

2017 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2172

2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2172
1/19/2017
Job Number 27108

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 43-37 of the North Dakota Century Code, relating to licensure of speech-language pathology assistants; to amend and reenact sections 43-37-02, 43-37-03, 43-37-04, 43-37-04.1, 43-37-05, 43-37-06, 43-37-08, 43-37-09, 43-37-13, and 43-37-18 of the North Dakota Century Code, relating to the state board of examiners on audiology and speech-language pathology and the regulation of speech-language pathology assistants; to repeal section 43-37-01 of the North Dakota Century Code, relating to legislative intent; to provide a penalty; and to provide an effective date.

Minutes:

Attachments: 1-5

Chairman Poolman: Opened the hearing 2172.

Senator Oban, District 35: See Attachment #1 for testimony to explain and in support of the bill.

(6:45) Leisa Harmon, Member, North Dakota State Board of Examiners on Audiology and Speech-Language Pathology: See Attachment #2 for testimony in support of the bill.

(11:14) Senator Bekkedahl: It appears that what we are doing here is that we have licensure for in school for these types of services and then some for out of school; so the changes, other than the practicum side would be more stringent than what is for the assistants in the school districts right now?

Leisa Harmon: Yes. It would be a different level of training. The para-professionals who work in the schools are allowed to practice with a 2-year degree. That degree is available in the state. With this bill, the licensed assistants would need to have a 4-year Bachelor's degree in Communication Sciences or disorders. In that way the requirements would be more stringent.

Senator Bekkedahl: So this change is from the Audiology Board?

Leisa Harmon: Yes, Audiology and Speech Language Pathology.

Senator Bekkedahl: The profession as a whole is also recommending it with the board? There are differences between memberships in the professional organizations and board members.

Leisa Harmon: Exactly. I cannot speak for the profession as a whole. We did conduct a survey that preceded this and there certainly was interest there. I am not speaking for the professional association. They have not weighed in on this issue at this point.

Chairman Poolman: is the 100 hours that you mentioned would be required in the bill?

Leisa Harmon: We intend to put that in the rules. We are basing that on other laws. For example, the Psychologists have the minimum in the statute and the rules really spell out those specifics of scope of practice and practicum etc.

(13:45) Ann Albrecht, member, State Board of Examiners on Audiology and Speech Language Pathology: See Attachment #3 for testimony in support of the bill. See Attachment #4 for testimony from Kelli Ellenbaum, Board Member, and Speech Language Pathologist provided to the committee.

(19:40) Senator Marcellais: Questioned second testimony.

(20:55) Mariah Benz, Student of Communication Sciences and Disorders, University of Mary: See Attachment #5 for testimony in support of the bill.

(24:05) Senator Bekkedahl: If you are the product of this type of therapy, it is wonderful treatment. You have perfect speech and I appreciate your passion.

Chairman Poolman: This is a great aspect of this. It isn't just an end game either. It might be that people are waiting to get into graduate school and maybe it takes one or two times in the meantime you can bolster that application to graduate school with experience in the field. It is good for kids and good for people seeking graduate school admission.

Senator Meyer: I was on the same path from college. I moved down to Arizona to become a physical therapist and went there to become a physical therapy technician to work toward graduate school. I understand where you are coming from.

Chairman Poolman: Asked for further testimony and there was none. (Mentioned a personal experience.) Closed the hearing on SB 2172.

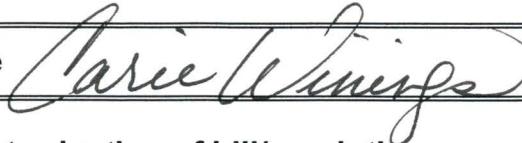
2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2172
1/19/2017
Job Number 27121

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 43-37 of the North Dakota Century Code, relating to licensure of speech-language pathology assistants; to amend and reenact sections 43-37-02, 43-37-03, 43-37-04, 43-37-04.1, 43-37-05, 43-37-06, 43-37-08, 43-37-09, 43-37-13, and 43-37-18 of the North Dakota Century Code, relating to the state board of examiners on audiology and speech-language pathology and the regulation of speech-language pathology assistants; to repeal section 43-37-01 of the North Dakota Century Code, relating to legislative intent; to provide a penalty; and to provide an effective date.

Minutes:

Attachments: 1

Chairman Poolman: Opened SB 2172 for committee discussion. See Attachment #1 for amendment provided to the committee by Senator Oban. For those of you that received the e mail about this bill making it more difficult to be a para-professional in a school setting, it does not have anything to do with that and that is in a separate part of the code. This amendment makes it particularly certain that those concerns would be alleviated.

(1:15) Reviews the amendment.

(1:50) Asked the committee's wishes.

Senator Meyer: I believe this would really clarify the bill. Moved Senator Oban's Amendment 17.0378.01001.

Senator Vedaa: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.

Motion Carried.

Senator Vedaa: Moved a Do Pass As Amended.

Senator Meyer: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.

Motion Carried.

Senator Poolman will carry the bill.

