

Chapter 335 Board of Examiners for Speech-Language Pathology and Audiology

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DIVISION 1

PROCEDURAL RULES

335-001-0000 **Notice of Proposed Rule**

In addition to such other rulemaking requirements established by law, the Board will also furnish notice of its intended rulemaking to:

- (1) Oregon Speech Language Hearing Association;
- (2) Oregon State Department of Education;
- (3) Oregon Medical Association;
- (4) Oregon Hearing Society;
- (5) Oregon Academy of Otolaryngology;
- (6) Oregon Academy of Speech Pathology and Audiology;
- (7) Oregon Academy of Audiology;
- (8) Oregon Advisory Council on Hearing Aids;
- (9) Those persons on the Agency mailing list.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.335

Hist.: SPA 2, f. & ef. 7-29-76; SPA 1-2001, f. & cert. ef. 3-12-01; SPA 5-2006, f. & cert. ef. 11-3-06; SPA 2-2007, f. & cert. ef. 2-9-07

335-001-0005

Model Rules of Procedure

The Board adopts the Attorney General's Model Rules, Oregon Administrative Rule Chapter 137, division one, division four and Oregon Administrative Rules 137-003-0501 to 137-003-0700.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Board of Examiners for Speech-Language Pathology and Audiology.]

Stat. Auth.: ORS 681.420(5)

Stats. Implemented: ORS 183.341

Hist.: SPA 2, f. & ef. 7-29-76; SPA 1-1980, f. & ef. 9-2-80; SPA 1-1986, f. & ef.

335-001-0007

Time for Requesting a Contested Case Hearing

A request for a contested case hearing must be in writing and must be received by the Board within twenty-one days from the date the contested case notice was served.

Stat. Auth.: ORS 681.420(5)

Stats. Implemented: ORS 183.341

Hist.: SPA 1-2001, f. & cert. ef. 3-12-01

335-001-0008

Requesting a Hearing; Stating Claims and Defenses

(1) When requesting a hearing, or within fourteen (14) days following a request for hearing, the person responding to the notice must admit or deny, in writing, all factual matters stated in the notice. Any factual matters not denied shall be presumed admitted.

(2) When requesting a hearing, or within fourteen (14) days following a request for hearing, the person responding to the notice shall affirmatively state, in writing, any and all claims or defenses the person may have and the reason that supports the claim of defense. Failure to raise a claim or defense shall be presumed to be a waiver of such claim.

(3) Evidence shall not be taken on any issue not raised in the notice and either the request for hearing or a subsequent statement within fourteen (14) days following the request for hearing as required in sections (1) and (2) of this rule.

Stat. Auth.: ORS 681.420(5)

Stats. Implemented: ORS 183.341

Hist.: SPA 1-2008, f. & cert. ef. 4-10-08;

9-9-86; SPA 1-1996, f. & cert. ef. 6-7-96; SPA 1-2001, f. & cert. ef. 3-12-01;

335-001-0009

Filing Exceptions and Argument to the Board

A party adversely affected by a proposed order may file written exceptions and argument with the Board. To be considered by the Board, any exceptions and argument submitted by a party must be received by the Board within 21 days of the mailing date of the proposed order.

Stat. Auth.: ORS 681.420(5)

Stats. Implemented: ORS 183.341

Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2011, f. 1-28-11, cert. ef. 2-1-11

335-001-0011

Reconsideration and Rehearing — Contested Cases

(1) A party may file a petition for reconsideration or rehearing of a final order in a contested case with the agency within 60 calendar days after the order is served. A copy of the petition shall also be delivered or mailed to all parties or other persons and agencies required by statute, rule, or order to receive notice of the proceeding.

(2) The petition shall set forth the specific grounds for reconsideration or rehearing. The petition may be supported by a written argument.

(3) A rehearing may be limited by the agency to specific matters.

(4) The petition may include a request for stay of a final order if the petition complies with the requirements of OAR 137-003-0090(2).

(5) The agency may consider a petition for reconsideration or rehearing as a request for either or both. The petition may be granted or denied by summary order and, if no action is taken, shall be deemed denied as provided in ORS 183.482.

(6) Within 60 calendar days after the order is served, the agency may, on its own initiative, reconsider the final order or rehear the case. If a petition for judicial review has been filed, the agency must follow the procedures set forth in ORS 183.482(6) before taking further action on the order. The procedural and substantive effect of reconsideration or rehearing under this section shall be identical to the effect of granting a party's petition for reconsideration or rehearing.

(7) Reconsideration or rehearing shall not be granted after the filing of a petition for judicial review, except in the manner provided by ORS 183.482(6).

(8) A final order remains in effect during reconsideration or rehearing until stayed or changed.

SPA 5-2006, f. & cert. ef. 11-3-06; SPA 2-2007, f. & cert. ef. 2-9-07; SPA 1-

2008, f. & cert. ef. 4-10-08

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(9) Following reconsideration or rehearing, the agency shall enter a new order, which may be an order affirming the existing order.

Stat. Auth.: ORS 681.420(5)

Stats. Implemented: ORS 183.341

Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2008, f. & cert. ef. 4-10-08

DIVISION 5

PROFESSIONAL AND ETHICAL STANDARDS

335-005-0010

Definitions

(1) Misrepresentation includes any untrue statements or statements that are likely to mislead. Misrepresentation also includes the failure to state any information that is material and that reasonably ought to be considered.

(2) Unprofessional Conduct includes:

(a) Failure or refusal of an applicant for a license from the Board or of a licensee of the Board to cooperate fully in any investigation conducted by the Board.

(b) Making a false statement to the Board.

(c) Attempting to obtain a license from the Board by means of fraud, misrepresentation, or concealment of material facts.

(d) Sexual misconduct with a client.

(e) Any act of theft, dishonesty or misrepresentation involving a client, another practitioner, third party providers, or a government agency.

(f) Habitual or excessive use of intoxicants, drugs or controlled substances.

(g) Assisting or permitting any person to practice speech-language pathology or audiology without a license.

(h) Practicing speech-language pathology or audiology when impaired by drugs, alcohol or any other substance.

(i) Verbal or physical abuse of a client.

(j) Sexual harassment: Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(A) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(B) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(C) Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

(k) Violating an employer's ethics or conduct policy.

(l) Conviction of a crime or admitting to an act that even in the absence of a conviction would constitute a crime.

(m) Failing to report to this Board a misdemeanor or felony conviction or arrest for a felony crime within 10 days after the conviction or arrest.

(n) Failing to immediately report to the Board any adverse action taken against a license or certificate holder by a state or federal agency; or another state speech-language pathology or audiology licensing agency; or professional association.

(o) Unprofessional conduct as defined in ORS 676.150.

Stat. Auth.: ORS 681

Stats. Implemented: ORS 681.330

Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 2-2008, f. & cert. ef. 4-10-08; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09; SPA 2-2011, f. & cert. ef. 10-10-11; SPA 2-2012, f. & cert. ef. 12-14-12

335-005-0015

Welfare of Clients

(1) Individuals shall honor their responsibility to hold paramount the welfare of persons they serve professionally.

(2) Individuals shall provide all services competently.

(3) Individuals shall use all appropriate resources, including referral when appropriate.

(4) Individuals shall not discriminate in the delivery of professional services on the basis of race or ethnicity, sex, age, religion, national origin, sexual orientation, or disability.

(5) Individuals shall fully inform the persons they serve of the nature and possible effects of services rendered and products dispensed.

(6) Individuals shall evaluate the effectiveness of services rendered and of products dispensed and shall provide services or dispense products only when benefit can reasonably be expected.

(7) Individuals shall not guarantee the results of any treatment or procedure, directly or by implication; however, they may make a reasonable statement of prognosis.

(8) Individuals shall not evaluate or treat speech, language, or hearing disorders solely by correspondence.

(9) Individuals shall maintain adequate records of professional services and products dispensed and shall allow access to these records when appropriately authorized.

(10) Individuals shall not reveal, without authorization, any professional or personal information about the person served professionally, unless required by law to do so, or unless doing so is necessary to protect the welfare of the person or of the community.

(11) Individuals shall not charge for services not rendered, nor shall they misrepresent in any fashion, services rendered or products dispensed.

(12) Individuals shall use persons in research or as subjects of teaching demonstrations only with their informed consent.

(13) Individuals whose professional services are adversely affected by substance abuse or other health-related conditions shall seek professional assistance and, where appropriate, withdraw from the affected areas of practice.

(14) Individuals who have reason to believe that the Professional and Ethical Standards have been violated shall inform the Board.

(15) Individuals shall not exploit persons in the delivery of professional services.

(16) Individuals shall maintain clinical records as required by the Board's rules to ensure the provision of competent and appropriate care for persons served.

Stat. Auth.: ORS 681

Stats. Implemented: ORS 681.330

Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 2-2004, f. & cert. ef. 5-26-04

335-005-0020

Professional Competence

(1) Individuals shall engage in only those aspects of the professions that are within the scope of their competence, considering their level of education, training, and experience.

(2) Individuals shall continue their professional development throughout their careers.

(3) Individuals who supervise shall prohibit any of their professional staff from providing services that exceed the staff member's competence, considering the staff member's level of education, training, and experience.

(4) Individuals shall ensure that all equipment used in the provision of services is in proper working order and is properly calibrated.

(5) Individuals shall prohibit anyone under their supervision from engaging in any practice that violates the Professional and Ethical Standards.

(6) Individuals shall not provide professional services without exercising independent professional judgment, regardless of referral source or prescription.

