
ASSEMBLY BILL NO. 54—ASSEMBLYWOMAN VON TOBEL

PREFILED JANUARY 22, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing practice of audiology and speech pathology.
(BDR 54-38)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to professions; requiring the licensure of a speech pathologist's assistant; establishing the qualifications for such licensure; revising the provisions concerning the qualifications for a license to engage in the practice of audiology or speech pathology; increasing the maximum fees that may be collected by the board of examiners for audiology and speech pathology; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 637B of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 12, inclusive, of this act.
3 **Sec. 2.** *“Licensed speech pathologist” means a person licensed as a*
4 *speech pathologist by the board pursuant to the provisions of this chapter.*
5 **Sec. 3.** *“Speech pathologist’s assistant” means a person licensed by*
6 *the board to provide services under the supervision of a licensed speech*
7 *pathologist.*
8 **Sec. 4.** 1. *A person shall not act as a speech pathologist’s assistant*
9 *unless he holds a license to do so as provided in this chapter.*
10 2. *A speech pathologist’s assistant shall not hold himself out as an*
11 *audiologist or speech pathologist.*
12 **Sec. 5.** *An applicant for a license as a speech pathologist’s assistant*
13 *must:*
14 1. *Hold a bachelor’s degree in speech pathology.*
15 2. *Complete a period of practical training, prescribed by regulation of*
16 *the board, under the supervision of a licensed speech pathologist.*

1 3. Submit to the board, on a form provided by the board, an
2 application that sets forth his education and training.

3 4. Submit to the board a form completed by a licensed speech
4 pathologist that verifies that he will supervise the applicant's work. The
5 form must be provided by the board.

6 5. Submit to the board the statement required pursuant to section 8 of
7 this act.

8 6. Pay the fees provided for in this chapter.

9 Sec. 6. An application for the issuance of a license as a speech
10 pathologist's assistant must include the social security number of the
11 applicant.

12 Sec. 7. 1. A license as a speech pathologist's assistant expires on
13 December 31 of each year.

14 2. Each holder of a license as a speech pathologist's assistant may
15 renew his license before its expiration upon submission of the statement
16 required pursuant to section 8 of this act and payment of the fee for the
17 annual renewal of a license.

18 3. If a licensee fails to submit the statement required pursuant to
19 section 8 of this act or pay the fee for the annual renewal of his license
20 before its expiration, his license may be renewed only upon the payment
21 of the reinstatement fee in addition to the renewal fee. A license may be
22 renewed pursuant to this subsection only if all fees are paid and the
23 statement required pursuant to section 8 of this act is submitted within 3
24 years after the license has expired.

25 Sec. 8. 1. An applicant for the issuance or renewal of a license as a
26 speech pathologist's assistant must submit to the board the statement
27 prescribed by the welfare division of the department of human resources
28 pursuant to NRS 425.520. The statement must be completed and signed
29 by the applicant.

30 2. The board shall include the statement required pursuant to
31 subsection 1 in:

32 (a) The application or any other forms that must be submitted for the
33 issuance or renewal of the license; or

34 (b) A separate form prescribed by the board.

35 3. A license as a speech pathologist's assistant may not be issued or
36 renewed by the board if the applicant:

37 (a) Fails to submit the statement required pursuant to subsection 1; or

38 (b) Indicates on the statement submitted pursuant to subsection 1 that
39 he is subject to a court order for the support of a child and is not in
40 compliance with the order or a plan approved by the district attorney or
41 other public agency enforcing the order for the repayment of the amount
42 owed pursuant to the order.

