

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

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 24.101.413 renewal dates and	)	PROPOSED AMENDMENT AND
requirements, 24.222.301 definitions,	)	REPEAL
24.222.701 supervisor responsibility,	)	
24.222.703 functions of speech-	)	
language pathology aides or	)	
assistants, 24.222.706 functions of	)	
audiology aides or assistants,	)	
24.222.910 delivery of telepractice	)	
services, 24.222.2102 continuing	)	
education – speech-language	)	
pathologists and audiologists,	)	
24.222.2402 screening panel, and the	)	
repeal of 24.222.514 license renewal,	)	
24.222.702 schedule of supervision -	)	
contents, 24.222.901 definitions	)	

TO: All Concerned Persons

1. On August 16, 2018, at 9:00 a.m., a public hearing will be held in the Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment and repeal 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 August 9, 2018, 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 [dlibsdspl@mt.gov](mailto:dlibsdspl@mt.gov) (board's e-mail).

3. The department is proposing to amend the following rule. The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(a)l remain the same.

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(am)	Speech-Language Pathologists and Audiologists	Audiologist	Annually	February 1
		<del>Audiologist Aide*</del>	<del>Annually* Aides are not license type and do not renew, but must be registered by supervising licensee.</del>	<del>October 31</del>
		Speech-Language Pathologist	Annually	February 1
		<del>Speech-Language Pathologist Aide*</del>	<del>Annually* Aides are not license type and do not renew, but must be registered by supervising licensee.</del>	<del>October 31</del>
		Active Temporary Speech Pathologist or Audiologist	Nonrenewable Two-year license	
		<u>Limited (Speech-Language Pathologist)</u>	<u>Nonrenewable</u>	

(an) through (ao) remain the same.

(6) The following are nonrenewable licenses:

(a) through (d) remain the same.

(e) ~~active temporary speech pathologists and audiologists~~ limited speech-language pathologists;

(f) and (7) remain the same.

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-141, MCA

**REASON:** It is reasonably necessary to amend this rule and delete renewal dates for speech-language pathology and audiology aides and assistants as they are not licensed by the board and therefore do not renew.

In 2017, the Montana Legislature enacted Chapter 90, Laws of 2017 (House Bill 347), an act providing for a limited speech-language pathologist license while applicants complete the required supervised professional experience. In August

2017, the board repealed ARM 24.222.503 regarding qualifications for active temporary licensure, as the license type was no longer necessary with the passage of the bill. To further implement the legislative changes, the board established licensing requirements for the limited license by adopting ARM 24.222.508 in November 2017. The department inadvertently missed updating this rule in 2017 and is doing so now to reflect the correct licensure types.

4. The board is proposing to amend the following rules. The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.222.301 DEFINITIONS (1) "Asynchronous" means interactive transmission of data occurring bi-directionally in real time and:

(a) when applied to telepractice, not requiring the patient and the provider be available at the same time. Examples of such communication, also known as "store-and-forward" transmission, include e-mails, faxes, recorded video clips, audio files, and virtual technologies and e-learning programs; or

(b) when applied to supervision of aides/assistants, not requiring the aide/assistant supervisor and the aide/assistant be available at the same time. Examples of such communication, also known as "store-and-forward" transmission, include e-mails, faxes, recorded video clips, audio files, and virtual technologies and e-learning programs.

(1) through (3) remain the same but are renumbered (2) through (4).

~~(4) (5)~~ Speech-language pathology aides or assistants aides/assistants shall be classified in one of the following categories:

(a) ~~"aide or assistant aide/assistant I"~~ "aide/assistant I" means a person who holds an undergraduate degree in communication sciences and disorders, ~~or its equivalent, and is currently enrolled in an accredited graduate program for the purpose of completing licensure requirements or has successfully completed a post-baccalaureate program in communication sciences and disorders; and~~

(b) ~~"aide or assistant aide/assistant II"~~ "aide/assistant II" means a person who ~~holds~~ does not hold an undergraduate degree in communication sciences and disorders, ~~or its equivalent, but is not currently enrolled in an accredited graduate program; and,~~

~~(c) "aide or assistant III" means a person who holds no undergraduate degree in communication sciences and disorders or its equivalent.~~

~~(5) (6)~~ "Supervision of aide or assistant aide/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/assistant aide or assistant. On-site supervision performed by the licensee may include but is not limited to the following~~ and may include the following:

(a) through (c) remain the same.