(7) Individuals shall not discriminate in their relationships with colleagues, students, and members of allied professions on the basis of race or ethnicity, gender, age, religion, national origin, sexual orientation, or disability.

(8) Licensees will provide current home and business addresses and telephone numbers, an electronic mail address, and proof of legal name and any name used professionally within thirty (30) days of the effective date of change.

(9) Individuals shall cooperate fully with the Board in every matter related to these Professional and Ethical Standards.

(10) Speech-Language Pathology Assistants and Conditional Licensees shall report a change in supervisor within thirty (30) days of the effective date of change.

Stat. Auth.: ORS 681

Stats. Implemented: ORS 681.330

Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 2-2008, f. & cert. ef. 4-10-08; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13

335-005-0025

Accurate Representation

(1) Individuals shall not misrepresent their credentials, competence, education, training, or experience.

(2) Individuals shall not misrepresent the credentials of assistants and shall inform those they serve professionally of the name and professional credentials of persons providing services.

(3) Individuals shall not transfer to a noncertified individual any responsibility which requires the unique skills, knowledge, and judgment that is within the scope of practice of that professional.

(4) Individuals shall not misrepresent diagnostic information, services rendered, or products dispensed or engage in any scheme or artifice to defraud in connection with obtaining payment or reimbursement for such services or products.

(5) Individuals' statements to the public shall provide accurate information about the nature and management of communication disorders, about the professions, and about professional services.

(6) Individuals' statements to the public advertising, announcing, and marketing their professional services, reporting research results, and promoting products shall adhere to prevailing professional standards and shall not contain misrepresentations.

(7) Individuals shall not engage in any scheme or enter into any arrangement whereby clients are referred to or from any person or business entity in return for any remuneration of any kind, including referrals back to the person or business entity.

(8) Individuals shall not engage in dishonesty, fraud, misrepresentation, or any form of conduct that adversely reflects on the individual's fitness to serve persons professionally.

(9) Individuals' statements to colleagues about professional services, research results, and products shall contain no misrepresentations.

(10) Audiology licensees may not consult with, contract with, or be employed by a business that dispenses hearing aids if the business holds itself out as having an audiologist on staff or providing audiology services unless audiology licensees provide audiological services as follows:

(a) The licensee, in combination with other audiology licensees or alone, performs audiology evaluations or hearing fitting services or both at each of the business locations that is advertised as having an audiologist on staff or providing audiology services;

(b) The licensee, or the licensee and other licensees, are physically present for at least 30 hours per month at each of the business locations that is advertised as having an audiologist on staff or providing audiology services; and

(c) The licensee keeps a record of the hours he or she spends at each of the business locations that is advertised as having an audiologist on staff or providing audiology services.

(11) (a), (b), (c) above does not apply if audiologist licensees are the sole providers of hearing aids at a business location.

(12) Except as described in section 13 of this rule, a licensee shall not sign, or authorize anyone else to sign on the licensee's behalf, letters or reports purporting to describe the function or condition of any person unless the licensee has personally performed testing of the person.

(13) If support personnel or a student in supervised practicum provide services, the name of the assistant or the student and a description of duties performed must be clearly referenced in any formal documents (e.g. letters, treatment plans, reports) signed by the licensee.

Stat. Auth.: ORS 681

Stats. Implemented: ORS 681.330

Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2004, f. & cert. ef. 2-6-04; SPA 2-2004, f. & cert. ef. 5-26-04; SPA 1-2005, f. & cert. ef. 9-13-05; SPA 1-2006, f. & cert. ef. 5-8-06; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09

335-005-0026

Determination of Fitness; State and Nationwide Criminal Background Checks

(1) The purpose of these rules is to provide for the reasonable screening of applicants and licensees to determine if they have a history of criminal behavior such that they are not fit to be granted or hold a license that is issued by the Board.

(2) These rules are to be applied when evaluating the criminal history of an applicant or licensee and conducting fitness determinations based upon such history. The fact that an applicant or licensee has cleared the criminal history check does not guarantee the granting or renewal of a license.

(3) The Board may request applicants and licensees to undergo a state criminal history check and a national criminal history check, using fingerprint identification of applicants or licensees. State criminal records checks using the Law Enforcement Data System maintained by the Department of State Police and national checks using the Federal Bureau of Investigation system will be conducted in accordance with ORS Chapter 181 and applicable rules adopted and procedures established by the Department of State Police. Applicants and licensees are required to:

(a) Comply with Board requirements in completing these checks;

(b) Pay relevant fees as outlined in OAR 335-060-0010(1)(f).

(4) The Board will determine if an applicant or licensee is fit to practice, or whether they are subject to denial, suspension, or revocation or a license under ORS 681.350. If an applicant is determined to be unfit, the applicant may not be granted a license. If a licensee is determined to be unfit the licensee's license may not be renewed or it may be suspended or revoked. The Board may make a fitness determination conditional upon applicant's or licensee's acceptance of probation, conditions, limitations, or other restrictions upon licensure. To make this determination, the Board may consider:

(a) A criminal records background check;

(b) Any false statements made by the applicant or licensee regarding their criminal history or other background;

(c) Any refusal to submit or consent to a criminal records check including fingerprint identification;

(d) Any other pertinent information provided by the applicant or licensee or obtained as part of an investigation.

(5) Except as otherwise provided in section (2), in making the fitness determination the Board shall consider:

(a) The nature of the crime;

(b) The facts that support the conviction or pending indictment or that indicate the making of the false statement;

(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the applicant's or licensee's present or proposed license; and

(d) Intervening circumstances relevant to the responsibilities and circumstances of the license. Intervening circumstances include but are not limited to:

(A) The passage of time since the commission of the crime;

(B) The age of the applicant or licensee at the time of the crime;

(C) The likelihood of a repetition of offenses or of the commission of another crime;

(D) The subsequent commission of another relevant crime;

(E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

(F) A recommendation of an employer.

(e) Any other relevant information.

(6) All background checks shall be requested to include available state and national data, unless obtaining one or the other is an acceptable alternative.

(7) In order to conduct the Oregon and National Criminal Records Check and fitness determination, the Board may require additional information from the licensee or applicant as necessary, such as but not limited to, proof of identity; residential and employment history; names used while living at each residence; or additional criminal, judicial or other background information.

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(8) Criminal offender information is confidential. Dissemination of information received under this rule is part of the investigation of an applicant or licensee and as such is confidential pursuant to ORS 676.175.

(9) The Board will permit the individual for whom a fingerprint-based criminal records check was conducted to inspect the individual's own state and national criminal offender records and, if requested by the subject individual, provide the individual with a copy of the individual's own state and national criminal offender records.

(10) The Board may consider any conviction of any violation of the law for which the court could impose a punishment and in compliance with ORS 681.490. The Board may also consider any arrests and court records that may be indicative of an individual's inability to perform as a licensee with care and safety to the public.

(11) If an applicant or licensee is determined not to be fit for a license, the applicant or licensee is entitled to a contested case process pursuant to ORS 183.414–183.470. Challenges to the accuracy or completeness of information provided by the Oregon Department of State Police, Federal Bureau of Investigation and agencies reporting information must be made through the Oregon Department of State Police, Federal Bureau of Investigation, or reporting agency and not through the contested case process pursuant to ORS 183.

(12) If the applicant discontinues the application process or fails to cooperate with the criminal records check process, the application is considered incomplete.

(13) The Board may require current or prospective employees, Board members, volunteers, vendors or other contractors to undergo a criminal background check as described in this rule as a condition of employment or Board service.

Stat. Auth.: ORS 181.534, 676.303, 681.330 & 681.350

Stat. Implemented: ORS 181.534, 676.175, 676.303, 681.260, 681.264, 681.320, 681.325, 681.350 & 681.360

Hist.: SPA 2-2014(Temp), f. 5-6-14, cert. ef. 5-19-14 thru 11-15-14; SPA 3-2014, f. & cert. ef. 11-17-14

335-005-0030

Statement to Prospective Hearing Aid Consumer; Contents; Copy Retained

(1) Prior to consummation of the sale of a hearing aid, the audiologist shall provide to the consumer a written statement that shall include but not be limited to all of the following:

- (a) The name and address of the prospective hearing aid user;
- (b) The date of the sale;
- (c) The make, model, and serial number of the hearing aid or aids sold;

(d) A statement on the condition of the hearing aid: new, reconditioned, or used. A used hearing aid is a hearing aid that has been worn for any period of time, excepting hearing aids worn as part of hearing aid evaluations. A reconditioned hearing aid is a used hearing aid that has been rebuilt or is a hearing aid that consists of both old and new parts;

(e) The terms of any guarantee or expressed warranty with respect to the hearing aid or hearing aids;

(f) Statement of right to rescind the sale, length of trial period (minimum 30 days), procedure for extending trial period, procedure for rescinding sale, and the date by which the hearing aid(s) need to be returned to rescind the sale;

(g) The business address of the audiologist;

(h) The name, license number and signature of the audiologist selling the hearing aids;

(i) The procedure for filing a complaint which includes the address and telephone number of the Board and the internet address for the location of complaint forms on the Board's website;

(j) A statement acknowledging that the consumer has read and understands the information contained in the sales agreement, signed by the consumer and dated.

(2) A duplicate copy of the statement required under subsection (1) of this section is a clinical record and as such must be kept for seven years by the audiologist selling the hearing aid.