January 19, 2017

CH
1/19/17

PROPOSED AMENDMENTS TO SENATE BILL NO. 2172

Page 3, line 7, after "valid" insert "certificate or"

Page 3, line 8, after "pathologist" insert ", speech-language pathology paraprofessional,"

Page 3, line 8, overstrike the comma and insert immediately thereafter "which is"

Page 3, line 9, after "instruction" insert "or the education standards and practices board"

Renumber accordingly

Date: 1/19
 Roll Call Vote #: 2

2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2172

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 17.0378.01001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider

Motion Made By Vedaa Seconded By Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	✓		Senator Marcellais	✓	
Vice Chairman Davison	Ab				
Senator Bekkedahl	✓				
Senator Meyer	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Poolman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2172: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2172 was placed on the Sixth order on the calendar.

Page 3, line 7, after "valid" insert "certificate or"

Page 3, line 8, after "pathologist" insert ", speech-language pathology paraprofessional."

Page 3, line 8, overstrike the comma and insert immediately thereafter "which is"

Page 3, line 9, after "instruction" insert "or the education standards and practices board"

Renumber accordingly

2017 HOUSE HUMAN SERVICES

SB 2172

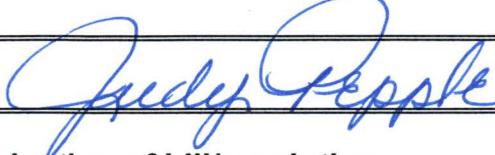
2017 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

SB 2172
3/8/2017
28931

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to licensure of speech-language pathology and the regulation of speech-language pathology assistants.

Minutes:

1, 2, 3, 4, 5

Chairman Weisz: Called the committee to order.
Opened the hearing on SB 2172.
Is there any testimony in support of SB 2172?

Senator Erin Oban
(Attachment 1)

Chairman Weisz: Are there any questions from the committee?

Chairman Weisz: Is there further testimony in support of SB 2172?
7:41

Leisa Harmon, ND State Board of Examiners on Audiology and Speech-Language Pathology
(Attachment 2)

Testimony presented by Kelli Ellenbaum
12:14

Kelli Ellenbaum, Speech Language Pathologist
(Attachment 3)

Chairman Weisz: Questions from the committee?

Vice Chairman Rohr: Would these 4 year prepared people be able to evaluate and develop the treatment programs? Tell me how your roles would be intertwined.

K. Ellenbaum: Our board addressed that very matter and we did draft rules that would include language and specifications about what SLPs would be able to do. No, they cannot evaluate or devise treatment plans, but they would be able to carry those out under the supervision of the FLP.

Chairman Weisz: Are there any more questions from the committee?

Chairman Weisz: Further testimony in support of SB 2172?

Ann Albrecht, MS, CCC/SLP
(Attachment 4)
20:30

Chairman Weisz: Are there any questions from the committee? Seeing none, thank you.

Chairman Weisz: Further testimony in support of SB 2172

Mariah Benz. Student at U of Mary
(Attachment 5)
23:44

Chairman Weisz: Are there questions from the committee?

Vice Chairman Rohr: Tell us a little bit about your Communication Sciences and Disorder curriculum. Will you have a master's degree or a bachelor's?

M. Benz: Currently I am an undergraduate working on my bachelors. I do plan on attending graduate school for my masters.

Vice Chairman Rohr: Where will you get your graduate degree from?

M. Benz: At this time I have been accepted into some schools and I haven't made my final decision.

Vice Chairman Rohr: So there is no school within the Bismarck-Mandan area? You will have to go outside of the community?

M. Benz: Correct. As of right now the U of Mary is currently working on their master's program, but it is not ready for my class.

Vice Chairman Rohr: So are you the first graduating class?

M. Benz: I am.

Chairman Weisz: Further questions from the committee?

Chairman Weisz: Further testimony in support of SB 2172?

Katie Fitzsimmons, Director of Student Affairs at the UND System
24:50

I am just providing a quick endorsement of SB 2172 on behalf of UND Communication Sciences Department. They are supportive of this bill as soon as the licensing board drafts rules that are consistent with other national guidelines. It is good to hear that all SLPs in the state are on the same team and looking forward to advancing this profession.

Representative Skroch: Would you be able to tell me how many colleges in ND offer this instruction?

Katie Fitzsimmons: I don't know the number at this time.

Chairman Weisz: Is there further testimony in support of SB 2172?

Chairman Weisz: Is there any testimony in opposition to SB 2172? Seeing none.

Chairman Weisz: Ok committee, we have a bill before us. What does the committee want to do?

Representative Porter: I move a do pass on SB 2172.

Representative Skroch: I will second it.

Chairman Weisz: We have a motion and second before us. Is there any discussion?

Representative Devlin: I see one of the sponsors in here. Maybe we should ask if there is any more input needed.

Chairman Weisz: Is there any more discussion relevant to this bill? If not, the clerk will call the roll for a do pass on SB 2172.

Roll call vote taken Yes 14 No 0 Absent 0

Chairman Weisz: Do I have a volunteer to carry this one?

Representative B. Anderson, thank you.

Adjourned.