1 **4.** *If an applicant indicates on the statement submitted pursuant to*
2 *subsection 1 that he is subject to a court order for the support of a child*
3 *and is not in compliance with the order or a plan approved by the district*
4 *attorney or other public agency enforcing the order for the repayment of*
5 *the amount owed pursuant to the order, the board shall advise the*
6 *applicant to contact the district attorney or other public agency enforcing*
7 *the order to determine the actions that the applicant may take to satisfy*
8 *the arrearage.*

9 **Sec. 9.** **1.** *If the board receives a copy of a court order issued*
10 *pursuant to NRS 425.540 that provides for the suspension of all*
11 *professional, occupational and recreational licenses, certificates and*
12 *permits issued to a person who is the holder of a license as a speech*
13 *pathologist's assistant, the board shall deem the license issued to that*
14 *person to be suspended at the end of the 30th day after the date on which*
15 *the court order was issued unless the board receives a letter issued to the*
16 *holder of the license by the district attorney or other public agency*
17 *pursuant to NRS 425.550 stating that the holder of the license has*
18 *complied with the subpoena or warrant or has satisfied the arrearage*
19 *pursuant to NRS 425.560.*

20 **2.** *The board shall reinstate a license as a speech pathologist's*
21 *assistant that has been suspended by a district court pursuant to NRS*
22 *425.540 if:*

23 **(a)** *The board receives a letter issued by the district attorney or other*
24 *public agency pursuant to NRS 425.550 to the person whose license was*
25 *suspended stating that the person whose license was suspended has*
26 *complied with the subpoena or warrant or has satisfied the arrearage*
27 *pursuant to NRS 425.560; and*

28 **(b)** *The person whose license was suspended pays any fees imposed by*
29 *the board pursuant to NRS 637B.230 for the reinstatement of a license.*

30 **Sec. 10.** **1.** *A licensed speech pathologist shall not supervise the*
31 *work of a speech pathologist's assistant without first obtaining the*
32 *approval of the board.*

33 **2.** *A licensed speech pathologist who wishes to supervise a speech*
34 *pathologist's assistant shall apply to the board, on a form provided by the*
35 *board, for approval to provide that supervision. The application must*
36 *contain the qualifications of the licensed speech pathologist to provide*
37 *that supervision.*

38 **3.** *A licensed speech pathologist who supervises a speech*
39 *pathologist's assistant shall:*

40 **(a)** *During the first 90 days of the employment of the speech*
41 *pathologist's assistant, supervise the speech pathologist's assistant:*

42 **(1)** *Directly by observing his work at least 20 percent of the time at*
43 *work; and*

1 (2) Indirectly by demonstration, review of the work performed or
2 oral conference at least 10 percent of the time at work.

3 (b) During the remainder of the employment of the speech
4 pathologist's assistant, supervise the speech pathologist's assistant:

5 (1) Directly at least 10 percent of the time at work; and

6 (2) Indirectly at least 10 percent of the time at work.

7 (c) Provide such other supervision and training as the supervising
8 speech pathologist deems necessary to ensure that the highest standard of
9 care is provided to his patients.

10 4. The supervising speech pathologist must be available for
11 consultation at all times when the speech pathologist's assistant is
12 working and must be available on the premises at least one-half of that
13 time.

14 5. More than one licensed speech pathologist may supervise a speech
15 pathologist's assistant. One licensed speech pathologist may supervise not
16 more than two speech pathologist's assistants.

17 **Sec. 11.** A speech pathologist's assistant may:

18 1. Assist in the treatment of patients as directed by the supervising
19 speech pathologist.

20 2. Follow written plans or protocols of treatment prepared by the
21 supervising speech pathologist.

22 3. Record a patient's progress in meeting objectives stated in a plan
23 or protocol of treatment and report this information to the supervising
24 speech pathologist.

25 4. Assist in the preparation of notes and materials and in other
26 clerical duties as directed by the supervising speech pathologist.

27 5. Sign a document related to the treatment of a patient only if it is
28 reviewed and cosigned by the supervising speech pathologist.

29 6. Schedule activities and prepare charts or other displays of
30 information on behalf of the supervising speech pathologist.

31 7. Maintain and verify the performance of equipment used by the
32 supervising speech pathologist.

33 8. Participate with the supervising speech pathologist in research,
34 training and public relations.