Stat. Auth.: ORS 681.420(5), 681.460

Stats. Implemented: ORS 681.420

Hist.: SPA 1-2006, f. & cert. ef. 5-8-06; SPA 5-2006, f. & cert. ef. 11-3-06; SPA 2-2007, f. & cert. ef. 2-9-07

335-005-0035

Right to Rescind Hearing Aid Purchase and Time Limit; Refund; Post Delivery Session

(1) Any monies paid by or on behalf of the consumer toward the purchase of a hearing aid shall be refunded to the payer if the delivery of the hearing aid to the consumer is cancelled.

(2) After delivery of the hearing aid to the consumer, the consumer shall have the right to rescind the hearing aid purchase for any reason within 30-days from the date of initial fitting by returning the hearing aid to the place of business either in person or by certified mail. Any hearing aid returned must be in good condition less normal wear and tear. If any hearing aid has been out of the consumer's possession for a period of 72 hours or more for any alteration or adjustment during the 30 day rescission period, the 30 day rescission period is restarted. The length of the rescission period may exceed 30 days by written agreement between the consumer and the audiologist.

(3) After delivery of the hearing aid(s) to the consumer, the audiologist may retain 10% of the purchase price or a maximum of \$250 per hearing aid when the consumer rescinds the sale during the rescission period. The purchaser shall incur no additional liability for the cancellation.

(4) The audiologist will conduct and document a minimum of one post-delivery follow-up session with the consumer before the expiration of the 30-day trial period. The audiologist must document in the clinical record if the consumer can not be located or fails to attend the follow-up session.

Stat. Auth.: ORS 681.420(5), 681.460

Stats. Implemented: ORS 681.420

Hist.: SPA 1-2006, f. & cert. ef. 5-8-06

DIVISION 10

RECORD KEEPING

335-010-0050

Philosophy

Speech-language pathology and audiology professionals in all positions and settings are responsible for maintaining ongoing and complete documentation of the clinical services they provide. Record keeping creates and maintains a record of events pertaining to each client. Clear and comprehensive record keeping facilitates communication between care or treatment providers and interdisciplinary team members, protects both clients and providers, justifies the need for treatment, and documents the results of treatment.

Stat. Auth.: ORS 681.420(5) & 681.460

Stats. Implemented: ORS 681.420

Hist.: SPA 2-2004, f. & cert. ef. 5-26-04

335-010-0060

Persons Responsible for Documentation

(1) A licensed speech-language pathology or audiology professional must sign each clinical document or clinical entry with their name and professional title. An electronic record must have an electronic signature. Stamped identification accompanied by an initial or signature is acceptable.

(2) The documentor must be:

(a) The licensed speech-language or audiology professional who directly renders the assessment, care, or treatment; or

(b) In supervision of non-licensed personnel, the speech-language or audiology professional who supervises the assessment, care, or treatment rendered by non-licensed personnel, shall co-sign for those services with their name and professional titles;

(c) In supervision of SLP assistants, refer to OAR 335-095-0050.

(3) The documentation may not be delegated except in emergency situations.

Stat. Auth.: ORS 681.420(5) & 681.460

Stats. Implemented: ORS 681.420

335-010-0070

General Requirements for Record Keeping and Documentation

- (1) Record keeping must conform and adhere to Federal, state, and local laws and regulations.
(2) Records must record history taken; procedures performed and tests administered; results obtained; conclusions and recommendations made. Documentation may be in the form of a "SOAP" (Subjective Objective Assessment Plan) note, or equivalent.
(3) Records and documentation must:
(a) Be accurate, complete, and legible;
(b) Be printed, typed or written in ink;
(c) Include the documentor's name and professional titles;
(d) Stamped identification must be accompanied by initial or signature written in ink.
(4) Corrections to entries must be recorded by:
(a) Crossing out the entry with a single line which does not obliterate the original entry, or amending the electronic record in a way that preserves the original entry; and
(b) Dating and initialing the correction.
(5) Documentation of clinical activities may be supplemented by the use of flowsheets or checklists, however, these do not substitute for or replace detailed documentation of assessments and interventions.

Stat. Auth.: ORS 681.420(5) & 681.460
Stats. Implemented: ORS 681.420
Hist.: SPA 2-2004, f. & cert. ef. 5-26-04; SPA 4-2006, f. & cert. ef. 11-3-06; SPA 1-07, f. & cert. ef. 2-1-07

335-010-0080

Storage, Maintenance, and Retention of Records

- (1) Clinical and billing records must be maintained for seven (7) years.
(2) All records, including clinical records, must be stored and maintained so that the records are safeguarded, readily retrievable, and open to inspection by the representatives of the Board of Examiners for Speech-Language Pathology and Audiology.

Stat. Auth.: ORS 681.420(5) & 681.460
Stats. Implemented: ORS 681.420
Hist.: SPA 2-2004, f. & cert. ef. 5-26-04

DIVISION 40

DISCIPLINARY ACTIONS

335-040-0005

Reporting of Disciplinary Actions

The Board shall report to the Secretary of Health and Human Services in the manner prescribed by the Secretary the following information:

- (1) Any disciplinary action taken by the Board as the result of a formal proceeding concluded against a speech-language pathologist or audiologist.
(2) Any dismissal or closure of the proceedings by reason of the speech-language pathologist or audiologist leaving the state.
(3) Any other loss of the license of the speech-language pathologist or audiologist, whether by operation of law, voluntary surrender, or otherwise.

Stat. Auth.: ORS 681.420(5) & 681.460
Stats. Implemented: PL 100-93
Hist.: SPA 1-1990, f. 10-2-90, cert. ef. 10-1-90; SPA 1-2001, f. & cert. ef. 3-12-01

335-060-0005

Definitions

- (1) An Inactive License or Certificate may be obtained by those otherwise qualified individuals who meet the conditions for exemption from licensure under ORS 681.230, or do not require a license under 681.250 or a certificate under 681.360.
(2) A Conditional License is a license certificate issued by the Board to applicants who have completed degree requirements in OAR 335-060-0006, and are engaged in post-graduate supervised clinical experience until they obtain regular licensure. The examination is not required for a conditional license.
(3) Equivalent credentials for licensure are defined as follows:
(a) For regular licenses in speech-language pathology, if completing a doctoral program in which a master's degree has not been conferred, an applicant must submit a transcript showing completion of course work equivalent to, or exceeding, a master's degree that meets the requirements in OAR 335-060-0006. In addition to the transcript, the Board may require a letter from the academic department chair or program director documenting that the applicant has completed coursework equivalent to or exceeding a master's degree.
(b) For applicants for conditional licenses in speech-language pathology or initial licenses in audiology, when the applicant has completed all degree requirements, but the university is not scheduled to confer the degree before employment begins, the Board will accept a letter from the university registrar, documenting that the applicant has completed all degree requirements, and has been approved to receive the degree, and issue a temporary license for up to 90 days. An official transcript showing the conferral of the degree must be submitted within 60 days of issuance of the temporary license.

(c) For applicants who completed their professional training in speech pathology or audiology outside of the United States, the Board requires a determination letter from a credential evaluation service approved by the American Speech-Language Hearing Association to determine equivalency to a master's degree or doctoral degree issued by an accredited program.

(d) Applicants for licensure or certification educated in foreign countries must submit documentation that course work was completed in an institution of higher education that is regionally accredited or recognized by the appropriate regulatory authority for that country.

(4) For the purposes of licensing speech-language pathologists under ORS 681.260 or audiologists under 681.264, and for purposes of student placement in supervised field work under 681.230:

(a) The "accrediting organization" that approves graduate programs is the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA) of the American Speech-Language-Hearing Association.

(b) All graduate or undergraduate coursework must be completed at an institution of higher education that is regionally accredited by one of the following:

- (A) Commission of Higher Education, Middle States Association of Colleges and Schools;
(B) Commission on Institutions of Higher Education, New England Association of Schools and Colleges;
(C) Commission on Institutions of Higher Education, North Central Association of Colleges and Schools;
(D) Commission on Colleges, Northwest Association of Schools and Colleges;
(E) Commission on Colleges, Southern Association of Colleges and Schools;
(F) Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges.

Stat. Auth.: ORS 681.340, 681.360, 681.420 & 681.460
Stats. Implemented: ORS 681.460

Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2002(Temp), f. 11-8-02, cert. ef. 12-1-02 thru 5-1-03; SPA 1-2003, f. & cert. ef. 5-7-03; SPA 4-2006, f. & cert. ef. 11-3-06; SPA 1-2007, f. & cert. ef. 2-1-07; SPA 1-2011, f. 1-28-11, cert. ef. 2-1-11; SPA 2-2011, f. & cert. ef. 10-10-11; SPA 2-2012, f. & cert. ef. 12-14-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA 3-2013(Temp), f. 6-28-13, cert. ef. 7-1-13 thru 12-28-13; SPA 5-2013, f. & cert. ef. 11-13-13

2-2013(Temp), f. & cert. ef. 5-17-13 thru 11-13-13; SPA 5-2013, f. & cert. ef. 11-13-13

335-060-0006

Licensure of Speech-Language Pathologists

(1) "Degree requirements" under ORS 681.260(2) for those speech-language pathologists completing their professional training after January 1, 2006 are those outlined in the 2005 Certification Standards for Speech-Language Pathologists as promulgated by the Council For Clinical Certification (CFCC) of the American Speech-Language-Hearing Association:

(a) A minimum of 75 semester hours pertinent to speech-language pathology, which include:

(b) At least 36 graduate credits in speech-language pathology;

(c) A clinical practicum of 400 clock hours, of which 25 must be observational hours and 375 must be direct clinical interaction. Supervision must be provided by a speech-language pathologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association. At least 325 of these clock hours must be completed while in an accredited graduate program.