Date: 3-8-17
Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. S.B. 2172

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep. Porter Seconded By Rep. Skroch

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. P. Anderson	✓	
Vice Chairman Rohr	✓		Rep. Schneider	✓	
Rep. B. Anderson	✓				
Rep. D. Anderson	✓				
Rep. Damschen	✓				
Rep. Devlin	✓				
Rep. Kiefert	✓				
Rep. McWilliams	✓				
Rep. Porter	✓				
Rep. Seibel	✓				
Rep. Skroch	✓				
Rep. Westlind	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. B. Anderson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2172, as engrossed: Human Services Committee (Rep. Weisz, Chairman)
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed SB 2172 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

SB 2172

Chair Poolman, members of the Senate Government and Veterans Affairs Committee, I am Erin Oban, Senator for the good people of District 35 here in Bismarck. Thank you for the opportunity to be with you to introduce SB 2172, a bill brought to me by the Board of Examiners on Audiology and Speech-Language Pathology (the Board).

Because this bill came to a legislative committee that is, perhaps, about as unfamiliar with speech-language pathology as I was when the process of sponsoring this bill started, speech-language pathologists (or SLPs, the acronym they often use) provide habilitative and rehabilitative services to individuals with communication and swallowing disorders across the life span. SLPs work in various settings including infant development programs, schools, hospitals, skilled nursing facilities, long-term care settings, rehabilitation centers, and private practice.

Individuals can do SLP work in 3 basic ways.

1. Obtain a **"speech-pathology restricted license" from ESPB**. ESPB issues that restricted license to applicants who hold the appropriate master's degree and meet other criteria required by ESPB. A holder of this restricted license can only provide speech language pathology in prekindergarten through grade twelve settings. [NDAC 67.1-02-05-04(4)(a)(2)].
2. Obtain a **"certificate of completion for speech pathology" from DPI** that allows the holder of the certificate to work as a paraprofessional in school settings. [NDAC 67-11-20-03]. DPI issues this certificate to applicants who have the appropriate associates or bachelor's degree and meet the other criteria required by DPI. [NDAC 67-11-20-04]. A holder of this paraprofessional certificate can provide limited speech language pathology services in early childhood through grade twelve, but only under a supervising SLP (the supervising SLP can be licensed either by ESPB as explained just above, or by the Board as explained just below). [NDAC 67-11-20-01 and NDAC 67-11-20-05].
3. Obtain a **"speech-language pathologist license" from the Board**. Individuals with this license can do work beyond those school settings that I just discussed above. Applicants must hold the appropriate master's degree and meet other criteria established by the Board. [NDCC 43-37-04(2)].

There was some confusion and concern that this bill was attempting to require further education for those working as paras within our schools, but that is most certainly not the case. Under existing law, both the ESPB License and the DPI Certificate I described above are exempt from the requirements of having a license issued by this Board [NDCC 43-37-03(4)]. This bill does not change that idea nor that section of the law. But if it's necessary to provide additional assurance to this committee and those professionals that they remain exempt, that's certainly fine with me to add that as an amendment. I have it drafted and will leave it with the Chair should this committee find that necessary.

What SB 2172 *would* do is allow for the licensure and regulation of speech-language pathology assistants ["SLPAs"], a position currently unavailable here in North Dakota but available in 34 other states. SLPAs would work under the close supervision of an SLP to meet the intervention needs of individuals requiring assistance in improving their communication skills.

The use of licensed assistants in this way is very similar to the professions of physical therapy and occupational therapy—which both license their respective assistants.

There are practicing SLPs and members of the Board who will provide testimony after me to answer any questions you have about current practice or future practice if SB 2172 becomes law and also about the real meat or substance in this 8-page bill. There will also be a speaker or two who can help you understand the opportunity provided to new graduates should they not be accepted into a limited number of slots available to move on toward obtaining their master's degree. To make the explanation of that substance simpler, I'd like to walk through the sections of this bill that are simple "housekeeping" items to clean up Century Code to reflect more current language as is often done when we happen to be working within chapters of code that haven't already been cleaned up.

So, much of Section 1 is simply updating definitions to reflect more current language being used throughout code. When you turn to Page 2, the new piece would be defining this new position of an SLPA.

Section 2, extending to Page 4, is all housekeeping.

Section 3, which starts on Page 4 and extends to Page 5, is some of that substance that one of your next speakers will dive into.

Section 4 is adding reference to the new SLPA position.

Section 5, again, is more of the substance that will be covered in a bit.

The remainder of the bill is clean-up language or additions of references to the new SLPA position.

Madam Chair and Senators, I know there is a shortage of SLP services and providers all over the state. In fact, the creation of the ESPB restricted license and the DPI paraprofessional certificate were motivated to help address this same shortage of SLPs years ago. And those changes have helped make SLP services more available in school settings. Any way we can assist in making sure qualified, adequately-trained individuals are able to assist master's-level SLPs in serving the needs of their patients and clients beyond just classroom settings will certainly make a positive impact on North Dakota families. SB 2172 will help do that.

Thank you for the opportunity to introduce this bill to you all, and I'll stand for any questions.

