

# SENATE BILL REPORT

## ESSB 5601

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As Amended by House, April 14, 2009

**Title:** An act relating to speech-language pathology assistants.

**Brief Description:** Regulating speech-language pathology assistants.

**Sponsors:** Senate Committee on Health & Long-Term Care (originally sponsored by Senator Franklin).

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/09/09, 2/18/09 [DPS-WM, w/oRec].

Passed Senate: 3/12/09, 34-14.

Passed House: 4/14/09, 64-32.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5601 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Marr and Murray.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Becker and Parlette.

**Staff:** Edith Rice (786-7444)

**Background:** Speech-language pathologists (SLP) study, diagnose and treat disorders of speech, language, and swallowing. These disorders can be congenital, the result of traumatic brain injury, or stroke. A speech language pathology assistant can be used to support the SLP's work in group settings. SLPs are health care providers and are increasing in demand in school settings. SLPs are currently licensed in Washington State. Minimum requirements for licensure include a master's degree or doctorate from a board-approved institution, supervised clinical experience and post-graduate professional work experience.

A SLP license is not required for the practice of SLP in school settings. However, they must be certified as Educational Staff Associates by the Office of Superintendent of Public Instruction. SLP assistants are not currently regulated under state law. SLP assistants are used extensively in schools as paraeducators, but are not currently supervised by SLPs.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In 2007 House bill 2372 was referred to the Department Health (DOH) for a sunrise review of a proposal to license speech language pathologist assistants. This sunrise review is not yet completed but is available in draft form. Although the sunrise proposal sought licensure for SLP assistants, DOH concluded that certification could offer an alternative credentialing standard that meets the sunrise criteria. By providing for certification of SLP assistants, DOH can authorize those who meet the qualifications to use "certified" in their title. It would not be unlawful to practice without certification. Demand in schools for SLP is significant and increasing. Use of SLP assistants would expand the available services.

**Summary of Engrossed Substitute Bill:** The designation of speech-language pathology assistant can only be used by a licensed individual providing services under the supervision of a licensed SLP. Minimum qualifications include an associate degree or a bachelor degree or certificate from a speech-language pathology assistant program. As an alternative, within one year of this law's enactment, requirements for licensure as an SLP assistant may be met by submitting a competency checklist to the Board of Hearing and Speech and by being employed under the supervision of an SLP for a minimum of 600 hours within the last three years.

The Secretary of DOH has authority to discipline SLP assistants. An SLP assistant may only perform tasks delegated by an SLP and must follow the individualized education treatment plan.

The Board of Hearing and Speech is given authority to develop rules which outline tasks permitted under the direct and indirect supervision of an SLP. SLP assistants are not permitted to diagnose, evaluate, or provide clinical interpretation. Speech-language pathology assistants are removed from the list of Board of Hearing and Speech members who may serve as board chair.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: SLP assistants have been used since the 1980s. There continues to be a shortage of SLPs and increasingly we are relying upon assistants to provide services. Currently anyone can do this; there need to be standards. Not all school districts use qualified SLPs.

**Persons Testifying:** PRO: Gail Rothwell, Lisa Wolf, Melissa Johnson, Washington Speech and Hearing Association.

**House Amendment(s):** Changes the licensure program for speech-language pathology assistants to a certification program.

Exempts certified speech-language pathology assistants from the requirement that a health carrier cover every category of provider.

Requires the Superintendent of Public Instruction to report to the Department of Health (1) complaints and disciplinary actions taken against certified educational staff associates providing speech-language pathology services in schools; and (2) complaints received against certified speech-language pathology assistants.