

Public Comment Responses:

Form D

The Proposed additions requiring Form D or another document similar to form D may be collected by the Board upon the annual renewal of the SLP Assistant's registration or upon request. Currently the formal employment evaluation is only requested when random audits are performed. It has been the Board's experience that most practices have been unable to produce formal employment evaluations. Adding Form D is providing clarification to 21 NCAC 64 .1005 and what is currently required. Along with establishing that it may be collected and reviewed by the Board on an annual basis, allowing for flexibility for future change on submission requirements and how often it should be collected that may be introduced by policy.

The statute currently states the following:

21 NCAC 64 .1005

(3) Receiving regular, formal employment evaluations on a scheduled basis from the supervising speech-language pathologist(s) to assess one's performance, strengths, and weaknesses and to establish development goals for continuous performance improvement.

Changes based on past public comment

The prior proposed rule included information about how often each client needed to be seen by the primary supervisor. Based on public comment this was removed from the current proposed rule. It is already required that each client must be seen by the primary supervisor before the SLP Assistant begins providing services, and each time a new target behavior/skill is introduced the SLP must observe and document that the SLP Assistant is utilizing all three protocol elements effectively.

30-day Review of Documentation & Supervision Requirements

The Board has also observed instances in which adequate supervision was not occurring and documentation of supervisory activities was lacking or absent altogether. These concerns contributed to the introduction of specific direct and indirect supervision hour requirements to help ensure consistent oversight, accountability, and protection of the public. While many commenters state that they do not allow more than 30 days to pass before reviewing their SLP Assistant documentation, the Board has observed documentation remaining unreviewed for significantly longer periods. In some cases, these delays have been detrimental to public protection and patient care. The Board has also received direct inquiries from professionals requesting specific guidance regarding acceptable review timeframes and supervisory expectations. When a specific review timeframe is not explicitly stated in rule, compliance becomes subject to individual interpretation. Without clear and enforceable guidance, it becomes difficult for the Board to consistently hold bad actors accountable and ensure

adequate supervision standards are maintained. The same concern applies to requirements for direct and indirect supervision hours. Without clearly defined expectations, compliance standards may vary widely, creating inconsistency in practice and limiting the Board's ability to ensure appropriate oversight and accountability.

If the supervisor finds that the protocol does not need to be changed at the 90-day review, it may just be recertified. This may be done by including the new certification period, and updated signature with date.

SLP Assistants are valued and important members of the speech-language pathology profession and play a meaningful role in expanding access to services under appropriate supervision. However, the Board has also observed situations in which SLP Assistants are being utilized by bad actors in ways that exceed the intended scope of their role. In some settings, including private practices, staffing agencies, and other employment arrangements, SLP Assistants are effectively being treated as independent practitioners despite not holding the same credentials, education, clinical training, or licensure as a fully qualified Speech-Language Pathologist.

SLP Assistants have not completed the same graduate-level education, supervised clinical experience, or professional training required of licensed SLPs. As a result, they should not be expected, required, or permitted to function independently or outside the scope established by law and rule. It is the Board's duty to establish reasonable guardrails and supervisory standards to ensure public protection, maintain the integrity of the profession, and prevent providers from being placed in situations where they are asked to practice beyond their qualifications or authorized scope. Clear supervision and documentation requirements are intended not to diminish the value of SLP Assistants, but to support safe, ethical, and appropriate utilization of these professionals within the healthcare and educational systems.

Fiscal

The Board appreciates the comments and recognizes that future CPT coding and reimbursement changes may impact the delivery and billing of speech-language pathology services. However, the Board cannot make regulatory decisions based on hypothetical future reimbursement structures, coding valuations, or payment models that have not yet been finalized or implemented. The fiscal analysis was therefore based on the best currently available and verifiable information at the time it was prepared.

The proposed amendments are intended to clarify supervision expectations, establish enforceable minimum standards, and protect the public by ensuring that SLP-Assistants are appropriately supervised and practicing within their authorized scope. The Board believes these responsibilities exist regardless of future reimbursement methodologies or coding changes.

The Board also recognizes concerns regarding administrative burden and has taken steps to provide additional flexibility where appropriate. In response to feedback and audit findings, the Board will allow alternative documentation forms in place of the current target behavior forms,

provided the substituted forms meet the Board's established documentation requirements. A guidance document has been drafted for Board review and approval and, once adopted, will be posted to the Board's website for use by supervisors.

While disciplinary actions may appear limited in number, the Board's responsibility is not solely reactive. The Board is charged with establishing clear, enforceable standards that promote consistent supervision practices, protect patients and families, and prevent providers and assistants from being placed in situations where they are expected to practice outside of their qualifications or scope.

We continue to see an increase in SLP Assistant growth and do not see this changing. Other states have adopted similar or more stringent requirements and continue to see growth in the field nationwide.

These proposed amendments should not adversely affect the bottom line if adequate supervision, services, and documentation are already being properly completed and maintained in accordance with existing professional standards.