requirements.

36 (3) Applicants shall maintain records of completion of
37 required continuing professional development
38 coursework for a minimum of two years and shall make
39 these records available to the committee for auditing
40 purposes upon request.



1 (d) The committee shall establish exceptions from the
2 continuing professional development requirements of
3 this section for good cause as defined by the committee.

4 (e) (1) The continuing professional development
5 services shall be obtained from accredited institutions of
6 higher learning, nonprofit educational or professional
7 associations, or other entities or organizations approved
8 by the committee, in its discretion.

9 (2) The continuing professional development services
10 offered by these entities may, but are not required to,
11 utilize pretesting and posttesting or other evaluation
12 techniques to measure and demonstrate improved
13 professional learning and competency.

14 (f) The committee, by regulation, shall fund the
15 administration of this section through professional
16 development services provider *and licensing* fees to be
17 deposited in the Speech-Language Pathology and
18 Audiology Examining Committee Fund. The fees related
19 to the administration of this section shall be sufficient to
20 meet, but shall not exceed, the costs of administering the
21 corresponding provisions of this section.

22 (g) The continuing professional development
23 requirements adopted by the committee shall comply
24 with any subsequent guidelines for mandatory
25 continuing education established by the Department of
26 Consumer Affairs.

27 SEC. 3. Section 2534.2 of the Business and Professions
28 Code is amended to read:

29 2534.2. The amount of the fees prescribed by this
30 chapter is that established by the following schedule:

31 (a) The application fee and renewal fee shall be
32 established by the ~~committee~~ *board* in an amount that
33 does not exceed one hundred fifty dollars (\$150) but is
34 sufficient to support the functions of the ~~committee~~ *board*
35 that relate to the functions authorized by this chapter.

36 (b) The delinquency fee shall be twenty-five dollars
37 (\$25).

38 (c) The reexamination fee shall be established by the
39 ~~committee~~ *board* in an amount which does not exceed
40 seventy-five dollars (\$75).



1 (d) The fee for registration of an aide shall be
2 established by the ~~committee~~ *board* in an amount which
3 does not exceed thirty dollars (\$30).

4 (e) A fee to be set by the ~~committee~~ *board* of not more
5 than one hundred dollars (\$100) shall be charged for each
6 application for approval as a speech-language pathology
7 assistant.

8 (f) A fee of one hundred fifty dollars (\$150) shall be
9 charged for the issuance of and for the renewal of each
10 approval as a speech-language pathology assistant, unless
11 a lower fee is established by the ~~committee~~ *board*.

12 (g) The duplicate wall certificate fee is twenty-five
13 dollars (\$25).

14 (h) The duplicate renewal receipt fee is twenty-five
15 dollars (\$25).

16 SEC. 4. The heading of Article 6 (commencing with
17 Section 2535) of Chapter 5.3 of Division 2 of the Business
18 and Professions Code is amended to read:

19

20 Article 6. Licensing and Registration

21

22 SEC. 5. Section 2538 of the Business and Professions
23 Code is amended and renumbered to read:

24 2537.4. (a) The name of a speech-language pathology
25 corporation under which it may render professional
26 services shall include one of the words specified in
27 subdivision (a) of Section 2530.3 and the word
28 "corporation" or wording or abbreviations denoting
29 corporate existence.

30 (b) The name of an audiology corporation under
31 which it may render professional services shall include
32 one of the words specified in subdivision (b) of Section
33 2530.3 and the word "corporation" or wording or
34 abbreviations denoting corporate existence.

35 SEC. 6. Article 7.5 (commencing with Section 2538)
36 is added to Chapter 5.3 of Division 2 of the Business and
37 Professions Code, to read:

38



1 Article 7.5. Speech-Language Pathology Assistant

2
3 2538. A person seeking approval as a speech-language
4 pathology assistant shall make application to the
5 ~~committee~~ *board* for that approval.

6 2538.1. (a) The ~~committee~~ *board* shall adopt
7 regulations, in collaboration with the State Department
8 of Education, the Commission on Teacher Credentialing,
9 and the Advisory Commission on Special Education, that
10 set forth standards and requirements for the adequate
11 supervision of speech-language pathology assistants.