(7) "Synchronous" means interactive transmission of data occurring bi-directionally in real time and:

(a) when applied to telepractice, requiring the patient and the provider be available at the same time. Examples of such communication include videoconferencing, remote control software application, computer applications, e-mail, and self-monitoring/testing model (which refers to the patient who receives the

services and provides data to the provider without a facilitator present at the site of the patient); or

(b) when applied to supervision of aides/assistants, requiring the aide/assistant supervisor and the aide/assistant be available at the same time. Examples of such communication include videoconferencing, remote control software application, computer applications, and e-mail.

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: In 2014, the board defined "asynchronous" and "synchronous" in ARM 24.222.910 regarding data transmission in telepractice. In discussing and developing rules for telesupervision, the board decided to relocate the existing definitions to this rule at (1) and (7) as the same technologies apply to telesupervision. The board has further amended the relocated definitions to differentiate between telepractice and telesupervision.

The board is striking the reference to on-site observation from (6) to further facilitate telesupervision. The board determined the technology allowing licensees to safely conduct telepractice is sufficient for supervising aides/assistants and it is no longer necessary to limit supervision to on-site. Because aide/assistant supervisors are ultimately responsible for the aide/assistant's actions, the board is amending (6) to allow licensees to determine when, or if, on-site supervision is necessary.

After concluding that three classes of speech-language pathology aides/assistants are unnecessary, and to align with the national norm of two classes, the board is amending (5) accordingly. Following amendment, aides/assistants I must have completed either an undergraduate degree or a post-baccalaureate program in communication sciences and disorders. Anyone not meeting these qualifications will qualify as an aide/assistant II.

24.222.701 SUPERVISOR RESPONSIBILITY GENERAL REGISTRATION AND AIDE/ASSISTANT SUPERVISION REQUIREMENTS (1) ~~Speech-language~~ Per 37-15-313, MCA, ~~speech-language pathology aides and assistants~~ aides/assistants must work directly under the supervision of a Montana-licensed speech-language pathologist. ~~Audiology aides and assistants~~ aides/assistants must work directly under the supervision of a Montana-licensed audiologist. ~~All supervisors must have been fully licensed in Montana or another state or jurisdiction for at least one full year to qualify as a supervisor.~~

(2) ~~This~~ The aide/assistant supervisor assumes full legal and ethical responsibility for the tasks performed by the ~~aide or assistant~~ aide/assistant and for any services or related interactions with a client.

(4) In order to supervise, aide/assistant supervisors must have been licensed in Montana or another state or jurisdiction for at least one full year.

(5) No aide/assistant supervisor may supervise more than three full-time-equivalent aides/assistants.

(6) The aide/assistant supervisor must register aides/assistants annually per 37-15-313, MCA. The annual registration period is September 1 through October 31.

(7) As deemed appropriate by the aide/assistant supervisor, aides/assistants who are not supervised on-site may be supervised using asynchronous and synchronous methods as defined in ARM 24.222.301.

~~(3) When aides or assistants are providing direct services under a licensed supervisor to individuals under 18 years of age, the supervisor is responsible for so informing, in writing, the parent, guardian, surrogate parent, or person acting as a parent of a child in the absence of a parent or guardian.~~

~~(4) (8) The speech-language pathology or audiology supervisor and/or appropriate administrative agency is responsible for Aide/assistant supervisors shall:~~

~~(a) ensuring that ensure the speech-language pathology or audiology aide or assistant is aides/assistants are adequately trained and educated for the tasks the aide or assistant they will perform. The amount and type of training required must be based on the following:~~

~~(a) (i) the skills and experience of the speech-language pathology or audiology aide or assistant aide/assistant;~~

~~(b) (ii) the needs of the patients/clients served;~~

~~(c) (iii) the service setting;~~

~~(d) (iv) the tasks assigned; and~~

~~(e) (v) any other factors as determined by the supervising speech-language pathologist or audiologist aide/assistant supervisor; and~~

~~(b) maintain appropriate records regarding aide/assistant activities, including, but not limited to services and related client interactions.~~