(d) Credit earned for a thesis or capstone project, if part of the accredited graduate program.

(2) For those speech-language pathologists completing their professional training after January 1, 2006 "supervised clinical experience" under ORS 681.260(3) means a program of clinical work that is:

(a) Begun after completing all graduate degree requirements;

(b) Supervised by a speech-language pathologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association;

(c) A minimum of 35 hours per week for 36 weeks of practice, or its equivalent, for a total of not less than 1,260 hours;

(d) A minimum of 80% of the hours spent in direct client/patient contact (assessment/diagnosis/evaluation, screening, treatment, report writing, family/client consultation, and/or counseling), with the remainder in related record keeping and administrative duties.

(3) For those speech-language pathologists completing their professional training after January 1, 2006, "examinations" under ORS 681.260(4) means the Praxis Examination in Speech-Language Pathology as administered by the Educational Testing Service. Applicants must attain a passing score to qualify for licensure.

(4) Applicants whose graduate program was not conducted in English may be required to submit scores from the following standardized tests to demonstrate English language proficiency:

(a) The internet-based Test of English as a Foreign Language (TOEFL) with minimum scores of 100 overall, 26 in writing, and 26 in speaking; or

(b) The paper-based TOEFL and Test of Spoken English (TSE) with minimum scores of 600 overall; 5 on the essay; and 50 on the TSE; or

(c) The computer-based TOEFL and TSE with minimum scores of 250 overall; 5 on the essay; and 50 on the TSE.

(5) Applicants must demonstrate current professional competence as follows:

(a) Completion of graduate degree or supervised clinical experience within the 12 months prior to application; or

(b) Completion of 15 hours of professional development within the 12 months prior to application.

(c) Any hours completed in the current professional development period may also be counted towards meeting the professional development requirement for the next active license renewal.

(6) For those speech-language pathologists completing their training before January 1, 2006, "degree requirements", "supervised clinical experience" and "examinations" mean those in effect for ASHA certification at the time training was completed.

Stat. Authority: ORS 681

Stats. Implemented: ORS 681.250 & 681.260

Hist.: SPA 2-2011, f. & cert. ef. 10-10-11; SPA 1-2012, f. & cert. ef. 2-23-12; SPA 2-2012, f. & cert. ef. 12-14-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA

335-060-0007

Licensure of Audiologists

(1) "Degree requirements" under ORS 681.264(2):

(a) For those applicants completing their graduate program after 1993 but prior to August 1, 2007 are those outlined in the 1993 Certification Standards for Audiologists as promulgated by the Council For Clinical Certification (CFCC) of the American Speech-Language-Hearing Association.

(A) Completion of at least 75 graduate credits in audiology;

(B) A clinical practicum of 350 clock hours of direct patient care, of which 250 must be at the graduate level. Supervision must be provided by an audiologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association or certification from the American Board of Audiology.

(C) Credit earned for a thesis or capstone project, if part of the accredited graduate program.

(b) For those applicants completing their graduate program after August 1, 2007 are those outlined in the 2007 Certification Standards for Audiologists as promulgated by the Council For Clinical Certification (CFCC) of the American Speech-Language-Hearing Association.

(A) Completion of coursework required by an accredited program granting the clinical doctorate degree in audiology;

(B) Includes supervised clinical experience of not less than 1,820 hours (52 weeks at 35 hours per week).

(2) "Supervised clinical experience" under ORS 681.264(3) means:

(a) For those applicants completing their graduate program after 1993 but prior to August 1, 2007 a program of clinical work that is:

(A) Begun after completing all graduate degree requirements;

(B) Supervised by an audiologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association or certification from the American Board of Audiology;

(C) A minimum of 35 hours per week for 52 weeks of practice, or its equivalent, for a total of not less than 1,820 hours;

(D) A minimum of 50% of the hours spent in direct client/patient contact (assessment/diagnosis/evaluation, screening, treatment, report writing, family/client consultation, and/or counseling), with the remainder in related record keeping and administrative duties.

(b) For those applicants completing their graduate program after August 1, 2007 a program of clinical work that is:

(A) Incorporated into an accredited graduate program awarding a clinical doctorate (Au.D.) degree in audiology;

(B) Supervised by an audiologist who holds a valid state license to practice audiology;

(C) A minimum of 1,820 hours.

(3) "Examinations" under ORS 681.264(4) means the Praxis Examination in Audiology as administered by the Educational Testing Service. Applicants must attain a passing score to qualify for licensure.

(4) Applicants whose graduate program was not conducted in English may be required to submit scores from the following standardized tests to demonstrate English language proficiency:

(a) The internet-based Test of English as a Foreign Language (TOEFL) with minimum scores of 100 overall, 26 in writing, and 26 in speaking; or

(b) The paper-based TOEFL and Test of Spoken English (TSE) with minimum scores of 600 overall; 5 on the essay; and 50 on the TSE; or

(c) The computer-based TOEFL and TSE with minimum scores of 250 overall; 5 on the essay; and 50 on the TSE.

(5) Applicants must demonstrate current professional competence as follows:

(a) Completion of graduate program within the 12 months prior to application; or

(b) Completion of 15 hours of professional development within the 12 months prior to application.

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(c) Any hours completed in the current professional development period may also be counted towards meeting the professional development requirement for the next active license renewal.

(6) For those audiologists completing their graduate program before 1993, “degree requirements”, “supervised clinical experience” and “examinations” mean those in effect for ASHA certification at the time training was completed.

Stat. Authority: ORS 681

Stats. Implemented: ORS 681.250 & 681.264

Hist.: SPA 2-2011, f. & cert. ef. 10-10-11; SPA 1-2012, f. & cert. ef. 2-23-12;

SPA 2-2012, f. & cert. ef. 12-14-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA

1-2014, f. & cert. ef. 3-7-14

335-060-0010

Fees

In accordance with the provisions of ORS 681.340 and 681.360, the following fees, where applicable, are payable to the Board by check, money order, or electronic payment if available:

(1) All Applicants or Licensees:

(a) Application fee shall be \$75, non-refundable.

(b) Delinquent fee shall be \$100.

(c) A delinquent fee will be charged for each or all of the following, as applicable:

(A) Renewal applications postmarked or submitted electronically after December 31st of odd-numbered years;

(B) Renewal applications postmarked by December 31st of odd numbered years which are incomplete or otherwise unable to be processed;

(C) Conditional license renewals or conditional license upgrade applications postmarked less than 30 days prior to the expiration date of the conditional license;

(D) Temporary license renewal or upgrade applications postmarked later than the deadlines specified in OAR 335-085-0010.

(d) A delinquent fee may be charged for each or all of the following, as applicable:

(A) Failure to respond to audit by the prescribed deadline;

(B) Audit responses postmarked by the deadline which are incomplete or otherwise unable to be processed;

(C) Failure to complete all required hours of professional development prior to January 1st of even-numbered years;

(D) Failure to update contact information or provide supervisory changes within 30 days of the change.

(E) Failure to report all required hours of speech-language pathology assistant supervision upon audit.

(e) The Board may provide for waiver of the license or certificate fee where the license or certificate is issued less than 45 days before the date on which it will expire.

(f) Fee for Oregon State Police to complete fingerprint-based criminal background check shall be \$44.50.

(2) Speech-Language Pathologists and Audiologists:

(a) Biennial license fee and renewal thereof shall be \$210.

(b) Biennial inactive license fee and renewal thereof shall be \$50.

(c) Conditional license fee and renewal thereof shall be \$50.

(d) Temporary license fee shall be \$100.

(e) Limited term license fee shall be \$100.

(3) Speech-Language Pathology Assistants:

(a) Biennial certificate fee and renewal thereof shall be \$[50]65.

(b) Biennial inactive certificate fee and renewal thereof shall be \$20.

(c) Temporary license fee shall be \$30.

(d) Limited term license fee shall be \$30.

Stat. Auth.: ORS 681.340, 681.360, 681.420 & 681.460

Stats. Implemented: ORS 681.340(1), 681.360(2)(b) & 681.360(3)(b)

Hist.: SPA 2-1993(Temp), f. 12-8-93, cert. ef. 12-10-93; SPA 1-1994, f. & cert.

ef. 6-10-94; SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2002(Temp), f. 11-8-02,

cert. ef. 12-1-02 thru 5-1-03; SPA 1-2003, f. & cert. ef. 5-7-03; SPA 1-2005, f. & cert.

ef. 9-13-05; SPA 3-2008, f. & cert. ef. 4-10-08; SPA 1-2009, f. 6-9-09, cert.

ef. 7-1-09; SPA 1-2010(Temp), f. & cert. ef. 8-11-10 thru 2-4-11; SPA 1-2011, f.

1-28-11, cert. ef. 2-1-11; SPA 3-2011(Temp), f. 10-10-11, cert. ef. 10-11-11 thru

4-4-12; SPA 1-2012, f. & cert. ef. 2-23-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-

13; SPA 2-2013(Temp), f. & cert. ef. 5-17-13 thru 11-13-13; SPA 3-2013(Temp),

f. 6-28-13, cert. ef. 7-1-13 thru 12-28-13; SPA 5-2013, f. & cert. ef. 11-13-13

335-060-0020

Application; Abandonment of Application

(1) Application for licensure shall be made to the board on the application form prescribed by the Board and shall be accompanied by the application fee payable with a certified check, postal money order, personal check, or electronic payment if available payable to the Oregon Board of Examiners for Speech-Language Pathology and Audiology or another bank-recognized name for this Board. This application fee is to cover the costs of administration and shall in no case be refundable.