12 (b) The ~~committee~~ *board* shall adopt regulations as
13 reasonably necessary to carry out the purposes of this
14 article, that shall include, but need not be limited to, the
15 following:

16 (1) Procedures and requirements for application,
17 registration, renewal, suspension, and revocation.

18 (2) Standards for approval of Associate Degree
19 Speech-Language Pathology Assistant training programs
20 based upon standards and curriculum guidelines
21 established by the national Council on Academic
22 Accreditation in Audiology and Speech-Language
23 Pathology, or the American Sign-Language-Hearing
24 Association, or equivalent formal training programs
25 consisting of two years of technical education, including
26 supervised field placements.

27 (3) The scope of responsibility, duties, and functions of
28 speech-language pathology assistants, that shall include,
29 but not be limited to, all of the following:

30 (A) Conducting speech-language screening, without
31 interpretation, and using screening protocols developed
32 by the supervising speech-language pathologist.

33 (B) Providing direct treatment assistance to patients
34 or clients under the supervision of a speech-language
35 pathologist.

36 (C) Following and implementing documented
37 treatment plans or protocols developed by a supervising
38 speech-language pathologist.

39 (D) Documenting patient or client progress toward
40 meeting established objectives, and reporting the



1 information to a supervising speech-language
2 pathologist.

3 (E) Assisting a speech-language pathologist during
4 assessments, including, but not limited to, assisting with
5 formal documentation, preparing materials, and
6 performing clerical duties for a supervising
7 speech-language pathologist.

8 (F) When competent to do so, as determined by the
9 supervising speech-language pathologist, acting as an
10 interpreter for non-English-speaking patients or clients
11 and their family members.

12 (G) Scheduling activities and preparing charts,
13 records, graphs, and data.

14 (H) Performing checks and maintenance of
15 equipment, including, but not limited to, augmentative
16 communication devices.

17 (I) Assisting with speech-language pathology research
18 projects, in-service training, and family or community
19 education.

20 The regulations shall provide that speech-language
21 pathology assistants are not authorized to conduct
22 evaluations, interpret data, alter treatment plans, or
23 perform any task without the express knowledge and
24 approval of a supervising speech-language pathologist.

25 (4) The requirements for the wearing of
26 distinguishing name badges with the title of
27 speech-language pathology assistant.

28 (5) Minimum continuing professional development
29 requirements for the speech-language pathology
30 assistant, not to exceed 12 hours in a two-year period. The
31 speech-language pathology assistant's supervisor shall act
32 as a professional development advisor. The
33 speech-language pathology assistant's professional
34 growth may be satisfied with successful completion of
35 state or regional conferences, workshops, formal
36 in-service presentations, independent study programs, or
37 any combination of these concerning communication and
38 related disorders.



1 (6) Minimum continuing professional development
2 requirements for the supervisor of a speech-language
3 pathology assistant.

4 (7) The type and amount of direct and indirect
5 supervision required for speech-language pathology
6 assistants.

7 (8) The maximum number of assistants permitted per
8 supervisor.

9 (9) A requirement that the supervising
10 speech-language pathologist shall remain responsible and
11 accountable for clinical judgments and decisions and the
12 maintenance of the highest quality and standards of
13 practice when a speech-language pathology assistant is
14 utilized.

15 2538.3. (a) A person applying for approval as a
16 speech-language pathology assistant shall have graduated
17 from a speech-language pathology assistant associate of
18 arts degree program, *or equivalent course of study*,
19 approved by the ~~committee~~ board. *A person who has*
20 *successfully graduated from a board approved bachelor's*
21 *degree program in speech-language pathology or*
22 *communication disorders shall be deemed to have*
23 *satisfied an equivalent course of study.*

24 (b) On or before January 1, 2001, speech-language
25 pathology aides who have worked as a speech-language
26 pathology aide for a period of at least 12 months, may
27 make application for registration as a speech-language
28 pathology assistant based upon the ~~committee's~~ board's
29 recognition of that aide's job training and experience and
30 the performance of functions and tasks similar to the
31 speech-language pathology assistant category.