Testimony
Senate Bill 2172
Government and Veterans Affairs Committee
Senator Nicole Poolman, Chairman
January 19, 2017

Chairman Poolman, members of the Senate Government and Veterans Affairs Committee, my name is Leisa Harmon; I am before you today as a member of the North Dakota State Board of Examiners on Audiology and Speech-Language Pathology. I am also a tenured faculty member in the Department of Communication Disorders at Minot State University and an accreditation site visitor for the Council on Academic Accreditation of the American Speech-Language-Hearing Association, although I am not representing those entities today. I have been a speech-language pathologist for 28 years in the public schools and then as a university instructor.

I am here in support of Senate Bill 2172, which would enact a new section to chapter 43-37 of the North Dakota Century Code, allowing for licensure and regulation of speech-language pathology assistants.

Speech-language pathologists provide habilitative and rehabilitative services to individuals with communication and swallowing disorders across the life span. Speech pathologists work in various settings including infant development programs, schools, hospitals, skilled nursing facilities, long-term care settings, rehabilitation centers, and private practice. Currently, 34 other states allow speech-language pathology assistants to work under the close supervision of a speech-language pathologist to meet the intervention needs of individuals requiring assistance in improving their communication skills. The use of licensed assistants in this way is very similar to the professions of physical therapy and occupational therapy.

The proposed bill would not change credentialing requirements for speech-language pathologists; that is, speech pathologists would still need to have a master's degree and be licensed by the Board of Examiners or credentialed by the Educational Standards and Practice Board. Furthermore, this bill would in no way change the requirements or employment of speech-language pathology paraprofessionals in schools. The proposed bill would amend the statute regulating the licensure by the Board of Examiners to allow individuals who have a four-year degree in communication disorders to practice as licensed assistants under the close supervision of a licensed speech-language pathologists in settings outside of schools.

Because of the ever-increasing need for our services in this state, North Dakota the board encourages you to allow North Dakota to join these other 34 states that already allow for licensure, registration or certification of speech-language pathology assistants. In 2014, the board surveyed the licensed speech-pathologists in the state to gather information regarding perceived need for licensed assistants. Responses indicated there was a definite need although several respondents did express concern regarding their own need to ensure any licensed assistant they hire be adequately prepared. If passed, this bill and subsequent rules would

regulate the training and practice of licensed assistants so that high quality services could be provided. Licensed assistants will be required to have a bachelor's degree in communication sciences/disorders, be closely supervised by the speech-language pathologist, and will be limited to carrying out treatment plans designed by the speech-language pathologist.

As stated in the proposed bill, the licensed assistant would need to have a bachelor's degree. The licensure board has discussed and is at a consensus that the standards in the Rules would define the additional training and scope of practice requirements for the licensed assistant. These would include completing a minimum of a 100 hour practicum prior to licensure, completing only those duties specified within the licensed assistant's scope of practice, following a code of ethics. Additionally, the board would draft rules that would limit the speech-language pathologist to supervision of no more than two licensed-assistants.

In conclusion, we urge you to support Senate Bill 2172. Licensure of speech-language pathology assistants for employment across practice settings will allow for expansion of high-quality speech, language, and swallowing therapy services in the state. This structure of therapy services has precedence in the fields of physical therapy and occupational therapy, both of which allow the use of supervised assistants. Furthermore, this bill will not affect nor change the practice of speech-language pathology paraprofessionals currently utilized in the public schools.

This concludes my testimony. I am happy to answer any questions.

Testimony in support of Senate Bill 2172
Ann Albrecht, MS,CCC/SLP
1/19/17

Dear Chairman Poolman and Members of the Committee;

I come to you today as a member of the State Board of Examiners on Audiology and Speech Language Pathology. I am testifying today on behalf of the need to develop Speech Language Pathology Licensed Assistants. I also am a licensed speech Language pathologist employed by the Anne Carlsen Center in Jamestown ND. I have been employed at ACC for 32 years. The children and young adults served at ACC are 0-21 years old with various disabilities ranging from severe to profound, with diagnoses including medically fragile, autism spectrum, various syndromes, motor disorders and children with acquired neurological disorders such as traumatic head injury. We serve children and young adults both residentially and educationally. We also serve individuals as day students and outpatients under the age of 21. Most of the individuals we serve require speech therapy services along with occupational and physical therapy services. Often the therapy needs are intensive, requiring direct intervention several times a week. Areas that are addressed within our therapy services include assessment and treatment of expressive and receptive language, augmentative and alternative communication, oral motor and speech motor skills, eating skills, management of hearing amplification, executive functioning and social/behavioral skills.

Most of the individuals we serve require ongoing assessment during direct instruction of both learning and behavior skills while carrying out their plan of treatment. Currently, only the licensed speech language pathologist can provide this service. But this bill would allow that SLP to hire a highly qualified assistant (a Speech Language Pathology-Licensed Assistant) who would have a level of education that would allow the Licensed Assistant to provide many of these same services under the supervision of an SLP. A Licensed Assistant would serve our needs in several ways. Some of these include:

- Carrying out a portion of the intensity of services, the SLP would see the student the majority of sessions with the Licensed Assistant carrying out 1-2 sessions weekly.
- Covering the SLP's caseload when needing to attend meetings, continuing education or complete new evaluations or other reasons for needing to miss scheduled therapy.
- Provide therapeutic programming and training in situations that require trained consistency to learn skills and generalize from direct services to using a skill within the individuals' daily routine. This person could provide training to direct care staff, teachers and parents.
- Aid in programming of augmentative communication needs both low and high tech level aids and devices.