(2) It is the applicant's responsibility to inquire as to the status of their application to the Board. Failure to complete all forms and provide all information required shall be just cause for the application to be rejected by the board.

(3) If all application materials are not received within 6 months of the receipt of the application form, the application shall be considered abandoned and a new application, including the application payment, must be submitted before licensure may be granted.

Stat. Auth.: ORS 681.340, 681.420 & 681.460

Stats. Implemented: ORS 681.270

Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09

335-060-0030

Biennial Licensure and Renewal

(1) All regular and inactive status speech-language pathologists, audiologists and speech-language pathology assistants shall renew their licenses on a biennial basis, by December 31st of each odd-numbered year.

(2) The Board shall provide the licensee a license renewal notice sent to the address on file with the Board, which will include the following:

(a) The expiration date of the license;

(b) The amount of the renewal fee due; and

(c) The number of professional development hours required for renewal.

(d) For Speech-Language Pathology Assistants, the license renewal notice will include the requirement for the Assistant to report their current supervising Speech-Language Pathologist.

(3) All applications for license renewal must be postmarked or submitted electronically by December 31st of each odd-numbered year, and each licensee must submit:

(a) The renewal application completed in full; and

(b) Payment of the non-refundable fee for license renewal.

(4) Licensees whose renewal forms are postmarked or submitted electronically after December 31st of each odd-numbered year will be charged a delinquency fee. The board may renew each expired regular or inactive status license upon payment of the biennial renewal fee and the delinquency fee.

(5) A license is not considered renewed until the licensee has complied in full with items 3 and 4 above and a new license certificate with a current expiration date has been issued by the Board.

Stat. Auth.: ORS 681.340, 681.420 & 681.460

Stats. Implemented: ORS 681.320(1)

Hist.: SPA 2-1993(Temp), f. 12-8-93, cert. ef. 12-10-93; SPA 1-1994, f. & cert.

ef. 6-10-94; SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2002(Temp), f. 11-8-02,

cert. ef. 12-1-02 thru 5-1-03; SPA 1-2003, f. & cert. ef. 5-7-03; SPA 1-2011, f. 1-

28-11, cert. ef. 2-1-11

335-060-0050

License Certificate

A licensee shall not make any alteration on official documents issued by the board.

Stat. Auth.: ORS 681.420 & 681.460

Stats. Implemented: ORS 681.250

Hist.: SPA 1-2001, f. & cert. ef. 3-12-01

335-060-0060

Use of Social Security Numbers as Identifiers

(1) Applicants for licensure are required to provide Social Security Numbers as required by ORS 215.785, 305.385, 42 USC § 405(c)(2)(i), and 42 USC § 666(a)(13) for child support enforcement purposes and Department of Revenue purposes. If an applicant indicates voluntary consent to disclosure of their Social Security

number on the application for licensure, the Social Security number will be provided to the Oregon Student Assistance Commission.

(2) The Board will not issue or renew a license or certificate unless an applicant provides his or her SSN on the application or renewal form. The applicant need not provide the SSN on the application for renewal, if the applicant's SSN has previously been provided to the Board and is in the record.

(3) If an applicant has not been issued a social security number by the United States Social Security Administration, the Board will accept a written statement from the applicant to fulfill the requirements of section (2). Any written statement must:

(a) Be signed by the applicant

(b) Attest to the fact that no social security number has been issued to the applicant by the US Social Security Administration

(c) Acknowledge that knowingly supplying false information under this section is a Class A misdemeanor, punishable by imprisonment of up to one year and a fine of up to \$6250.

Stat. Auth.: ORS 681.420(5)

Stats. Implemented: ORS 215.785, 305.385, 42 USC § 405(c)(2)(i) & 42 USC § 666(a)(13)

Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2005, f. & cert. ef. 9-13-05

DIVISION 70

PROFESSIONAL DEVELOPMENT

335-070-0020

Professional Development Defined

(1) "Professional development" is defined as the successful completion of accepted types of activities, on accepted topics, provided and verified by accepted sponsors or providers, for the purpose of developing and updating professional skills.

(2) "Accepted types of activities" are organized programs of learning such as academic courses, classes, conferences, programs, and workshops, that are presented electronically, in-person, or in other formats. Self-study courses accompanied by examination and sponsored by a Board-recognized professional organization in audiology or speech-language pathology are also accepted types of activities. Publishing articles in peer-reviewed professional journals is an accepted type of activity only if special approval is obtained through procedures outlined in OAR 335-070-0020.

(3) Activities not accepted as professional development include but are not limited to:

(a) Supervision of practicum students or clinical fellows, making presentations, or teaching classes;

(b) Serving on professional boards or committees;

(c) Attending professional association business or committee meetings (whether paid or as a volunteer);

(d) Attending staff meetings;

(e) Performing other volunteer work; and

(f) Reading or studying professional journals, unless part of a self-study program that includes an examination to document satisfactory completion, and is sponsored by a Board-recognized professional association in audiology or speech-language pathology.

(4) The content of professional development activities must directly relate to the performance and practice of speech-language pathology or audiology and focus on accepted topics. "Accepted topics" are the following:

(a) Assessment and intervention for speech-language and hearing disorders;

(b) Speech, language and hearing science;

(c) Service delivery issues associated with speech-language and hearing services;

(d) Issues in pre-professional and professional training, professional ethics, professional regulation, and professional leadership and management;

(e) Planning, conducting and interpreting research activities, and developing and implementing evidence-based practices;

(f) Cultural and linguistic diversity in education, training, service delivery, and public policy associated with speech, language,

and hearing, including the study of foreign language when needed for direct clinical practice;

(g) Business practices, regulatory policy, and marketing issues directly related to clinical service delivery;

(h) Psycho-social issues associated with speech/language/hearing assessment and intervention;

(i) Patient safety, clinical documentation and prevention of medical errors;

(j) Other topics included in the Continuing Education Board Registry subject code list published by ASHA in 2008 and as revised;

(k) Educational strategies and professional knowledge necessary to effectively provide speech-language pathology or audiology services to students within a pre-K to high school setting.

(5) "Accepted sponsors or providers" of professional development are:

(a) The American Speech-Language Hearing Association (ASHA), the American Academy of Audiology (AAA), or the American Board of Audiology (ABA) for programs that they provide or approve for audiologists, speech-language pathologists, or speech-language pathology assistants;

(b) The Oregon Speech-Language Hearing Association (OSHA), the Oregon Academy of Audiology (OAA), or any other state speech-language-hearing organizations recognized by ASHA, AAA, or ABA;

(c) Continuing education providers approved by ASHA, AAA, or ABA;

(d) The Oregon Health Licensing Agency for programs that it provides to hearing aid specialists, or approves for continuing education for its licensed hearing aid specialists, or the Oregon Board of Examiners for Speech-Language Pathology & Audiology for programs it provides to its licensees;

(e) Institutions of higher education accredited by an appropriate national, state or regional body or approved by the Board, for academic courses;

(f) The American Red Cross or American Heart Association or equivalent providers for courses on cardio-pulmonary resuscitation or basic life support; and

(g) Public school districts, education service districts, home health care companies, skilled nursing facilities, hospitals, or universities, for programs provided for their employees. When these entities provide programs for non-employees, they are accepted sponsors only if special approval is obtained through procedures outlined in OAR 335-070-0020.

(h) Providers of professional development that are not specified in OAR 335-070-0010(5)(a)-(g) will be accepted sponsors only if special approval is obtained through procedures outlined in 335-070-0020.

(6) Professional development credit will be granted by the Board as follows:

(a) Credit will be granted by the Board for professional development that meets the definitions for accepted types of activities, accepted topics, and accepted sponsors or providers in OAR 335-070-0010, including those that receive special approval from the Board per 335-070-0020.

(b) Credit for professional development will be calculated on an hourly basis. One "professional development hour" is defined as sixty (60) minutes or one (1) clock hour of attendance/participation unless otherwise specified in rule or specially approved by the Board.

(c) Academic course work must be taken for credit, and the licensee must receive a minimum grade of "C", for professional development credit to be granted. One academic semester hour is equivalent to fifteen (15) professional development hours. One academic quarter hour is equivalent to ten (10) professional development hours.

(d) Licensees must complete the required professional development hours within the professional development period. The "professional development period" is the twenty-four months prior to and including December 31st of each odd-numbered year.

(e) Professional development hours completed in excess of the requirement may not be carried over to meet requirements in the subsequent period. Professional development hours completed late for one period may not be counted towards the requirements for the subsequent period.

(f) Credit will not be given for completing a professional development activity more than once in a professional development period. A conference consisting of many separate workshops on different topics is counted as multiple activities.

(g) Credit will only be granted by the Board for professional development activities that are documented by official transcripts or certificates of attendance issued by the sponsor or provider. Documentation of activities specially approved by the Board must include proof of that approval, and may require other forms of evidence of completion. All professional development documentation must be retained by the licensee for four (4) years after its completion.