~~(5) (3) Speech-language pathology and audiology Aide/assistant supervisors shall be are required to provide at least ten percent of direct the services to each individual client.~~

~~(6) The board or board designee shall review and approve all registration forms that indicate the supervision of three or more speech-language pathology or audiology aides or assistants.~~

~~(7) The supervisor is responsible for keeping records to demonstrate compliance with the supervision schedule and must provide proof of compliance to the board upon request.~~

~~(8) The supervisor must complete and submit to the board a midyear verification form by February 25 of each year, on the supervisor's renewal form, to indicate continuing compliance with the schedule of supervision previously filed under ARM 24.222.702(1).~~

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

IMP: 37-1-131, 37-15-102, 37-15-313, MCA

REASON: The board determined it is reasonably necessary to amend this rule and its title to align the aide/assistant registration process with the board's statutory authority to require that supervisors register their aides annually. The amended and reorganized rule will clearly provide that aides/assistants are not licensed by the

board, and that the licensed supervisor assumes full responsibility for all tasks and services the aide/assistant performs.

The board is striking (3) as this is just one of many aide functions that require client notification and there is no additional reason to name it specifically. Providing services to minors falls within broad professional standards for supervising licensees to inform clients generally of the services to be provided and who will be involved in providing them.

The board is striking (6) and adding (5) to limit aide/assistant supervisors to supervising no more than three full-time aides/assistants. Following discussion, the board concluded that three aides is the most a supervisor could reasonably and effectively supervise while having to provide at least ten percent of services to each client.

The board is adding (7) to align with amendments in this notice permitting telesupervision using asynchronous and synchronous means.

It is reasonably necessary to strike the provisions regarding supervision plans and schedules to align with the repeal of ARM 24.222.702 in this notice.

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

24.222.703 FUNCTIONS OF PROHIBITED SERVICES – SPEECH-LANGUAGE PATHOLOGY AIDES OR /ASSISTANTS (1) Speech-language pathology aides/assistants are not allowed to provide telepractice services per 37-15-314, MCA.

~~(1) The supervisor is obligated to ensure that the aide assist only in the provision of those services, which are within the abilities of the aide as determined by the training and experience of that aide or assistant. The supervisor is directly responsible for all decisions affecting the client in all phases of diagnosis, treatment, and disposition. It is recognized that administrative responsibilities for an aide or assistant may be with other than the professional supervisor and those responsibilities are not included in this regulation.~~

~~(2) All speech-language pathology aides or assistants shall be under the appropriate supervision for their category of aide. Each aide or assistant shall comply with the following function guidelines for the appropriate aide category:~~

~~(a) aide or assistant I may:~~

~~(i) perform tasks identified by the speech-language pathology supervisor according to the therapy plan, which do not violate any provision of Title 37, chapter 15, MCA, or these rules;~~

~~(ii) conduct speech-language evaluations and write evaluation reports, which have been properly signed off by the supervisor;~~

~~(iii) conduct screening activities;~~

~~(iv) interpret data or clinical experience into diagnostic statements of clinical management policies with supervisor review;~~

~~(v) transmit clinical information to appropriate persons with supervisor approval;~~

~~(vi) write or plan individual or group therapy/rehabilitation plans, which have been properly signed off by the supervisor;~~

~~(vii) attend and allow to function as part of the child study and individual education planning (IEP) meetings.~~

~~(b) aide or assistant II may:~~

~~(i) perform tasks identified by the speech-language pathology supervisor according to the therapy plan, which do not violate any provision of Title 37, chapter 15, MCA, or these rules;~~

~~(ii) conduct speech-language evaluations under the supervision of the supervisor, and write evaluation reports, which have been properly signed off by the supervisor;~~

~~(iii) conduct screening activities as permitted by the supervisor;~~

~~(iv) interpret data or clinical experience into diagnostic statements of clinical management policies, with the supervisor present or available, for the purpose of immediate communication and consultation;~~

~~(v) write or plan individual or group therapy/rehabilitation plans with supervisor review and sign off; and~~

~~(vi) attend child study and IEP meetings concerning reports and cases prepared by the aide.~~

~~(c) aide or assistant III may:~~

~~(i) perform tasks identified by the speech-language pathology supervisor according to the therapy plan, which do not violate any provision of Title 37, chapter 15, MCA, or these rules; and~~

