

BEFORE THE BOARD OF SPEECH-LANGUAGE PATHOLOGISTS
AND AUDIOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT,
ARM 24.222.401, 24.222.509, and) ADOPTION, AND REPEAL
24.222.904, the adoption of NEW)
RULES I through IX, and the repeal of)
ARM 24.222.301, 24.222.502,)
24.222.504, 24.222.506, 24.222.510,)
24.222.513, 24.222.520, 24.222.525,)
24.222.701, 24.222.703, 24.222.706,)
24.222.907, 24.222.910, 24.222.913,)
24.222.916, 24.222.920, 24.222.2102,)
and 24.222.2301, pertaining to the)
board of speech-language)
pathologists and audiologists)

TO: All Concerned Persons

1. On October 20, 2023, the Board of Speech-Language Pathologists and Audiologists (board) published MAR Notice No. 24-222-29 regarding the public hearing on the proposed changes to the above-stated rules, at page 1267 of the 2023 Montana Administrative Register, Issue No. 20.

2. On November 14, 2023, a public hearing was held on the proposed changes to the above-stated rules via the videoconference and telephonic platform. Comments were received by the deadline.

3. The agency has thoroughly considered the comments received. A summary of the comments and the agency responses are as follows:

COMMENT 1: Several commenters requested the board amend NEW RULE III(3) and (5) to provide an end date to the prior unlicensed experience method of assistant licensure. The commenters asserted that the intent behind 37-15-303(2)(a)(ii), MCA, was to get as many previously unlicensed aides with experience working, but not to continue this licensure avenue "forever."

RESPONSE 1: This comment is outside the scope of this rulemaking as it will take a statutory change to enact a "grandfathering" end restriction on this license method. The board notes that 37-15-303(2)(a)(ii), MCA, (as amended by Senate Bill 300) requires that all experience as unlicensed aides or assistants must be gained prior to January 1, 2024.

COMMENT 2: Several commenters requested the board add 80 hours of supervised clinical experience and 20 hours of supervised professional client services to the assistants' license requirements in NEW RULE III.

RESPONSE 2: This comment is outside the scope of this rulemaking as it will take a statutory change to add clinical and professional experience to the licensure requirements for assistants. Senate Bill 300 (2023) struck these requirements from law.

COMMENT 3: Several commenters requested the board amend NEW RULE III(5) to increase the minimum supervised practical experience to 500 hours and require an American Speech-Language-Hearing Association (ASHA) certified audiologist to supervise.

RESPONSE 3: The board concluded that 110 hours of supervised practical experience is adequate to meet equivalency for the current academic requirements while ensuring public safety. The board determined that supervisors must be current Montana licensed practitioners of the same profession as those supervised. Certification by a professional association is not required.

COMMENT 4: Some commenters suggested amending NEW RULE VII(5)(d) to require licensees retain documentation of a continuing education course's completion date to accommodate asynchronous or self-study courses.

RESPONSE 4: The board agrees and is amending the rule accordingly.

COMMENT 5: Several commenters stated NEW RULE VIII(1)(b) is too broad and suggested the board cite to the scope of practice of the American Speech-Language-Hearing Association (ASHA) or equivalent. Commenters stated the newness of the assistant license will confuse administrators and business owners.

RESPONSE 5: In proposing to repeal ARM 24.222.520 and 24.222.525, the board concluded that it is unnecessary to define or cite a specific set of practice standards. Unprofessional conduct complaints are analyzed in the context of a licensee's specific employment situation, supervision, training, and the specific facts of each complaint, and professional experts are utilized when needed.

COMMENT 6: Several commenters opposed the repeal of ARM 24.222.520 and 24.222.525 and requested the board retain and update the rules to align with ASHA's audiology and speech-language pathology scopes of practice. The commenters believed that requiring adherence to specific scope regulations will ensure practice within an individual's scope and reduce scope infringement by other professions.

RESPONSE 6: The board determined it is not necessary to define or cite a specific set of practice standards. Unprofessional conduct complaints are analyzed in the context of a licensee's specific employment situation, supervision, training, and the

specific facts of each complaint, and professional experts are utilized when needed. The board believes that licensed professionals will practice within their particular training, education, and experience and the profession's generally accepted current standards of practice without requiring a certain code of conduct.

COMMENT 7: Several commenters opposed the repeal of ARM 24.222.703 and 24.222.706 and requested the board retain and update the rules to align with ASHA's audiology and speech-language pathology assistants' scopes of practice.

RESPONSE 7: See RESPONSE 6.

COMMENT 8: Commenters questioned whether applications for assistant licensure will be clear regarding what practical experience is and proving licensees' hours.

RESPONSE 8: This comment is outside the scope of this rulemaking.

4. The agency has amended ARM 24.222.401, 24.222.509, and 24.222.904 as proposed.

5. The agency has adopted NEW RULES I (24.222.540), II (24.222.543), III (24.222.550), IV (24.222.553), V (24.222.410), VI (24.222.415), VIII (24.222.2305), and IX (24.222.420) as proposed.

6. The agency has repealed ARM 24.222.301, 24.222.502, 24.222.504, 24.222.506, 24.222.510, 24.222.513, 24.222.520, 24.222.525, 24.222.701, 24.222.703, 24.222.706, 24.222.907, 24.222.910, 24.222.913, 24.222.916, 24.222.920, 24.222.2102, and 24.222.2301 as proposed.

7. The agency has adopted NEW RULE VII (ARM 24.222.2120) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE VII (24.222.2120) CONTINUING EDUCATION (1) through (5)(c) remain as proposed.

(d) course completion date(s); and
(e) through (8) remain as proposed.

AUTH: 37-1-131, 37-1-319, MCA

IMP: 37-1-131, 37-1-306, MCA

BOARD OF SPEECH-LANGUAGE
PATHOLOGISTS AND AUDIOLOGISTS
KELSEY MANN, BOARD PRESIDING
OFFICER

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ SARAH SWANSON
Sarah Swanson, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State November 28, 2023.