Stat. Auth.: ORS 681.420(5) & 681.460
Stats. Implemented: ORS 681.320(1)(a)
Hist.: SPA 2-1996, f. & cert. ef. 7-22-96; SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2003, f. & cert. ef. 5-7-03; SPA 4-2006, f. & cert. ef. 11-3-06; SPA 1-2007, f. & cert. ef. 2-1-07; SPA 1-2011, f. 1-28-11, cert. ef. 2-1-11; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA 2-2013(Temp), f. & cert. ef. 5-17-13 thru 11-13-13; SPA 5-2013, f. & cert. ef. 11-13-13

**335-070-0040
Procedures for Special Board Approval of Professional Development**

(1) Special approval of professional development as required in OAR 335-070-0020 may be requested from the Board by an institution, organization, agency or individual licensee as follows:

(a) Timely requests may be submitted before or after the professional development activity takes place. A request made later than 30 days after a professional development activity is completed is considered to be late, and will not be considered.

(b) All requests must be submitted on a form provided by the Board.

(2) An activity will qualify for approval if the request was timely and the Board determines that the activity:

(a) Is an organized program of learning or other accepted activity;

(b) Focuses on a topic that directly relates to the practice of speech-language pathology and/or audiology;

(c) Contributes to the professional competency of the licensee; and

(d) Is conducted by individuals who have education, training or experience acceptable to the Board.

Stat. Auth.: ORS 681.420(5) & 681.460
Stats. Implemented: ORS 681.320(1)(a)
Hist.: SPA 2-1996, f. & cert. ef. 7-22-96; SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2005, f. & cert. ef. 9-13-05; SPA 2-2006, f. & cert. ef. 5-8-06; SPA 4-2006, f. & cert. ef. 11-3-06; SPA 1-07, f. & cert. ef. 2-1-07; SPA 2-2008, f. & cert. ef. 4-10-08; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13

**335-070-0050
Responsibilities and Professional Development Reporting Requirements of Licensees**

(1) Licensees must maintain, for a period of four (4) years, all documentation verifying professional development hours.

(2) As a requirement for license renewal, active licensees must report professional development hours for the professional development period ending on the deadline for license renewal according to their license type:

(a) Speech-Language Pathology or Audiology: Thirty (30) professional development hours completed during the professional development period;

(b) Dual Speech-Language Pathology and Audiology: Thirty (30) professional development hours in speech-language pathology and thirty (30) professional development hours in audiology completed during the professional development period. A maximum of fifteen (15) professional development hours may be applied to both licenses if the topic is applicable to both types of licenses.

(c) Speech-Language Pathology Assistant: Fifteen (15) professional development hours completed during the professional development period;

(d) Conditional Licensees: No professional development hours will be required to renew a conditional license, however, individuals are encouraged to participate in professional development activities.

(e) As a requirement for license renewal, active licensees applying to renew a license initially issued during the current professional development will be required to report completion of professional development according to the following scale:

(A) Licensed prior to July of the last even-numbered year — 100% of the professional development hours required in OAR 335-070-0050(2) for an active license of their type.

(B) Licensed from August 1st of the last even-numbered year through July 31st of the current odd-numbered year — 50% of the professional development hours required in OAR 335-070-0050(2) for an active license of their type.

(C) Licensed after July 31st of the current odd-numbered year — no professional development hours are required.

(3) Licensees must comply with any Board request to audit or review their professional development documentation to determine compliance with professional development requirements.

Stat. Auth.: ORS 681.420(5) & 681.460
Stats. Implemented: ORS 681.320(1)(a)
Hist.: SPA 2-1996, f. & cert. ef. 7-22-96; SPA 1-2001, f. & cert. ef. 3-12-01; SPA 4-2006, f. & cert. ef. 11-3-06; SPA 1-2007, f. & cert. ef. 2-1-07; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA 2-2013(Temp), f. & cert. ef. 5-17-13 thru 11-13-13; SPA 5-2013, f. & cert. ef. 11-13-13

**335-070-0080
Requirements to Reactivate Inactive or Expired Licenses**

An inactive licensee or an individual whose license has expired who applies to the Board to return to active status must submit documentation of professional development as follows:

(1) If the license has been inactive or expired for less than 23 months, the individual must provide documentation of the professional development hours required for renewal of their license type in OAR 335-070-0050(2). These professional development hours must have been completed during the preceding professional development period.

(2) If the license has been inactive for 23 months or more, or expired for 23 months to 47 months, the individual must provide documentation of the one-half of the professional development hours required for renewal of their license type in OAR 335-070-0050(2). These professional development hours must have been completed during the 12 months preceding their reactivation request. Any hours completed in the current professional development period may also be counted towards meeting the professional development requirement for the next active license renewal.

(3) If the license has been expired for 48 months or more, the individual must reapply for licensure and meet the professional development requirements for new applicants.

Stat. Auth.: ORS 681.420(5) & 681.460
Stats. Implemented: ORS 681.320(1)(a)
Hist.: SPA 2-1996, f. & cert. ef. 7-22-96; SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2005, f. & cert. ef. 9-13-05; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA 2-2013(Temp), f. & cert. ef. 5-17-13 thru 11-13-13; SPA 5-2013, f. & cert. ef. 11-13-13

**335-070-0090
Extenuating Circumstances**

The Board may consider a waiver of professional development requirements or acceptance of partial fulfillment based on Board review of written documentation.

Stat. Auth.: ORS 681.420(5) & 681.460
Stats. Implemented: ORS 681.320(1)(a)
Hist.: SPA 2-1996, f. & cert. ef. 7-22-96

DIVISION 80

CONDITIONAL LICENSES

335-080-0005

Definitions

(1) A Conditional License is a license certificate issued by the Board to applicants who have completed degree requirements in OAR 335-060-0006, and are engaged in post-graduate supervised clinical experience until they obtain regular licensure. The examination is not required for a conditional license.

(2) Supervisor means a licensed speech-language pathologist or audiologist who undertakes responsibility for managing and directing a conditional licensee during their post-graduate supervised clinical experience and until they obtain regular licensure. A supervisor must hold an active license in speech-language pathology issued by the Board or hold their Certificate of Clinical Competency in Speech-Language Pathology issued by the American Speech-Language Hearing Association.

Stat. Auth.: ORS 681
Stats. Implemented: ORS 681.325, 681.260(4) & (5)
Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 2-2006, f. & cert. ef. 5-8-06; SPA 2-2011, f. & cert. ef. 10-10-11; SPA 2-2012, f. & cert. ef. 12-14-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13

335-080-0010

Licensing; Qualifications; Procedure

(1) An individual who intends to practice under a conditional license must apply with the Board on such forms as the Board shall provide for this purpose. Application shall include:

(a) The name and address of the supervisor and place of supervision;

(b) The education, training, and experience of the conditional licensee;

(c) A description of the duties and tasks expected to be performed by the conditional licensee.

(2) Evidence of meeting degree requirements, English language proficiency requirements, and current professional competence requirements as stated in OAR 335-060-0006.

Stat. Auth.: ORS 681
Stats. Implemented: ORS 681.260 & 681.270
Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 2-2011, f. & cert. ef. 10-10-11; SPA 2-2012, f. & cert. ef. 12-14-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13

335-080-0015

Supervisors Responsibility and Nature of Supervision

(1) The supervisor shall manage and direct the duties and functions of the conditional licensee and oversee the work performed by the conditional licensee.

(2) The supervisor shall keep records of the tasks performed by the conditional licensee and whether the work is performed competently.

(3) The Board reserves the right to limit the number of conditional licensees supervised by any one supervisor at any one time.

(4) Any changes in supervision must be reported to the Board within 30 days of the change.

(5) Supervision must be provided to meet requirements for the supervised clinical experience as defined in OAR 335-060-0006.

Stat. Auth.: ORS 681
Stats. Implemented: ORS 681.260(4), 681.325(2) & (3)
Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 2-2011, f. & cert. ef. 10-10-11; SPA 2-2012, f. & cert. ef. 12-14-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13

335-080-0025

Renewal or Upgrade of Conditional License

(1) The conditional license expires 12 months from its issuance. It may be renewed one time if required for the licensee to complete requirements for regular licensure.

(2) No later than 30 days prior to the expiration of their conditional license, a conditional licensee must apply to the Board for its renewal or upgrade to a regular speech-language pathology license. Applications for renewal or upgrade of a conditional license must be accompanied by the relevant license fee, and applications post-

marked later than 30 days prior to the expiration must be accompanied by the delinquent fee. No application fee is required.

(3) To qualify for upgrade to a regular license, the conditional licensee must meet all requirements in OAR 335-060-0006.

(4) Conditional licensees may not practice independently until they obtain regular licensure.

Stat. Auth.: ORS 681
Stats. Implemented: ORS 681.260
Hist.: SPA 1-2001, f. & cert. ef. 3-12-01; SPA 2-2011, f. & cert. ef. 10-10-11; SPA 2-2012, f. & cert. ef. 12-14-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13

DIVISION 85

TEMPORARY LICENSES

335-085-0010

Qualifications and Procedures for Temporary Licenses

(1) A Limited Term License is a temporary license issued to a speech-language pathologist or audiologist applicant and a Limited Term Certificate is a certificate issued to a speech-language pathology assistant applicant whose application for regular licensure is submitted after May 1st of each odd-numbered year. Applicants for a Conditional License in speech-language pathology are not eligible to obtain limited term licenses.

(a) Limited Term Licenses and Certificates expire at the same time as regular licenses, January 30th of even-numbered years.

(b) Limited Term License or Certificate holders must comply with all Board rules and policies related to applications for license renewal, which must be submitted electronically no later than 11:59 p.m. on December 31st of odd-numbered years. Upon meeting all requirements for license renewal, holder of Limited Term Licenses and Certificates may be issued regular licenses of the same type.