~~(ii) only conduct screening activities expressly permitted by the supervisor.~~

~~(3) (2) Speech-language pathology aides or assistants aides/assistants I are not allowed to shall comply with the following guidelines on functions, which are not allowed for the appropriate aide category:~~

~~(a) aide or assistant I may not refer clients to outside professionals; or~~

~~(b) perform diagnostic evaluations under supervision unless the aide/assistant has:~~

~~(i) completed 100 graduate-level clinical clock hours, of which at least 25 hours were diagnostic; or~~

~~(ii) completed ten semester hours of graduate credits in the professional area.~~

~~(3) Speech-language pathology aides/assistants II are not allowed to:~~

~~(a) transmit clinical information to anyone other than the aide/assistant supervisor directly supervising the aide/assistant;~~

~~(b) refer clients to outside professionals;~~

~~(c) conduct speech-language evaluations;~~

~~(d) interpret data or clinical experience into diagnostic statements of clinical management policies;~~

~~(e) transmit clinical information, except to the aide/assistant supervisor;~~

~~(f) determine the selection of cases;~~

~~(g) write or plan individual or group therapy/rehabilitation plans;~~

~~(h) attend child study or individualized education plan (IEP) meetings without the permission of the aide/assistant supervisor; or~~

~~(i) refer clients to outside professionals.~~

~~(b) aide or assistant II may not:~~

- ~~(i) transmit clinical information to anyone other than the professional directly supervising the aide or assistant; or~~
- ~~(ii) refer clients to outside professionals.~~
- ~~(c) aide or assistant III may not:~~
  - ~~(i) conduct speech-language evaluations;~~
  - ~~(ii) interpret data or clinical experience into diagnostic statements of clinical management policies;~~
  - ~~(iii) transmit clinical information, except to the professional directly supervising the aide or assistant;~~
  - ~~(iv) determine the selection of cases;~~
  - ~~(v) write or plan individual or group therapy/rehabilitation plans;~~
  - ~~(vi) attend child study or IEP meetings, except with the permission of the supervisor; or~~
  - ~~(vii) refer clients to outside professionals.~~
- ~~(4) Speech-language pathologist aides or assistants I may perform diagnostic evaluations, under supervision, only if all of the following conditions have been met:~~
  - ~~(a) completion of 100 graduate level clinical clock hours, of which at least 25 hours were diagnostic;~~
  - ~~(b) completion of ten semester hours of graduate credits in the professional area;~~
  - ~~(c) completion of the master's program within five years of commencement;~~
- ~~and~~
- ~~(d) annual submission of a written request for waiver to perform diagnostic evaluations to the board for approval prior to performing any diagnostic evaluations.~~

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

IMP: 37-1-131, 37-15-102, 37-15-313, 37-15-314, MCA

REASON: The board is amending this rule to eliminate outdated, redundant, and unnecessary provisions, and provide consistency, simplicity, better organization, and ease of use for the reader. The board determined it is reasonably necessary to amend this rule and its title to specify those services that speech-language pathology aides or assistants are prohibited from performing as it is nearly impossible to list all the services aides or assistants can perform. The board is also amending this rule to align with amendments in this notice changing from three types of speech-language pathology aides and assistants to two.

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

24.222.706 FUNCTIONS OF PROHIBITED SERVICES – AUDIOLOGY AIDES OR ASSISTANTS (1) Audiology aides/assistants are not allowed to provide telepractice services per 37-15-314, MCA.

~~(1) The supervisor is obligated to ensure that the aide assist only in the provision of those services that are within the abilities of the aide as determined by the training and experience of that aide or assistant. The supervisor is directly responsible for all decisions affecting the client in all phases of diagnosis, treatment,~~



and disposition. It is recognized that administrative responsibilities for an aide or assistant may be with other than the professional supervisor and these responsibilities are not included in this regulation.