35 **Sec. 12.** A speech pathologist's assistant may not:

36 1. Practice as a speech pathologist's assistant independently from a
37 licensed speech pathologist.

38 2. Perform diagnostic tests or evaluations or interpret the results of
39 those tests or evaluations.

40 3. Participate in conferences with parents or professional personnel
41 without the presence of the supervising speech pathologist or another
42 licensed speech pathologist designated by the supervising speech
43 pathologist.

- 1 **4. Provide counseling to a patient or the patient's family.**
- 2 **5. Prepare or modify an individualized plan for treatment without the**
- 3 **guidance and approval of the supervising speech pathologist.**
- 4 **6. Treat a patient without following the individualized plan prepared**
- 5 **by the supervising speech pathologist or without an opportunity to consult**
- 6 **the supervising speech pathologist.**
- 7 **7. Accept a patient for services, refer a patient for additional services**
- 8 **or discharge a patient.**
- 9 **8. Disclose clinical or confidential information to any person not**
- 10 **designated by the supervising speech pathologist.**
- 11 **9. Provide therapy to a patient in a fragile medical condition,**
- 12 **including, without limitation, a patient who is dependent on a ventilator**
- 13 **or has had a tracheostomy or a laryngectomy, until the patient is**
- 14 **determined to be able to participate in maintenance or restorative therapy.**

15 **Sec. 13.** NRS 637B.020 is hereby amended to read as follows:

16 637B.020 As used in this chapter, unless the context otherwise
17 requires, the words and terms defined in NRS 637B.030 to 637B.070,
18 inclusive, **and sections 2 and 3 of this act** have the meanings ascribed to
19 them in those sections.

20 **Sec. 14.** NRS 637B.160 is hereby amended to read as follows:

21 637B.160 ~~{1.}~~ An applicant for a license to engage in the practice of
22 audiology or speech pathology must be issued a license by the board if he:

23 ~~{(a)}~~ **1.** Is over the age of 21 years;

24 ~~{(b)}~~ **2.** Is a citizen of the United States ~~{1}~~ or is lawfully entitled to
25 remain and work in the United States;

26 ~~{(c)}~~ **3.** Is of good moral character;

27 ~~{(d)}~~ ~~Meets the requirements for education or training and experience~~
28 ~~provided by subsection 2;~~

29 ~~—(e)}~~

30 **4. Has a master's degree in audiology or speech pathology from an**
31 **accredited college or university approved by the board;**

32 **5.** Has completed at least ~~{300-clock}~~ **375** hours of supervised clinical
33 experience in audiology or speech pathology, or both;

34 ~~{(f)}~~ **6.** Applies for the license in the manner ~~{provided}~~ **prescribed** by
35 the board;

36 ~~{(g)}~~ **7.** Submits the statement required pursuant to NRS 637B.166;

37 ~~{(h)}~~ **8.** Passes any examination required by this chapter; and

38 ~~{(i)}~~ **9.** Pays the fees ~~{provided for in}~~ **prescribed by the provisions of**
39 **this chapter.**

40 ~~{2.—An applicant must possess a master's degree in audiology or in~~
41 ~~speech pathology from an accredited educational institution or possess~~
42 ~~equivalent training and experience. If he seeks to qualify on the basis of~~
43 ~~equivalent training and experience, the applicant must submit to the board~~

~~satisfactory evidence that he has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least 24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.~~

Sec. 15. NRS 637B.210 is hereby amended to read as follows:

637B.210 1. All licenses ~~issued pursuant to this chapter,~~ **to practice audiology or speech pathology**, except a temporary license, expire on December 31 of each year.

2. Each holder of a license to practice audiology or speech pathology, except a temporary license, who meets the requirements for continuing education prescribed by the board may renew his license before its expiration upon submission of the statement required pursuant to NRS 637B.166 and payment of the fee for annual renewal of a license.