We have had difficulty filling open positions for SLP positions, presently having a position open since June with no applications. Due to Jamestown being more rural, being able to advertise for and hire someone into this new level of position in our profession may make it easier to fill needed positions.

There is a precedence for the creation of this Licensed Assistant position. Specifically, our facility employs assistants in the Physical therapy and Occupational therapy disciplines. These assistants are beneficial to those disciplines and adding a person at this same level in Speech therapy would be very beneficial in how we are able to efficiently carry out and provide services to our residents and clients.

Thank you for your consideration and time in this matter.

Ann Albrecht, MS, CCC/SLP

2172
Testimony in support of Senate Bill

1/19/17

Kelli Ellenbaum

Dear Chairman Poolman and Members of the Committee;

I come to you today as a Speech Language Pathologist and a Board Member. I am testifying today on behalf of professionals in my field who work in settings in the medical field and in private practice. Our North Dakota Speech Language Pathologists serve the population throughout the lifespan, beginning as early as the NICU, through the phases of language development and the acquisition of speech, through adolescence, adulthood, and to the aging population. We serve a multitude of diagnoses that range from early feeding concerns, autism, intellectual and cognitive disabilities, stuttering, swallowing disorders, social communication, stroke rehabilitation, and many many more. Our services are detrimental to the function daily life as we help those who have limitations to their communication.

We have seen, both nationally and at the state level, an increase in the number of open positions in our field. Our caseloads across all settings have increased over the years as the population has grown and our North Dakota residents aging, but living longer. Our board received inquiries from licensees regarding persistent staffing concerns. We formed a subcommittee to research open positions in the state. According to data that was provided by Job Service ND, SLP open positions across the state increase from 61 positions in 2009 to 135 openings in 2014. Many of these positions remain open today, particularly in rural areas.

In order for us to continue to serve the population with high standards, we are asking for support in our profession by adding licensed assistants. This will allow our Speech Language Pathologists to reach more people in need while managing more reasonably sized caseloads and continuing to provide high quality services.

Increasing professional support has many advantages. Our state and the neighboring state of Minnesota have outstanding programs (both undergraduate and graduate) in the area of communication disorders. Our graduate schools are limited by the number of students they can accept and these great programs are competitive. There are many students who apply to these programs and are not accepted upon their first or second application; they are able to apply once per year. By providing licensure and supervision for these undergraduate students as licensed assistants, they would be able to start a career in their field of study, or work in the field while they wait to apply again to graduate school. Assistants would serve to enhance and improve service delivery to those in need by reaching individuals who are not currently receiving services in rural areas through the ability to travel more and to provide service through telehealth where applicable. Licensure of Speech Language Pathology Assistants would open job opportunities in the state, and the wonderful thing is that the clients are already here.

Thank you for your consideration on this matter.

Testimony in Support of Senate Bill 2172

Mariah Benz

January 19, 2017

Chairman Poolman, members of the Senate Government and Veterans Affairs Committee, my name is Mariah Benz. I am an undergraduate senior at the University of Mary majoring in Communication Sciences and Disorders. I am here in support of Senate Bill 2172, which allows for licensure and regulation of speech-language pathology assistants.

As a young girl, I quickly learned the functionality and necessity of communication. I received speech-language therapy services for a fluency disorder that had begun increasing in intensity until I could no longer utter a clearly defined word. I recognize my social and academic trajectory would have been different today if it were not for the help of my speech-language pathologist. As an aspiring professional, my goal is to help others find their voice and communicate their needs as effectively as possible.

As a proud North Dakota native, my ultimate goal is to give back to my home state by providing speech therapy services with the outstanding education I have received over the years. In order to do so, the completion of a Master's degree is required to become a licensed speech-language pathologist. After much time and devotion to graduate school applications it is my hope to be offered a position in a speech pathology graduate program; even more specifically in the state of North Dakota.

Countless professors and professionals have coached me on the rigorous challenges associated with obtaining a position in a graduate studies program. With limited positions available, each applicant needs to find ways to stand out and draw attention to their strengths.

One must present an ambitious and distinguished application; in other words, graduate school is highly competitive. For students like myself, who have achieved an undergraduate degree in Communication Sciences and Disorders, the passing of this bill would open the door to opportunities if admission into a graduate program is not obtained. This bill would allow students like myself to continue living in the state of North Dakota and gain valuable experience in the field of speech-language pathology, while having the ability to begin to pay off student loans, and to consider undertaking a career as an assistant or continue seeking admission to a graduate program. With the demand for speech-language pathology services so high, the passing of this bill would allow for a further expansion of speech therapy services and give students another option than just graduate school; as well as provide an opportunity to reach a greater population of those living with communication disorders.

In closing, it is my hope that each of you consider just how beneficial Senate Bill 2172 can have on the future of speech-language pathology and ultimately the future of North Dakota. The licensure and regulation of speech-language pathology assistants would provide a greater expansion of speech therapy services across the state and allow for more client-centered approaches to be taken. I appreciate all you have done already in support for the profession and thank you for your time on this matter.