~~(2) Audiology aides or assistants shall not perform any task without the expressed knowledge and approval of the supervising audiologist.~~

~~(3) All audiology aides or assistants shall be under appropriate supervision. Each aide or assistant shall comply with the following function guidelines:~~

~~(a) audiology aide or assistant may:~~

~~(i) greet, escort, and schedule patients;~~

~~(ii) package and mail earmold orders, device repairs, and factory returns;~~

~~(iii) perform inventories of equipment and supplies;~~

~~(iv) enter clinic supply orders;~~

~~(v) perform checks on hearing aids and other amplification devices;~~

~~(vi) clean hearing aids and other amplification devices;~~

~~(vii) perform troubleshooting and minor repairs to hearing aids, earmolds, and other amplification devices;~~

~~(viii) perform electroacoustic analysis of hearing aids and other amplification devices;~~

~~(ix) instruct patients in proper use and care of hearing aids and other amplification devices;~~

~~(x) demonstrate alerting and assistive listening devices;~~

~~(xi) instruct patients in proper ear hygiene;~~

~~(xii) assist audiologists in treatment programs;~~

~~(xiii) assist audiologists with setup and technical tasks, including restoring setting in hearing aids and other amplification devices;~~

~~(xiv) prepare materials for ear impressions;~~

~~(xv) maintain and restock test and treatment rooms;~~

~~(xvi) perform equipment maintenance and biological checks;~~

~~(xvii) conduct but not interpret hearing and tympanometric screening for children aged three and older and adults;~~

~~(xviii) conduct otoacoustic emission screening;~~

~~(xix) perform nondiagnostic otoscopy;~~

~~(xx) perform, but not interpret, audiologic and vestibular tests;~~

~~(xxi) assist audiologists in hearing testing of pediatric patients;~~

~~(xxii) perform pure tone hearing screening;~~

~~(xxiii) perform universal newborn hearing screening tests;~~

~~(xxiv) perform infection control duties within the clinic/service; and~~

~~(xxv) assist patients in completing case history or other relevant forms.~~

~~(4) (2) Audiology aides or assistants shall comply with the following guidelines on functions that aides/assistants are not allowed to:~~

~~(a) perform any task without the expressed knowledge and approval of the aide/assistant supervisor;~~

~~(a) audiology aide or assistant may not:~~

~~(i) and (ii) remain the same but are renumbered (b) and (c).~~

~~(iii) (d) participate in team or case conferences, or any interdisciplinary team, without the presence of the supervising audiologist aide/assistant supervisor or an audiologist designated by the supervising audiologist aide/assistant supervisor;~~

- (iv) remains the same but is renumbered (e).
  - ~~(v) (f)~~ assist with patients without following the treatment plan prepared by the ~~audiologist or without proper supervision~~ aide/assistant supervisor;
  - ~~(vi) (g)~~ compose or sign any formal documents (e.g., treatment plans, reimbursement forms, or reports); ~~progress notes written by audiology assistants may be reviewed and cosigned by the supervising audiologist, subject to local facility policy~~;
  - ~~(vii) (h)~~ transmit clinical information either orally or in writing to anyone, including the patient, except at the direction of the ~~supervising audiologist~~ aide/assistant supervisor;
  - (viii) remains the same but is renumbered (i).
  - ~~(ix) (j)~~ disclose clinical or confidential information either orally or in writing to anyone other than the ~~supervising audiologist~~ aide/assistant supervisor, except at the direction of the ~~supervising audiologist~~ aide/assistant supervisor;
  - ~~(x) (k)~~ counsel or consult with the patient, family, or others regarding the patient status or service, or make referrals for additional services, except at the direction of the ~~supervising audiologist~~ aide/assistant supervisor;
  - ~~(xi) refer to themselves either orally or in writing with a title other than one determined by the supervising audiologist~~;
  - (xii) remains the same but is renumbered (l).
  - ~~(xiii) (m)~~ fit hearing aids or other amplification devices; or
  - ~~(xiv) (n)~~ map cochlear implants; or
  - (o) write progress notes that are not cosigned by the aide/assistant supervisor.
- ~~(5) (3)~~ Audiology ~~aides or assistants~~ and industrial audiology ~~aides or assistants~~ aides/assistants shall comply with the supervision plan and functions submitted by the aide/assistant supervisor at the time of application, and with all other statutory or rule requirements.

