

## Assembly Bill No. 205

### CHAPTER 1058

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.

[Approved by Governor September 30, 1998. Filed  
with Secretary of State September 30, 1998.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 205, 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 Board 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 board 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.

(2) Existing law authorizes the board 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, 2001, the board from renewing any license or registration, unless the applicant certifies to the board 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 board for the professional practice authorized by his or her license or registration. The bill would set forth continuing professional development requirements, require the board to prescribe the forms to be utilized for continuing professional development and establish exceptions from the requirements, and authorize the board 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.

(4) 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.

(5) 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 pathology assistant.

(6) 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.

Appropriation: yes.

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

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

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

(a) “Board” means the Speech-Language Pathology and Audiology Board or any successor.

(b) “Person” means any individual, partnership, corporation, limited liability company, or other organization or combination thereof, except that only individuals can be licensed under this chapter.

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

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

(e) “Speech-language pathology aide” means any person meeting the minimum requirements established by the board, who works directly under the supervision of a speech-language pathologist.

(f) (1) “Speech-language pathology assistant” means a person who meets the academic and supervised training requirements set forth by the board and who is approved by the board 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 pathology assistant.

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

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



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

(i) “Audiology aide” means any person, meeting the minimum requirements established by the board, who works directly under the supervision of an audiologist.

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

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

(l) “Cerumen removal” means the nonroutine removal of cerumen within the cartilaginous ear canal necessary for access in performance of audiological procedures that shall occur under physician and surgeon supervision. Cerumen removal, as provided by this section, shall only be performed by a licensed audiologist. Physician and surgeon supervision shall not be construed to require the physical presence of the physician, but shall include all of the following:

(1) Collaboration on the development of written standardized protocols. The protocols shall include a requirement that the supervised audiologist immediately refer to an appropriate physician any trauma, including skin tears, bleeding, or other pathology of the ear discovered in the process of cerumen removal as defined in this subdivision.

(2) Approval by the supervising physician of the written standardized protocol.

(3) The supervising physician shall be within the general vicinity, as provided by the physician-audiologist protocol, of the supervised audiologist and available by telephone contact at the time of cerumen removal.

(4) A licensed physician and surgeon may not at any one time supervise more than two audiologists for purposes of cerumen removal.

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



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

(b) After January 1, 2001, the board shall not renew any license or registration pursuant to this chapter unless the applicant certifies to the board that he or she has completed in the preceding two years not less than the minimum number of continuing professional development hours established by the board pursuant to subdivision (c) for the professional practice authorized by his or her license or registration.

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

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

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

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

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

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

(f) The board, by regulation, shall fund the administration of this section through professional development services provider and licensing fees to be deposited in the Speech-Language Pathology and Audiology Examining Board Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section.

(g) The continuing professional development requirements adopted by the board shall comply with any guidelines for mandatory continuing education established by the Department of Consumer Affairs.



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

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

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

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

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

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

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

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

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

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

(i) The application fee and renewal fee for a temporary license is thirty-dollars (\$30).

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

#### Article 6. Licensing and Registration

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

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

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

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



Article 7.5. Speech-Language Pathology Assistant

2538. A person seeking approval as a speech-language pathology assistant shall make application to the board for that approval.

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

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

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

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

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

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

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

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

(D) Documenting patient or client progress toward meeting established objectives, and reporting the information to a supervising speech-language pathologist.

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

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

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

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

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



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

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

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

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

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

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

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

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

(b) On or before January 1, 2001, a speech-language pathology aide who has worked as a speech-language pathology aide for a period of at least 12 months, may make application for registration as a speech-language pathology assistant based upon the board's recognition of that aide's job training and experience and the performance of functions and tasks similar to the speech-language pathology assistant category.

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

2538.7. (a) No person who is not registered as a speech-language pathology assistant shall utilize the title speech-language pathology



assistant or a similar title that includes the words speech or language when combined with the term assistant.

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

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

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

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

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

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

56363. (a) Designated instruction and services as specified in the individualized education program shall be available when the instruction and services are necessary for the pupil to benefit educationally from his or her instructional program. The instruction and services shall be provided by the regular class teacher, the special class teacher, or the resource specialist if the teacher or specialist is competent to provide the instruction and services and if the provision of the instruction and services by the teacher or specialist is feasible. If not, the appropriate designated instruction and services specialist shall provide the instruction and services. Designated instruction and services shall meet standards adopted by the board.

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

(1) Language and speech development and remediation. The language and speech development and remediation services may be provided by a speech-language pathology assistant as defined in subdivision (f) of Section 2530.2 of the Business and Professions Code.

(2) Audiological services.

(3) Orientation and mobility instruction.

(4) Instruction in the home or hospital.

(5) Adapted physical education.

(6) Physical and occupational therapy.

(7) Vision services.



- (8) Specialized driver training instruction.
- (9) Counseling and guidance.
- (10) Psychological services other than assessment and development of the individualized education program.
- (11) Parent counseling and training.
- (12) Health and nursing services.
- (13) Social worker services.
- (14) Specially designed vocational education and career development.
- (15) Recreation services.
- (16) Specialized services for low-incidence disabilities, such as readers, transcribers, and vision and hearing services.

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

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