17.0378.01001
Title.

Prepared by the Legislative Council staff for
Senator Oban

January 18, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2172

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Page 3, line 9, after "instruction" insert "or the education standards and practices board"

Renumber accordingly

A.H. 1
SB 2172
3-8-16

SB 2172

2:30 pm | Wednesday, March 8, 2017
House Human Services Committee

Mr. Chairman, members of the Committee, for the record, I'm Erin Oban, and I serve District 35 here in Bismarck. Thank you for the opportunity to be with you to introduce SB 2172, a bill I was happy to sponsor at the request of the Board of Examiners on Audiology and Speech-Language Pathology (the Board).

To begin very briefly, in case any members of this Committee are as unfamiliar with speech-language pathology as I was when the process of drafting and sponsoring this bill started, speech-language pathologists (or SLPs, the acronym they often use) provide habilitative and rehabilitative services to individuals with communication and swallowing disorders across the life span. SLPs work in various settings including infant development programs, schools, hospitals, skilled nursing facilities, long-term care settings, rehabilitation centers, and private practice.

Individuals can perform SLP work in 3 basic ways.

1. Obtain a **"speech-pathology restricted license" from ESPB**. ESPB issues that restricted license to applicants who hold the appropriate master's degree and meet other criteria required by ESPB. A holder of this restricted license can only provide speech language pathology in prekindergarten through grade twelve settings. [NDAC 67.1-02-05-04(4)(a)(2)].
2. Obtain a **"certificate of completion for speech pathology" from DPI** that allows the holder of the certificate to work as a paraprofessional in school settings. [NDAC 67-11-20-03]. DPI issues this certificate to applicants who have the appropriate associates or bachelor's degree and meet the other criteria required by DPI. [NDAC 67-11-20-04]. A holder of this paraprofessional certificate can provide limited speech language pathology services in early childhood through grade twelve, but only under a supervising SLP (the supervising SLP can be licensed either by ESPB as explained just above, or by the Board as explained just below). [NDAC 67-11-20-01 and NDAC 67-11-20-05].
3. Obtain a **"speech-language pathologist license" from the Board of Examiners on Audiology and Speech-Language Pathology**. Individuals with this license can do work beyond those school settings that I just discussed above. Applicants must hold the appropriate master's degree and meet other criteria established by the Board. [NDCC 43-37-04(2)].

There was some early confusion and concern that this bill was attempting to require further education for those working as paras within our schools, but that is most certainly not the case. Under existing law, both the ESPB License and the DPI Certificate I described above are exempt from the requirements of having a license issued by this Board [NDCC 43-37-03(4)]. This bill does not change that idea nor that section of the law, but the Senate amended language into this bill to make this crystal clear.

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What SB 2172 *would* do is allow for the licensure and regulation of speech-language pathology assistants ["SLPAs"], a position currently unavailable here in North Dakota but available in 34 other states. SLPAs would work under the close supervision of an SLP to meet the intervention needs of individuals requiring assistance in improving their communication skills.

The use of licensed assistants in this way is very similar to the professions of physical therapy and occupational therapy—which both license their respective assistants.

There are practicing SLPs and members of the Board who will provide testimony after me to answer any questions you have about current practice or future practice if SB 2172 becomes law, about any administrative rules being drafted that would regulate the practices of SLPAs, and also about the real meat or substance in this 8-page bill. There will also be a speaker or two who can help you understand the opportunity provided to new graduates should they not be accepted into a limited number of slots available to move on toward obtaining their master's degree. To make the explanation of that substance simpler, I'd like to walk through the sections of this bill that are simple "housekeeping" items to clean up Century Code to reflect more current language as is often done when we happen to be working within chapters of code that haven't already been cleaned up.

Much of Section 1 is simply updating definitions to reflect more current language being used throughout Century Code. When you turn to Page 2, the new piece would be defining this new position of an SLPA.

Section 2, extending to Page 4, is all housekeeping and includes the language clarifying those paraprofessionals that are exempt in subsection d.

Section 3, which starts on Page 4 and extends to Page 5, is some of that substance that one of your next speakers will dive into.

Section 4 is adding reference to the new SLPA position.

Section 5, again, is more of the substance that will be covered in a bit.

The remainder of the bill is clean-up language or additions of references to the new SLPA position.

Chairman Weisz and Committee, I know there is a shortage of SLP services and providers all over the state. In fact, the creation of the ESPB restricted license and the DPI paraprofessional certificate were motivated to help address this same shortage of SLPs years ago. And those changes have helped make SLP services more available in school settings. Any way we can assist in making sure qualified, adequately-trained individuals are able to assist master's-level SLPs in serving the needs of their patients and clients beyond just classroom settings will certainly make a positive impact on North Dakota families. SB 2172 will help do that.

Thank you for the opportunity to introduce this bill to you all, and I'll stand for any questions.