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

IMP: 37-1-131, 37-15-102, 37-15-313, 37-15-314, MCA

REASON: The board is amending this rule to eliminate outdated, redundant, and unnecessary provisions, and provide consistency, simplicity, better organization, and ease of use for the reader. The board determined it is reasonably necessary to amend this rule to specify those services that audiology aides or assistants are prohibited from performing as it is nearly impossible to list all the services aides or assistants can perform.

Additionally, the board is striking the prohibition on aides or assistants referring to themselves with titles other than one approved by the supervisor. Since the board does not license aides or assistants and has very limited authority over their conduct, the board concluded it lacks the authority to dictate and enforce titles.

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

24.222.910 DELIVERY OF TELEPRACTICE SERVICES (1) Telepractice services may be delivered using asynchronous and synchronous methods as defined in ARM 24.222.301. in a variety of ways, including:

- ~~(a) Asynchronous transmission:~~
    - ~~(i) store and forward model/electronic transmission of stored clinical data from one location to another usually by the Internet via e-mail or fax; and~~
    - ~~(ii) video and audio transmission through regular mail service delivery and express delivery services; and~~
  - ~~(b) Synchronous transmission:~~
    - ~~(i) clinician interactive model is a real time interaction between provider and patient that may occur via audio or audio/video transmission over telecommunication links such as telephone, Internet, or other methods for distance communication, including:~~
      - ~~(A) videoconferencing;~~
      - ~~(B) remote control software applications;~~
      - ~~(C) computer applications;~~
      - ~~(D) e-mail correspondence, including attachments; or~~
      - ~~(E) self-monitoring/testing model, which refers to the patient who receives the services and provides data to the provider without a facilitator present at the site of the patient.~~
- ~~(2) remains the same.~~

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

IMP: 37-1-131, 37-15-102, 37-15-202, 37-15-314, 37-15-315, MCA

REASON: The board is relocating the definitions for "asynchronous" and "synchronous" to ARM 24.222.301 to set forth all definitions in a single rule.

24.222.2102 CONTINUING EDUCATION – SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS ~~(1) Continuing education consists of educational activities designed to:~~

- ~~(a) review existing concepts and techniques;~~
- ~~(b) convey information beyond the basic professional education; and~~
- ~~(c) update knowledge on advances in speech-language pathology or audiology practices.~~

~~(2) (1) Licensees are required to obtain the following continuing education (CE) hours annually, prior to renewal on February 1. Credit will be granted only for CE completed during the one-year period prior to renewal:~~

- ~~(a) and (b) remain the same.~~
- ~~(3) remains the same but is renumbered (2).~~

~~(3) Licensees are responsible for selecting quality programs that focus on protecting the health, safety, and welfare of the public and contribute to speech-language pathologists' and audiologists' professional knowledge and competence.~~  
Acceptable CE activities:

- (a) directly relate to the scope of practice of speech-language pathology and audiology as defined in board statutes and rules;
- (b) review existing concepts and techniques;

(c) convey information beyond the basic professional education;  
(d) update knowledge on advances in speech-language pathology or audiology practices; and/or

(e) reinforce professional conduct or ethical obligations of the licensee.

(4) All licensees will affirm on the annual renewal form that they have completed the appropriate number of continuing education hours shall affirm an understanding of their recurring duty to comply with CE requirements as part of annual license renewal.

(5) The board will randomly audit up to 50 percent of renewed licensees' continuing education CE annually.

(6) All continuing education must be documented with evidence from the instructor or sponsoring organization CE must be documented to show proof of completion. The licensee is responsible for maintaining these records and making these records CE documentation available upon board request. Documentation must include the following information:

(a) participant's licensee name;

(b) presenter or sponsor;

(c) remains the same.

(d) course date(s); and

(e) location; and

(f) (e) number of continuing education CE hours granted earned.

(7) Licensees found to be in noncompliance with CE requirements may be subject to administrative suspension. Licensees may not apply CE hours used to complete delinquent CE requirements for the next education reporting period.

(8) Any CE hours required by disciplinary order do not apply toward the hours that are required annually under this rule.

(7) Credit will be granted only for continuing education completed during the one-year period prior to renewal.

(8) Continuing education offered by the following sponsors is approved by the board:

(a) American Speech-Language Hearing Association (ASHA);

(b) Montana Speech and Hearing Association (MSHA);

(c) American Academy of Audiology (AAA);

(d) Academy of Doctors of Audiology (ADA); and

(e) Montana Audiology Guild (MAG).