3. If a licensee fails to submit the statement required pursuant to NRS 637B.166 or pay the fee for annual renewal of his license before its expiration, his license may be renewed only upon the payment of the reinstatement fee in addition to the renewal fee. A license may be renewed pursuant to this subsection only if all fees are paid and the statement required pursuant to NRS 637B.166 is submitted within 3 years after the license has expired.

4. A licensee who wishes to have his license reinstated must prove to the satisfaction of the board that he has met the requirements for continuing education prescribed by the board for the period during which his license was expired.

Sec. 16. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The board shall charge and collect only the following fees whose amounts must be determined by the board, but may not exceed:

Application fee for a license to practice speech pathology.....	[\$100] \$200
Application fee for a license to practice audiology.....	100] 200
Application fee for a license as a speech pathologist's assistant.....	100
Annual fee for the renewal of a license	[50] 100
Reinstatement fee.....	[75] 150

2. All fees are payable in advance and may not be refunded.

1 **Sec. 17.** Section 5 of this act is hereby amended to read as follows:

2 Sec. 5. An applicant for a license as a speech pathologist's
3 assistant must:

4 1. Hold a bachelor's degree in speech pathology.
5 2. Complete a period of practical training, prescribed by
6 regulation of the board, under the supervision of a licensed speech
7 pathologist.

8 3. Submit to the board, on a form provided by the board, an
9 application that sets forth his education and training.

10 4. Submit to the board a form completed by a licensed speech
11 pathologist that verifies that he will supervise the applicant's work.
12 The form must be provided by the board.

13 5. ~~{Submit to the board the statement required pursuant to~~
14 ~~section 8 of this act.~~

15 ~~—6.}~~ Pay the fees provided for in this chapter.

16 **Sec. 18.** Section 7 of this act is hereby amended to read as follows:

17 Sec. 7. 1. A license as a speech pathologist's assistant expires
18 on December 31 of each year.

19 2. Each holder of a license as a speech pathologist's assistant
20 may renew his license before its expiration upon ~~{submission of the~~
21 ~~statement required pursuant to section 8 of this act and}~~ payment of
22 the fee for the annual renewal of a license.

23 3. If a licensee fails to ~~{submit the statement required pursuant~~
24 ~~to section 8 of this act or}~~ pay the fee for the annual renewal of his
25 license before its expiration, his license may be renewed only upon
26 the payment of the reinstatement fee in addition to the renewal fee.
27 A license may be renewed pursuant to this subsection only if all fees
28 are paid ~~{and the statement required pursuant to section 8 of this act~~
29 ~~is submitted}~~ within 3 years after the license has expired.

30 **Sec. 19.** The amendatory provisions of this act do not apply to
31 offenses that are committed before the effective date of this act.

32 **Sec. 20.** 1. This section and sections 2 to 16, inclusive, and 19 of this
33 act become effective on October 1, 1999.

34 2. Sections 17 and 18 of this act become effective on the date on which
35 the provisions of 42 U.S.C. § 666 requiring each state to establish
36 procedures under which the state has authority to withhold or suspend, or to
37 restrict the use of professional, occupational and recreational licenses of
38 persons who:

39 (a) Have failed to comply with a subpoena or warrant relating to a
40 proceeding to determine the paternity of a child or to establish or enforce an
41 obligation for the support of a child; or

42 (b) Are in arrears in the payment for the support of one or more
43 children,

1 are repealed by the Congress of the United States.
2 3. Sections 6, 8 and 9 of this act expire by limitation on the date on
3 which the provisions of 42 U.S.C. § 666 requiring each state to establish
4 procedures under which the state has authority to withhold or suspend, or to
5 restrict the use of professional, occupational and recreational licenses of
6 persons who:
7 (a) Have failed to comply with a subpoena or warrant relating to a
8 proceeding to determine the paternity of a child or to establish or enforce an
9 obligation for the support of a child; or
10 (b) Are in arrears in the payment for the support of one or more
11 children,
12 are repealed by the Congress of the United States.

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