A.H. 2
SB 2172

Testimony
Senate Bill 2172
House Human Services Committee
Representative Robin Weisz, Chairman
March 8, 2017

Chairman Weisz, members of the House Human Services Committee, my name is Leisa Harmon; I am a member of the North Dakota State Board of Examiners on Audiology and Speech-Language Pathology. I am also a tenured faculty member in the Department of Communication Disorders at Minot State University and an accreditation site visitor for the Council on Academic Accreditation of the American Speech-Language-Hearing Association, although I am not representing those entities in this testimony. I have been a speech-language pathologist for 28 years in the public schools and then as a university instructor.

I am here in support of Senate Bill 2172, which would enact a new section to chapter 43-37 of the North Dakota Century Code, allowing for licensure and regulation of speech-language pathology assistants.

Speech-language pathologists provide habilitative and rehabilitative services to individuals with communication and swallowing disorders across the life span. Speech pathologists work in various settings including infant development programs, schools, hospitals, skilled nursing facilities, long-term care settings, rehabilitation centers, and private practice. Currently, 34 other states allow speech-language pathology assistants to work under the close supervision of a speech-language pathologist to meet the intervention needs of individuals requiring assistance in improving their communication skills. The use of assistants in this way is very similar to the professions of physical therapy and occupational therapy.

The proposed bill would not change credentialing requirements for speech-language pathologists; that is, speech pathologists would still need to have a master's degree and be licensed by the Board of Examiners or credentialed by the Educational Standards and Practice Board. Furthermore, this bill would in no way change the requirements or employment of speech-language pathology paraprofessionals in schools. The proposed bill would amend the statute regulating the licensure by the Board of Examiners to allow individuals who have a four-year degree in communication disorders to practice as licensed assistants under the close supervision of a licensed speech-language pathologists in settings outside of schools.

According to the American Speech-Language-Hearing Association, 34 states allow for licensure, registration or certification of speech-language pathology assistants, and a need for this option appears to exist in our state also. In 2014, the board surveyed the licensed speech-pathologists in the state to gather information regarding perceived need for SLP assistants. Responses indicated there was a definite need although several respondents did express concern regarding assistants' preparation. If passed, this bill and subsequent rules would regulate the training and practice of SLP assistants so that high quality services could be provided. SLP assistants will be

required to have a bachelor's degree in communication sciences/disorders, be closely supervised by the speech-language pathologist, and will be limited to carrying out treatment plans designed by the speech-language pathologist.

As stated in the proposed bill, the SLP-LA would need to have a bachelor's degree. The licensure board has discussed and is at a consensus that the standards in the Rules would define the additional training and scope of practice requirements for the speech-language pathology-licensed assistant. These would include completing a 100 hour practicum prior to licensure, completing only those duties specified within the SLP-LA's scope of practice, following a code of ethics. Additionally, the board would draft rules that would limit the speech-language pathologist to supervision of no more than two licensed-assistants.

In conclusion, we urge you to support Senate Bill 2172 as currently amended. Licensure of speech-language pathology assistants for employment across practice settings will allow for expansion of high-quality speech, language, and swallowing therapy services in the state. This structure of therapy services has precedence in the fields of physical and occupational therapy, both of which allow the use of supervised assistants. Furthermore, this bill will not affect nor change the practice of speech-language pathology paraprofessionals currently utilized in the public schools.

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3-8-17

Testimony
Senate Bill 2172
House Human Services Committee
Representative Robin Weisz, Chairman
March 8, 2018

Chairman Weisz and Members of the Committee;

My name is Kelli Ellenbaum. I am a member of the North Dakota State Board of Examiners on Audiology and Speech Language Pathology. I am also a Speech Language Pathologist and co-owner of Red Door Pediatric Therapy in Bismarck for the last 10 years. I have been a Speech Language Pathologist for a total of 15 years. Today, I am testifying on behalf of our board and licensed professionals in my field who work in North Dakota.

We have seen, both nationally and at the state level, an increase in the number of open positions in our field. Our caseloads across all settings have increased over the years as the population has grown and our North Dakota residents are aging. We formed a subcommittee to research open positions in the state. According to data provided by Job Service ND, SLP open positions across the state increased from 61 positions in 2009 to 135 openings in 2014. Many of these positions remain open today, particularly in rural areas.

In order for us to continue to serve the population with high standards of care, we are asking for support in our profession by adding licensed assistants. This addition will allow our SLPs to reach more people in need while also managing more reasonably sized caseloads.

Increasing professional support has many advantages. Our state and it's neighboring states have outstanding graduate and undergraduate programs. However, these graduate schools are limited by the number of students they can accept and these great programs are competitive. There are many students who apply to these programs and are not accepted upon their first application. Many students seek their graduate degrees out of state. By providing licensure and supervision for these 4 year degree students as licensed assistants, they would be able to start a career in their field of study, or work within the field while they wait to apply again to graduate school. By doing this, these students are more likely to stay in North Dakota. Assistants would serve to enhance and improve service delivery to those in need by reaching individuals who are not currently receiving services in rural areas or due to high caseloads. Licensure of Speech Language Pathology Assistants would open job opportunities in the state. By serving current caseloads, Assistants would allow SLPs to spend more time to evaluate and develop treatment plans in a more timely and efficient manner. Clients will experience less time on waiting lists and would potentially start their therapy sooner.

As a private practice owner, I am all too familiar with the challenges of finding professionals to apply for our open positions. More professionals in our field would certainly stand to increase access for clients.