(9) Sponsors not meeting the criteria in (8) will be evaluated by the board on an individual basis.

(10) Licensees who serve as instructors in approved programs or academic courses may be allowed appropriate credit for one-time presentation. No credit will be allowed for repeat sessions.

(a) These programs and academic courses must also be approved by the board per (9).

(b) One quarter credit hour of academic course work shall be considered ten continuing education hours, and one semester credit hour of academic course work shall be considered 15 continuing education hours. Formal educational activities clearly related to the contemporary practice of speech-language pathology or

~~audiology offered by a recognized post-secondary training institution documented by transcript or grade sheet meet this criteria.~~

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

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

REASON: The board determined it is reasonably necessary to amend this rule to align with and further facilitate the department's standardized application, renewal, and audit procedures, and streamline the rule for better organization and ease of use for the reader. As a part of the standardization, the board concluded it is reasonably necessary to place the responsibility on licensees to select quality continuing education (CE) programs that contribute to their knowledge and competence. Following amendment, the board will no longer approve sponsors or courses as licensees must choose CE that meets the professional education objectives in this rule.

Following a recommendation by department legal staff, the board is amending (4) to align the affirmation of CE required at renewal with the provisions of 37-1-306, MCA. The amendments fall within standardized department procedures by having licensees with mandatory CE affirm an understanding of the requirement and the potential of being audited for compliance.

The board is clarifying in (7) that licensees not in compliance with CE may be subject to administrative suspension per 37-1-321, MCA, and in accordance with standardized department audit processes. To address licensee and staff questions, the board is adding (8) to clarify that any CE required pursuant to a licensee's disciplinary action is independent of regular CE requirements.

24.222.2402 SCREENING PANEL (1) The board screening panel shall consist of:

(a) one speech-language pathologist ~~board member~~ who has served longest on the board;

(b) one audiologist ~~board member~~ who has served longest on the board; and

(c) one public member of the board.

(2) The ~~chairman~~ presiding officer may reappoint screening panel members, or replace screening panel members as necessary at the ~~chairman's~~ presiding officer's discretion.

AUTH: 37-1-136, 37-15-202, MCA

IMP: 37-1-307, 37-15-201, MCA

REASON: It is reasonably necessary to amend this rule to reflect the correct term of "presiding officer" as used in 37-15-201 and for simplicity and ease of use.

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.

5. The board is proposing to repeal the following rules:

24.222.514 LICENSE RENEWAL

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

IMP: 37-1-141, MCA

REASON: The board is repealing this unnecessary rule as the department administers a standardized renewal process for all professional licensing boards.

24.222.702 SCHEDULE OF SUPERVISION - CONTENTS

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

IMP: 37-15-102, 37-15-313, MCA

REASON: It is reasonably necessary to repeal this rule as the board does not have authority to require supervision plans or schedules since aides are not licensees. Supervision provisions within the board's authority are relocated to ARM 24.222.701.

24.222.901 DEFINITIONS

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

IMP: 37-1-131, 37-15-102, 37-15-202, 37-15-314, 37-15-315, MCA

REASON: To provide consistency, simplicity, and house all definitions in a single rule, the board is repealing this rule and moving the definitions for "asynchronous" and "synchronous" to ARM 24.222.301.

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 [dlibsdslp@mt.gov](mailto:dlibsdslp@mt.gov), and must be received no later than 5:00 p.m., August 17, 2018.

7. An electronic copy of this notice of public hearing is available at <http://boards.bsd.dli.mt.gov/slp> (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 [dlibsdspl@mt.gov](mailto:dlibsdspl@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, do not apply.

10. Regarding the requirements of 2-4-111, MCA, the department has determined that the amendment of ARM 24.101.413 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.222.301, 24.222.701, 24.222.703, 24.222.706, 24.222.910, 24.222.2102, and 24.222.2402 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.222.514, 24.222.702, and 24.222.901 will not significantly and directly impact small businesses.

Documentation of the department and 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 [dlibsdspl@mt.gov](mailto:dlibsdspl@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  
PRESIDING OFFICER

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

/s/ GALEN HOLLENBAUGH  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 10, 2018.