(2) A Temporary Conditional License or a Temporary License may be issued for up to 90 days to a speech-language pathologist or audiologist applicant who meets all other requirements for licensure but whose graduate degree will not be conferred before employment begins, as provided in OAR 335-060-0005(3)(b).

(a) A temporary license issued under this rule is not renewable.

(b) The official transcript must be submitted to the Board office as soon as possible after the degree is conferred, but in no case later than 60 days following issuance of the temporary license. When all licensure requirements are met, the temporary license holder may be issued a regular license of the same type.

(3) A Provisional Speech-Language Pathology Assistant Certificate is a temporary license certificate issued by the Board to speech-language pathology assistant applicants who have completed academic requirements in OAR 335-095-0030(1) and (2), while they are actively engaged in completing the clinical fieldwork hours required in 335-095-0030(3) outside of an academic program.

(a) A Provisional Speech-Language Pathology Assistant Certificate may be issued for up to 180 days. It may not be renewed. A Provisional Certificate may be upgraded to a regular Speech-Language Pathology Assistant Certificate.

(b) A holder of a Provisional Speech-Language Pathology Assistant Certificate must be directly supervised 100% of the time they are engaged in clinical fieldwork. The supervisor must be qualified and the clinical fieldwork documented according to OAR 335-095-0030.

(c) A holder of a Provisional Speech-Language Pathology Assistant Certificate must clearly identify themselves as a "provisional speech-language pathology assistant", and may not hold a job title of or be employed as a "speech-language pathology assistant". The provisional certificate holder may be employed in an unlicensed position such as educational assistant, may be paid a stipend, or may be uncompensated.

(d) The provisional certificate holder may apply for an upgrade to a speech-language pathology assistant certificate upon completion of all requirements in OAR 335-095-0030. Application to upgrade the provisional certificate must be postmarked no later than 15 days prior to its expiration. The provisional certificate

holder may not practice as a speech-language pathology assistant without direct supervision until receiving a regular speech-language pathology assistant certificate.

Stat. Auth.: ORS 681

Stats. Implemented: ORS 681.285 & 681.340

Hist.: SPA 3-2013(Temp), f. 6-28-13, cert. ef. 7-1-13 thru 12-28-13; SPA 4-2013(Temp), f. & cert. ef. 9-13-13 thru 12-28-13; SPA 5-2013, f. & cert. ef. 11-13-13

DIVISION 90

CONFIDENTIALITY AND INADMISSIBILITY OF MEDIATION COMMUNICATIONS

335-090-0010

Confidentiality and Inadmissibility of Mediation Communications

(1) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(2) Nothing in this rule affects any confidentiality created by other law. Nothing in this rule relieves a public body from complying with the Public Meetings Law, ORS 192.610 to 192.690. Whether or not they are confidential under this or other rules of the agency, mediation communications are exempt from disclosure under the Public Records Law to the extent provided in ORS 192.410 to 192.505.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the “mediator” in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise by compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in ORS 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) **Mediations Excluded.** Sections (6)–(10) of this rule do not apply to:

(a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency’s employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed; or

(b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters;

(c) Mediation in which the only parties are public bodies;

(d) Mediation involving two or more public bodies and a private party if the laws, rule or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential; or

(e) Mediation involving 15 or more parties if the agency has designated that another mediation confidentiality rule adopted by the agency may apply to that mediation.

(6) **Disclosures by Mediator.** A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c)–(d), (j)–(l) or (o)–(p) of section (9) of this rule.

(7) **Confidentiality and Inadmissibility of Mediation Communications.** Except as provided in sections (8)–(9) of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding.

(8) **Written Agreement.** Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing, as provided in this section, that the mediation communications in the mediation will be confidential and/or nondiscoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties’ agreement to participate in a confidential mediation must be in substantially the following form. This form may be used separately or incorporated into an “agreement to mediate.” [Form not included. See ED. NOTE.]

(9) **Exceptions to confidentiality and inadmissibility.**

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report.

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(f) A party to the mediation may disclose confidential mediation communications to a person if the party’s communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(g) An employee of the agency may disclose confidential mediation communications to another agency employee so long as the disclosure is necessary to conduct authorized activities of the agency. An employee receiving a confidential mediation communication under this subsection is bound by the same confidentiality requirements as apply to the parties to the mediation.

(h) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(i) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

335-095-0010

Definitions

(1) **Approved Training Program:** A post secondary training program that has approval by the Oregon Board of Examiners for Speech-Language Pathology & Audiology to offer specific coursework and practica leading to licensure as a speech-language pathology assistant.

(2) **Assessment:** A qualitative and quantitative process, conducted by a licensed SLP, that measures the degree of communication impairment including, but not limited to, screening, norm and criterion referenced testing, behavioral observations, and clinical interview.

(3) **Clinical Interaction:** Interaction where the speech-language pathology assistant (SLPA), or clinical fieldwork participant (provisional speech-language pathology assistant certificate holder or practicum student) is actively participating in or leading a therapy session, or speech or hearing screenings.

(4) **Direct Supervision:** On-site, within sight and/or sound, or live videoconference observation and guidance by a speech-language pathologist while a speech-language pathology assistant performs a clinical interaction.

(5) **Indirect Supervision:** Those activities other than direct observation and guidance conducted by a speech-language pathologist that may include consultation, record review, lesson planning, and review and evaluation of audio-or videotaped sessions. Indirect supervision may be done in person or via telephone or electronic communication modes.

(6) **Speech-Language Pathology Assistant:** A person certified under ORS 681.360 who provides speech-language pathology services within the scope of duties outlined in OAR 335-095-0060 under the direction and supervision of a speech-language pathologist licensed under ORS 681.250.

Stat. Auth.: ORS 681.205, 681.360, 681.370, 681.375, 681.420 & 681.460

Stats. Implemented: ORS 681.360, 681.370 & 681.375

Hist.: SPA 1-2003, f. & cert. ef. 5-7-03; SPA 3-2006, f. & cert. ef. 5-8-06; SPA 3-2008, f. & cert. ef. 4-10-08; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09; SPA 4-2013(Temp), f. & cert. ef. 9-13-13 thru 12-28-13; SPA 5-2013, f. & cert. ef. 11-13-13

335-095-0030

Certification of Speech-Language Pathology Assistants

Applicants must submit all of the following to be eligible for certification.

(1) Official transcripts showing 45 quarter hours or 30 semester hours of speech-language pathology technical course work; and

(2) Official transcripts showing 45 quarter hours or 30 semester hours of general education credit, and

(3) Written evidence of completion of clinical fieldwork that builds skills and competencies needed to practice as a speech-language pathology assistant.

(a) During clinical fieldwork in Oregon, the fieldwork participant must be enrolled in a speech-language pathology practicum course at an accredited college or university, or hold an Oregon provisional speech-language pathology assistant certificate.

(b) Clinical fieldwork must consist of a minimum of 100 clock hours of clinical interaction and 8 hours of consultation and assessment over a recommended 8-12 week period. Clinical interaction must be face to face interaction with clients and directly supervised 100% of the time. Clinical interaction must consist of actively participating in or leading individual, small group, or classroom therapy sessions, and may include speech or hearing screenings. The fieldwork participant must also meet with the supervising speech-language pathologist for at least two hours for every 25 hours of clinical interaction to assess the participant's developing clinical skills and competencies, for a total of 8 hours of consultation and assessment. Tasks such as clerical tasks, passive observations, and materials preparation may not be included

(j) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(k) When a mediation is conducted as part of the negotiation of a collective bargaining agreement, the following mediation communications are not confidential and such communications may be introduced into evidence in a subsequent administrative, judicial or arbitration proceeding:

(A) A request for mediation; or

(B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation; or

(C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712; or

(D) A strike notice submitted to the Employment Relations Board.

(l) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute.

(m) Written mediation communications prepared by or for the agency or its attorney are not confidential and may be disclosed and may be introduced as evidence in any subsequent administrative, judicial or arbitration proceeding to the extent the communication does not contain confidential information from the mediator or another party, except for those written mediation communications that are:

(A) Attorney-client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the mediation or to persons as to whom disclosure of the communication would not waive the privilege; or

(B) Attorney work product prepared in anticipation of litigation or for trial; or

(C) Prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency; or

(D) Prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation; or

(E) Settlement concepts or proposals, shared with the mediator or other parties.

(n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the Director or designee determines that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law.

(o) The terms of any mediation agreement are not confidential and may be introduced as evidence in a subsequent proceeding, except to the extent the terms of the agreement are exempt from disclosure under ORS 192.410 to 192.505, a court has ordered the terms to be confidential under ORS 30.402 or state or federal law requires the terms to be confidential.

(p) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 36.224 & 184.340

Stats. Implemented: ORS 36.224, 36.228, 36.230 & 36.232

Hist.: SPA 1-2001, f. & cert. ef. 3-12-01

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in clinical fieldwork hours. Meetings with the supervisor may not be included in the 100 hours of clinical interaction.

(c) Clinical interaction documentation must show the date, clinical activity, amount of time and the supervisor's initials for each activity, and be signed by both the supervisor and fieldwork participant. The clinical fieldwork supervisor must be licensed by the Board, or hold the ASHA Certificate of Clinical Competency during the fieldwork.