Please support this bill. We are confident that we can make a meaningful impact. Thank you!

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AH. 4
SB 2172
3-8-17

Testimony in support of House Bill 2172
Ann Albrecht, MS,CCC/SLP
3/8/17

Dear Chairman Weisz and Members of the Committee;

I come to you today as a member of the State Board of Examiners on Audiology and Speech Language Pathology. I am testifying today on behalf of the need to develop Speech Language Pathology Licensed Assistants. I also am a licensed speech language pathologist employed by the Anne Carlsen Center in Jamestown ND. I have been employed at ACC for 32 years. The children and young adults served at ACC are 0-21 years old with various disabilities ranging from severe to profound, with diagnoses including medically fragile, autism spectrum, various syndromes, motor disorders and children with acquired neurological disorders such as traumatic head injury. We serve children and young adults both residentially and educationally. We also serve individuals as day students and outpatients under the age of 21. Most of the individuals we serve require speech therapy services along with occupational and physical therapy services. Often the therapy needs are intensive, requiring direct intervention several times a week. Areas that are addressed within our therapy services include assessment and treatment of expressive and receptive language, augmentative and alternative communication, oral motor and speech motor skills, eating skills, management of hearing amplification, executive functioning and social/behavioral skills.

Most of the individuals we serve require ongoing assessment during direct instruction of both learning and behavior skills while carrying out their plan of treatment. Currently, only the licensed speech language pathologist can provide this service. But this bill would allow that SLP to hire a highly qualified assistant (a Speech Language Pathology-Licensed Assistant) who would have a level of education that would allow the Licensed Assistant to provide many of these same services under the supervision of an SLP. A Licensed Assistant would serve our needs in several ways. Some of these include:

- Carrying out a portion of the intensity of services, the SLP would see the student the majority of sessions with the Licensed Assistant carrying out 1-2 sessions weekly.
- Covering the SLP's caseload when needing to attend meetings, continuing education or complete new evaluations or other reasons for needing to miss scheduled therapy.
- Provide therapeutic programming and training in situations that require trained consistency to learn skills and generalize from direct services to using a skill within the individuals' daily routine. This person could provide training to direct care staff, teachers and parents.
- Aid in programming of augmentative communication needs both low and high tech level aids and devices.

We have had difficulty filling open positions for SLP positions, presently having a position open since June with no applications. Due to Jamestown being more rural, being able to advertise for and hire someone into this new level of position in our profession may make it easier to fill needed positions.

There is a precedence for the creation of this Licensed Assistant position. Specifically, our facility employs assistants in the Physical therapy and Occupational therapy disciplines. These assistants are beneficial to those disciplines and adding a person at this same level in Speech therapy would be very beneficial in how we are able to efficiently carry out and provide services to our residents and clients.

Thank you for your consideration and time in this matter.

Ann Albrecht, MS, CCC/SLP

A.H. 5
SB 2172
3-8-17

Testimony in Support of Senate Bill 2172

Mariah Benz

March 8, 2017

Chairman Weisz, members of the House Human Services Committee, my name is Mariah Benz. I am an undergraduate senior at the University of Mary majoring in Communication Sciences and Disorders. I am here in support of Senate Bill 2172, which allows for licensure and regulation of speech-language pathology assistants.

As a young girl, I quickly learned the functionality and necessity of communication. I received speech-language therapy services for a fluency disorder that had begun increasing in intensity until I could no longer utter a clearly defined word. I recognize my social and academic trajectory would have been different today if it were not for the help of my speech-language pathologist. As an aspiring professional, my goal is to help others find their voice and communicate their needs as effectively as possible.

As a proud North Dakota native, my ultimate goal is to give back to my home state by providing speech therapy services with the outstanding education I have received over the years. In order to do so, the completion of a Master's degree is required to become a licensed speech-language pathologist. After much time and devotion to graduate school applications it is my hope to be offered a position in a speech pathology graduate program; even more specifically in the state of North Dakota.

Countless professors and professionals have coached me on the rigorous challenges associated with obtaining a position in a graduate studies program. With limited positions available, each applicant needs to find ways to stand out and draw attention to their strengths.

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One must present an ambitious and distinguished application; in other words, graduate school is highly competitive. For students like myself, who have achieved an undergraduate degree in Communication Sciences and Disorders, the passing of this bill would open the door to opportunities if admission into a graduate program is not obtained. This bill would allow students like myself to continue living in the state of North Dakota and gain valuable experience in the field of speech-language pathology, while having the ability to begin to pay off student loans, and to consider undertaking a career as an assistant or continue seeking admission to a graduate program. With the demand for speech-language pathology services so high, the passing of this bill would allow for a further expansion of speech therapy services and give students another option than just graduate school; as well as provide an opportunity to reach a greater population of those living with communication disorders.

In closing, it is my hope that each of you consider just how beneficial Senate Bill 2172 can have on the future of speech-language pathology and ultimately the future of North Dakota. The licensure and regulation of speech-language pathology assistants would provide a greater expansion of speech therapy services across the state and allow for more client-centered approaches to be taken. I appreciate all you have done already in support for the profession and thank you for your time on this matter.