32 2538.5. This article shall not be construed to limit the
33 utilization of a speech aide or other personnel employed
34 by a public school working under the direct supervision
35 of a credentialed speech-language pathologist as set forth
36 in subdivision (c) of Section 3051.1 of Title 5 of the
37 California Code of Regulations.

38 2538.7. (a) No person who is not registered as a
39 speech-language pathology assistant shall utilize the title
40 speech-language pathology assistant or a similar title that



1 includes the words speech or language when combined
2 with the term assistant.

3 (b) No person who is not registered as a
4 speech-language pathology assistant shall perform the
5 duties or functions of a speech-language pathology
6 assistant, except as provided by this chapter.

7 SEC. 7. Section 2539 of the Business and Professions
8 Code is amended and renumbered to read:

9 2537.5. The ~~committee~~ *board* may adopt and enforce
10 regulations to carry out the purposes and objectives of this
11 article, and the Moscone-Knox Professional Corporation
12 Act, including regulations requiring any of the following:

13 (a) That the bylaws of a speech-language pathology
14 corporation or an audiology corporation shall include a
15 provision whereby the capital stock of the corporation
16 owned by a disqualified person as defined in Section 13401
17 of the Corporations Code, or by the estate of a deceased
18 person shall be sold to the corporation or to the remaining
19 shareholders of the corporation within such time as the
20 regulations may provide.

21 (b) That a speech-language pathology corporation or
22 an audiology corporation shall provide adequate security
23 by insurance or otherwise for claims against it by its
24 patients arising out of the rendering of professional
25 services.

26 SEC. 8. Section 56363 of the Education Code is
27 amended to read:

28 56363. (a) Designated instruction and services as
29 specified in the individualized education program shall
30 be available when the instruction and services are
31 necessary for the pupil to benefit educationally from his
32 or her instructional program. The instruction and
33 services shall be provided by the regular class teacher, the
34 special class teacher, or the resource specialist if the
35 teacher or specialist is competent to provide the
36 instruction and services and if the provision of the
37 instruction and services by the teacher or specialist is
38 feasible. If not, the appropriate designated instruction
39 and services specialist shall provide the instruction and



1 services. Designated instruction and services shall meet
2 standards adopted by the board.

3 (b) These services may include, but are not limited to,
4 the following:

5 (1) Language and speech development and
6 remediation. ~~These~~ *The language and speech*
7 *development and remediation* services may be provided
8 by a speech-language pathologist assistant as defined in
9 subdivision (f) of Section 2530.2 of the Business and
10 Professions Code.

- 11 (2) Audiological services.
- 12 (3) Orientation and mobility instruction.
- 13 (4) Instruction in the home or hospital.
- 14 (5) Adapted physical education.
- 15 (6) Physical and occupational therapy.
- 16 (7) Vision services.
- 17 (8) Specialized driver training instruction.
- 18 (9) Counseling and guidance.
- 19 (10) Psychological services other than assessment and
20 development of the individualized education program.
- 21 (11) Parent counseling and training.
- 22 (12) Health and nursing services.
- 23 (13) Social worker services.
- 24 (14) Specially designed vocational education and
25 career development.
- 26 (15) Recreation services.
- 27 (16) Specialized services for low-incidence disabilities,
28 such as readers, transcribers, and vision and hearing
29 services.

30 SEC. 9. No reimbursement is required by this act
31 pursuant to Section 6 of Article XIII B of the California
32 Constitution because the only costs that may be incurred
33 by a local agency or school district will be incurred
34 because this act creates a new crime or infraction,
35 eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section
37 17556 of the Government Code, or changes the definition
38 of a crime within the meaning of Section 6 of Article
39 XIII B of the California Constitution.



1 Notwithstanding Section 17580 of the Government
2 Code, unless otherwise specified, the provisions of this act
3 shall become operative on the same date that the act
4 takes effect pursuant to the California Constitution.

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