

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

In the matter of the amendment of ARM ) NOTICE OF PUBLIC HEARING ON  
24.222.301 definitions, 24.222.401 ) PROPOSED AMENDMENT AND  
fees, 24.222.2301 unprofessional ) ADOPTION  
conduct, and the adoption of NEW )  
RULE I limited licenses and NEW )  
RULE II supervised professional )  
experience )

TO: All Concerned Persons

1. On October 4, 2017, at 10:00 a.m., a public hearing will be held in the Large Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Speech-Language Pathologists and Audiologists no later than 5:00 p.m., on September 27, 2017, to advise us of the nature of the accommodation that you need. Please contact Lucy Richards, Board of Speech-Language Pathologists and Audiologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdsplp@mt.gov (board's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: To qualify for a speech-language pathologist license in Montana, applicants must complete a supervised professional experience following graduation from a graduate degree program. The 2017 Montana Legislature enacted Chapter 90, Laws of 2017 (House Bill 347), an act providing for a limited speech-language pathologist license while completing the supervised professional experience. The bill was signed by the Governor and became effective on March 23, 2017.

The board is proposing new rules and amending existing rules to implement House Bill 347 by establishing requirements for the limited speech-language pathologist license and what constitutes a supervised professional experience. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

4. The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.222.301 DEFINITIONS (1) and (2) remain the same.

~~(3) "Colleges, universities, and institutions approved by the board" means those colleges, universities, and institutions accredited by a nationally recognized accrediting agency approved by the board.~~

~~(4) "License" as used in these rules means a valid Montana full status license and does not include probationary or temporary licenses.~~

~~(5) remains the same but is renumbered (3).~~

(4) "Professional experience supervisor" means the Montana licensed speech-language pathologist who supervises the holder of a Montana limited license during the supervised professional experience as described in statute and these rules. The professional experience supervisor must have:

(a) a Montana license in good standing; and

(b) been licensed for at least two years, excluding any period of licensure under a limited license.

~~(6) (5) "Supervision of aide or assistant" means on-site observation and guidance by the supervising licensed speech-language pathologist or audiologist while a clinical activity is performed by the speech-language pathology or audiology aide or assistant. On-site supervision performed by the licensee may include but is not limited to the following:~~

~~(a) through (c) remain the same.~~

AUTH: 37-1-131, 37-15-202, 37-15-301, MCA

IMP: 37-1-131, 37-15-102, 37-15-202, 37-15-301, 37-15-303, 37-15-313, MCA

REASON: To implement House Bill 347, the board is amending this rule to define the qualifications for professional experience supervisors of limited speech-language pathologist licensees. Additionally, as limited licensees must be supervised by a licensed speech-language pathologist, the board is also amending (5) to differentiate between supervision of these licensees and that of aides or assistants. The board is further striking redundant and unnecessary definitions at (3) and (4).

Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.222.401 FEES (1) Fees are payable to the board. ~~The board assumes no responsibility for loss in transit of such remittances. All fees are nonrefundable.~~

~~(2) The board has established the following fees~~ Fees are:

~~(a) Combined application and original license fee for speech-language pathologist and/or audiologist~~ \_\_\_\_\_ \$ 350

~~(b) Renewal fee for speech-language pathologist and/or audiologist~~ \_\_\_\_\_ 200

~~(c) Placement or renewal of a license on inactive status for a speech-language pathologist and/or audiologist~~ \_\_\_\_\_ 100

~~(d) A combined application and temporary license fee for a speech-pathologist and/or audiologist~~ \_\_\_\_\_ 50

~~(e) Registration for speech-language pathologist aide or assistant and/or audiologist aide or assistant~~ \_\_\_\_\_ 30

<u>(a) limited license (speech-language pathologist):</u>	
<u>(i) application</u>	\$ 27
<u>(b) speech-language pathologist:</u>	
<u>(i) application</u>	192
<u>(ii) annual renewal of active license</u>	110
<u>(iii) placement of license on inactive status</u>	55
<u>(iv) annual renewal of inactive license</u>	55
<u>(c) audiologist:</u>	
<u>(i) application</u>	192
<u>(ii) annual renewal of active license</u>	110
<u>(iii) placement of license on inactive status</u>	55
<u>(iv) annual renewal of inactive license</u>	55
<u>(d) speech-language pathologist and audiologist (dual license):</u>	
<u>(i) initial application</u>	192
<u>(ii) annual renewal of active license</u>	110
<u>(iii) placement of license on inactive status</u>	55
<u>(iv) annual renewal of inactive license</u>	55
<u>(e) aide or assistant annual registration</u>	30
(3) remains the same.	

AUTH: 37-1-134, 37-15-202, MCA

IMP: 37-1-134, 37-1-141, 37-15-307, MCA

REASON: The board determined it is reasonably necessary to amend this rule to comply with the provisions of 37-1-134, MCA, and ensure that the board's fees related to its program area will provide the amount of money usually needed for the operation of the board for services. The board is also required to comply with 17-2-302 and 17-2-303, MCA, by not allowing the board's cash balance to exceed twice the annual appropriation amount. Therefore, the board is proposing these amendments to reduce application and renewal fees for all license types by 45%. This reduction will allow the board to gradually reduce its cash balance to meet the statutory requirements while ensuring adequate revenue to support board activities through the next biennium. The board estimates the fee reductions will affect approximately 627 licensees and applicants and result in a \$60,855 reduction in annual revenue.