(d) The supervising speech-language pathologist and the fieldwork participant must complete the Board's SLPA Competency Checklist during and at the completion of 100 hours of clinical interaction to document the fieldwork participant's developing skills and competencies. The fieldwork participant must be rated as meeting or exceeding all skills upon completion of the fieldwork to qualify for certification as a speech-language pathology assistant. If there is more than one fieldwork supervisor, each supervisor must complete and sign a Board SLPA Competency Checklist.

(e) In extenuating circumstances where the fieldwork participant is unable to obtain the signature of their clinical fieldwork supervisor, the Board may accept a Board SLPA Competency Checklist signed by another supervising speech-language pathologist who is licensed by the Board or holds the ASHA Certificate of Clinical Competency and is able to render a professional opinion of the applicant's level of competence.

(f) Applicants who completed fieldwork in another state must provide documentation of at least 100 clinical interaction hours and a final assessment of their skills and competencies completed and signed by their supervising speech-language pathologist. The supervisor must have held the ASHA Certificate of Clinical Competency while supervising the applicant. The Board will review the fieldwork log and final assessment in accordance with its clinical interaction requirements and SLPA Competency Checklist. If the fieldwork is not deemed equivalent to Oregon standards, the applicant must obtain a provisional speech-language pathology assistant certificate to complete fieldwork requirements for certification in Oregon.

(4) Applicants whose academic instruction was not conducted in English may be required to submit scores from the following standardized tests to demonstrate English language proficiency:

(a) The internet-based Test of English as a Foreign Language (TOEFL) with minimum scores of 100 overall, 26 in writing, and 26 in speaking; or

(b) The paper-based TOEFL and Test of Spoken English (TSE) with minimum scores of 600 overall; 5 on the essay; and 50 on the TSE; or

(c) The computer-based TOEFL and TSE with minimum scores of 250 overall; 5 on the essay; and 50 on the TSE.

(5) Applicants must demonstrate current professional competence as follows:

(a) Completion of clinical interaction as described in OAR 335-095-0030(3) within the 12 months prior to application; or

(b) Completion of 7.5 hours of professional development within the 12 months prior to application.

(c) Any hours completed in the current professional development period may also be counted towards meeting the professional development requirement for the next active license renewal.

Stat. Auth.: ORS 681.360, 681.375, 681.420 & 681.460

Stats. Implemented: ORS 681.360 & 681.375

Hist.: SPA 1-2003, f. & cert. ef. 5-7-03; SPA 1-2004, f. & cert. ef. 2-6-04; SPA 2-2004, f. & cert. ef. 5-26-04; SPA 3-2006, f. & cert. ef. 5-8-06; SPA 3-2008, f. & cert. ef. 4-10-08; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09; SPA 1-2010(Temp), f. & cert. ef. 8-11-10 thru 2-4-11; SPA 1-2011, f. 1-28-11, cert. ef. 2-1-11; SPA 2-2011, f. & cert. ef. 10-10-11; SPA 2-2012, f. & cert. ef. 12-14-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA 4-2013(Temp), f. & cert. ef. 9-13-13 thru 12-28-13; SPA 5-2013, f. & cert. ef. 11-13-13

335-095-0040

Qualifications for Supervising Speech-Language Pathology Assistants

(1) All supervision of services provided by a speech-language pathology assistant must be performed by a speech-language pathologist who:

(a) holds an active, valid license issued by the Board of Examiners for Speech-Language Pathology and Audiology; or

(b) is exempt from licensure under ORS 681.230(2) and holds an active, valid basic or standard teaching license with an endorsement in speech impaired or an initial or continuing teaching license with an endorsement in communication disorders issued by the Teacher Standards and Practices Commission.

(2) The supervising speech-language pathologist must have the following professional work experience:

(a) at least two years of professional speech-language pathology work experience following completion of their graduate degree in speech-language pathology or communications disorders.. The clinical post-graduate fellowship year may be counted as one year of professional experience.

(b) if exempt from licensure under ORS 681.230(2), and initially licensed by the Teacher Standards and Practices Commission prior to 1999, a minimum of five years of professional work experience in speech-language pathology within the ten years preceding the provision of supervision. The supervising speech-language pathologist must have held an active basic or standard teaching license with an endorsement in standard speech impaired or an initial or continuing teaching license with an endorsement in communication disorders issued by the Teacher Standards and Practices Commission during qualifying work experience. Work experience while holding a restricted transitional license, conditional assignment permit, or other provisional license issued by the Teacher Standards and Practices Commission is excluded from qualifying work experience.

(3) The supervising speech-language pathologist must agree to supervise according to Board requirements, as outlined in OAR 335-095-0050.

Stat. Auth.: ORS 681.360, 681.375, 681.420 & 681.460

Stats. Implemented: ORS 681.360 & 681.375

Hist.: SPA 1-2003, f. & cert. ef. 5-7-03; SPA 3-2008, f. & cert. ef. 4-10-08; SPA 1-2010(Temp), f. & cert. ef. 8-11-10 thru 2-4-11; SPA 1-2011, f. 1-28-11, cert. ef. 2-1-11; SPA 2-2011, f. & cert. ef. 10-10-11; SPA 2-2012, f. & cert. ef. 12-14-12

335-095-0050

Requirements for Supervising Licensed Speech-Language Pathology Assistants

(1) The amount and type of supervision required will be based on the skills and experience of the speech-language pathology assistant.

(a) For the first 90 calendar days of licensed employment, with a given employer, a minimum of 30% of all the time an assistant is providing clinical interaction must be supervised. A minimum of 20% of hours spent in clinical interaction must be directly supervised.

(b) Subsequent to the first 90 calendar days of licensed employment with a given employer, a minimum of 20% of all the time an assistant is providing clinical interaction must be supervised. A minimum of 10% of hours spent in clinical interaction must be directly supervised.

(c) The supervising speech-language pathologist must be able to be reached throughout the work day. A temporary supervisor may be designated as necessary.

(d) If the supervising speech-language pathologist is on extended leave, an interim supervising speech-language pathologist who meets the requirements stated in 335-095-0040 must be assigned.

(e) The caseload of the supervising speech-language pathologist must allow for administration, including speech-language pathology assistant supervision, evaluation of clients and meeting times. Speech-language pathology assistants may not have a caseload; therefore, all clients are considered part of the supervising speech-language pathologist's caseload. The supervising speech-language pathologist is responsible to make all diagnostic and treatment related decisions for all clients on the caseload, and to supervise any speech-language pathology assistants assigned to assist with that caseload.

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(f) Supervision requirements must be met for all clients on the caseload who receive treatment from the speech-language pathology assistant.

(2) The supervising speech-language pathologist may not supervise more than the equivalent of two full-time speech-language pathology assistants.

(3) The supervising speech-language pathologist must co-sign each page of records.

(4) Supervision of speech-language pathology assistants must be documented.

(a) Documentation must include the following elements: date, activity, clinical interaction hours, and direct or indirect supervision hours. Clinical logs documenting supervision must be completed and supervision hours calculated for each calendar month for each caseload. Each entry should be initialed by the supervising speech-language pathologist. Each page of documentation should include the supervising speech-language pathologist's signature and license numbers issued by this Board and the Teacher Standards and Practices Commission if applicable. Supervision documentation must be retained by the speech-language pathology assistant for four (4) years.

(b) Documentation must be available for audit requests from the Board.

(5) In remote geographic areas of the state or in other situations with severe shortages of licensed personnel, where Direct Supervision requirements cannot be met by an on-site Speech-Language Pathologist, educational facilities may apply for a one year exemption from certain requirements for supervision of certified Speech-Language Pathology Assistants.

(a) This exemption allows educational facilities to use the review and evaluation of audio- or video-taped records or live audio- or video-conferencing of clinical interactions, or a combination thereof, to provide a portion of the required Direct Supervision

hours, up to a maximum of 75% of the required Direct Supervision hours.

(b) During the exemption period, a licensed Speech-Language Pathologist may supervise up to four full-time equivalent certified Speech-Language Pathology Assistants.

(c) This exemption will expire on July 31st of the year in which it is granted. An exemption shall only be granted for a maximum of two years out of each consecutive five year period.

Stat. Auth.: ORS 681.360, 681.370, 681.375, 681.420 & 681.460

Stats. Implemented: ORS 681.360, 681.370 & 681.375

Hist.: SPA 1-2003, f. & cert. ef. 5-7-03; SPA 4-2006, f. & cert. ef. 11-3-06; SPA 1-2007, f. & cert. ef. 2-1-07; SPA 3-2008, f. & cert. ef. 4-10-08; SPA 4-2008(Temp), f. & cert. ef. 8-13-08 thru 2-8-09; Administrative correction 2-18-09; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09; SPA 2-2011, f. & cert. ef. 10-10-11; SPA 2-2012, f. & cert. ef. 12-14-12

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Scope of Duties for the Speech-Language Pathology Assistant

(1) A speech-language pathology assistant may conduct the following tasks under supervision of the licensed Speech-Language Pathologist:

(a) Conduct speech and language screenings without interpretation, utilizing screening protocols specified by the supervising speech-language pathologist.

(b) Provide direct treatment assistance, excluding dysphagia (as opposed to feeding for nutritional purposes), to patients/clients identified by the supervising SLP by following written treatment plans or protocols developed by the supervising SLP.

(c) Document patient/client progress, without interpretation of findings, toward meeting established objectives as stated in the treatment plan, and report this information to the supervising speech-language pathologist.

(d) Assist the speech-language pathologist in collecting and tallying of data for assessment purposes, without interpretation.