The board is adding (2)(a) to set a fee for a limited license within the reduction framework described above that will adequately fund the costs of implementing the new provisions of House Bill 347.

24.222.2301 UNPROFESSIONAL CONDUCT (1) through (1)(i) remain the same.

(j) allowing aides and assistants to perform functions not allowed under the board's rules; ~~and~~

(k) failing to provide appropriate supervision to aides and assistants and services to clients; ~~and~~

(l) failing to provide appropriate supervision to the holder of a limited license who is engaged in supervised professional experience.

AUTH: 37-1-131, 37-1-319, 37-15-202, MCA  
IMP: 37-1-131, 37-1-316, 37-1-319, 37-15-202, MCA

**REASON:** To ensure adequate public protection regarding limited licensees and the associated supervision requirements, the board is adding the failure of a speech-language pathologist to properly supervise a limited license holder to those acts considered by the board as unprofessional conduct.

Implementation citations are being amended to accurately reflect all statutes implemented through the rule.

5. The proposed new rules are as follows:

**NEW RULE I LIMITED LICENSES** (1) A limited license permits an individual to complete a supervised professional experience as described in [NEW RULE II] in order to meet requirements for licensure as a speech-language pathologist.

(2) Applicants for limited licensure must submit a completed application on forms provided by the department, electronically or by paper. Completed applications include appropriate fees and required documentation.

(3) Applicants for limited licensure must:

(a) have a minimum of a master's degree in speech-language pathology or communication disorders from a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of American Speech-Language Hearing Association or its equivalent. The transcript must be certified and sent directly from the school;

(b) during the graduate degree program, have completed a supervised clinical practicum experience;

(c) pass examinations as determined by the board in ARM 24.222.510; and

(d) have a professional experience supervisor as defined in these rules.

(4) Limited licenses expire two years from the date issued and are not renewable. If a limited license expires and the supervised professional experience is not completed, the person must reapply for another limited license.

AUTH: 37-1-131, 37-15-202, 37-15-301, 37-15-302, 37-15-303, 37-15-307, MCA

IMP: 37-1-131, 37-15-301, 37-15-303, MCA

**REASON:** The board determined it is reasonably necessary to adopt New Rule I and clearly delineate the minimum licensing requirements for a limited license. The proposed education and exam requirements are identical to those for speech-language pathologist licensure since limited license applicants will have completed their graduate programs and associated supervised clinical practicum experience. The only remaining speech-language pathologist licensing requirement for limited license applicants is completion of a supervised professional experience.

**NEW RULE II SUPERVISED PROFESSIONAL EXPERIENCE** (1) A limited

licensee may perform all duties and functions of a licensed speech-language pathologist while engaged in a supervised professional experience.

(2) A Montana supervised professional experience must:

(a) be a minimum of 36 weeks totaling no less than 1260 hours. A minimum of 1008 of the total 1260 hours must be in direct client contact, which includes, but is not limited to:

- (i) assessment;
- (ii) diagnosis;
- (iii) evaluation;
- (iv) screening;
- (v) treatment;
- (vi) report writing; and
- (vii) family/client consultation.

(3) The limited licensee and professional experience supervisor must both notify the board ten days prior to any change in supervisor.

(4) Per ARM 24.222.2301, the supervisor may be subject to disciplinary action for failure to adequately supervise the limited licensee.

AUTH: 37-1-131, 37-15-202, 37-15-301, 37-15-303, MCA

IMP: 37-1-131, 37-15-301, 37-15-303, MCA

REASON: The board is adopting this new rule to clearly set forth the standards for a supervised professional experience under a limited license. These requirements are substantially equivalent to national standards for similar types of supervised professional experiences for speech-language pathologists.

6. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Speech-Language Pathologists and Audiologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdspl@mt.gov](mailto:dlibsdspl@mt.gov), and must be received no later than 5:00 p.m., October 6, 2017.

7. An electronic copy of this notice of public hearing is available at [www.slpaud.mt.gov](http://www.slpaud.mt.gov) (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or

delivered to the Board of Speech-Language Pathologists and Audiologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to [dlibsdslp@mt.gov](mailto:dlibsdslp@mt.gov); or made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on August 1, 2017, by telephone.

10. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.222.301 and 24.222.2301 does not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the adoption of New Rule I and New Rule II does not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.222.401 does significantly and directly impact small businesses. Those affected are private practitioners of speech-language pathology and audiology with less than 50 employees. The probable and direct effects would be a benefit to small businesses due to the reduction in operating costs from the reduced licensing fees. The board determined that there are no adverse effects due to these proposed amendments so there is no alternative method(s) to eliminate adverse effects.

Documentation of the board's above-stated determinations is available upon request to the Board of Speech-Language Pathologists and Audiologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; facsimile (406) 841-2305; or to [dlibsdslp@mt.gov](mailto:dlibsdslp@mt.gov).

11. Lucy Richards, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF SPEECH-LANGUAGE  
PATHOLOGISTS AND AUDIOLOGISTS  
LUCY HART PAULSON, Ed.D., CCC-SLP  
CHAIRPERSON

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

/s/ PAM BUCY  
Pam Bucy, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 28, 2017.