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TO: Members of the State Board of Education
FROM: Nancy S. Grasmick
DATE: October 28, 2008
SUBJECT: COMAR 13A.12.03.09 (REPEAL)
Speech Pathologist
COMAR 13A.12.03.10 (AMEND)
Therapists (Occupational or Physical Therapists or Both)

PURPOSE

The purpose of this item is to present proposed repeal of existing regulation, COMAR 13A.12.03.09, Speech Pathologist, and to present proposed amendment to COMAR 13A.12.03.10, Therapists (Occupational or Physical or Both). The proposed changes would clarify and streamline certification for certain professionals required to hold licensure in accordance with the Maryland Health Occupations Article and who practice in schools. The updated proposal would also preserve the certificated status of affected professionals.

HISTORICAL BACKGROUND

House Bill 326, Maryland Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists Act – Revision, enacted in 2007 by the General Assembly, requires that all speech-language pathologists hired in local school systems after October 1, 2007 obtain a license from the Maryland State Board of Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists. Current regulatory language allows four options for certification as a speech pathologist; the fourth option recognizes personnel holding a current and valid license issued by the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists as professionally certificated.

In 1997, staff from the Division of Certification and Accreditation requested repeal of the certification regulation governing occupational and physical therapists (COMAR 13A.12.03.10). This request was made because the Health Occupations Article requires all occupational and physical therapists to hold a license issued by their respective Boards in order to practice. While the regulation was not repealed, it was amended to recognize personnel holding a current and valid license issued by the State Board of Occupational Therapy Practice or by the State Board of Physical Therapy Examiners as professionally certificated.

Specific certification requirements are no longer required for speech pathologists, occupational therapists, and physical therapists working in Maryland schools. Respective Boards of Examiners are responsible for the issuance of licenses to these professionals. Potential repeal of

current requirements for speech pathologists, occupational therapists, and physical therapists has been a topic of discussion at meetings of the Professional Standards and Teacher Education Board (PSTEB) over the course of the past year; the PSTEB voted to publish proposed changes that would have accomplished this at its meeting on April 3, 2008. A key factor contributing to this action was the need to proceed with the initial phase of regulatory promulgation in order to obtain input from across the spectrum of stakeholders for whom these regulations are relevant.

Subsequent to publication of the proposed regulatory changes (*Maryland Register* of June 20, 2008), a gratifyingly significant number of written comments were submitted to PSTEB members and others. Correspondents recommended with unanimity that the proposed changes be rejected and suggested the exploration of other options to address the changes required for alignment of Code of Maryland Regulation (COMAR) governing the certification of speech language pathologists with House Bill 326. The scope and unanimity of written comment prompted the PSTEB to withdraw the proposed regulatory changes affecting Speech Pathologists, Occupational Therapists, and Physical Therapists, and members voted unanimously to do so at a special meeting on July 8, 2008.

To achieve statutory and regulatory alignment, the PSTEB acted at its October 2008 meeting to proceed with publication of proposed repeal of COMAR 13A.12.03.09; issuance of initial speech pathologist certification is in conflict with the licensure authority conveyed to the Maryland State Board of Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists by House Bill 326. Based on stakeholder input and ongoing PSTEB discussion, however, it is clearly important to recognize the certificated status of these professionals.

At the August 7, 2008 PSTEB meeting, a question arose as to the potential inclusion of Audiologists within proposed changes to COMAR 13A.12.03.10. As of June, 1988, Audiologists were required to hold a license. Since audiologists are regulated by the same board as Speech – Language Pathologists, it is logical to afford them the same protection as the other professionals who are required to hold a license. The PSTEB also inquired about Hearing Aid Dispensers and their inclusion in the proposed regulatory changes. Department staff surveyed local school systems; fourteen (14) responded that they did not hire Hearing Aid Dispensers. Additionally, the minimum degree requirement for a Hearing Aid Dispenser is an associate degree whereas the minimum degree requirement for the other professionals in the regulation is a master's degree. For these reasons, this group will not be included in the proposed changes.

Thus, the PSTEB also acted at its October 2008 meeting to proceed with publication of proposed amendment to COMAR 13A.12.03.10 that would add speech-language pathologist and audiologist to the existing category of occupational and physical therapists, who “shall be considered professionally certificated” under this regulation (modifying language to reflect multiple licensing authorities). It is important to note that, as with all historic endorsements, individuals holding current certification as a speech pathologist or audiologist will be entitled to continuing certification provided that renewal requirements are met. This will provide assurance to those individuals employed prior to October 1, 2007 and who may not qualify for licensure that their status will remain secure.

The proposed repeal of COMAR 13A.12.03.09 and amendment to COMAR 13A.12.03.10 was also shared with the local school system Assistant Superintendents of Instruction and Superintendents at their respective meetings in September 2008.

SUMMARY

Legislation enacted in the 2007 General Assembly requires speech-language pathologists hired in local school systems after October 1, 2007 to hold a license issued by the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists. A similar change occurred in 1997, which required Occupational Therapists and Physical Therapists to hold a license issued by their respective Board of Examiners.

Extensive discussion and the publication of an initial proposal to repeal certification for speech-language pathologists, occupational therapists, and physical therapists have provided rich and valuable input from stakeholders. Based on clear and consistently expressed concerns, the Professional Standards and Teacher Education Board acted to withdraw proposed regulatory changes that were published in the *Maryland Register* of June 20, 2008 at a special meeting on July 8, 2008.

Repealing COMAR 13A.12.03.09, Speech Pathologists, and amending COMAR 13A.12.03.10, Therapists (Occupational or Physical or Both) to include speech-language pathologists and audiologists would bring regulation into alignment with current statute while recognizing and preserving the certificated status of these professionals. Such repeal and amendment do not have any economic impact, nor is there any impact on individuals with disabilities. There is no corresponding federal standard for these proposed actions. Copies of the proposed COMAR repeal and amendment are attached. The Professional Standards and Teacher Education Board voted to publish the proposed repeal and amendment at its meeting on October 2, 2008 with the following TENTATIVE timeline:

<i>Maryland Register</i> Issue Date:	December 5, 2008
30 Day Open Comment Periods Ends:	January 5, 2009
Approval (MSBE):	January 27, 2009
Adoption (PSTEB):	February 5, 2009

ACTION:

This item is presented for information and to provide the option to request a Joint Conference Committee meeting prior to publication should you so desire.

NSG:jes

Attachments (2)

13.12.03.09 REPEAL

[.09 Speech Pathologist.

To be certified as a speech pathologist, the applicant shall complete one of the following options:

A. Option I. The applicant shall have a master's degree in the appropriate area (speech pathology) from an institution with a program which was approved in the year of graduation by the State Department of Education or the American Speech-Language-Hearing Association.

B. Option II.

(1) The applicant shall have a bachelor's degree or higher from an IHE and study at the graduate level with 60 semester hours at an IHE to include:

(a) 18 semester hours in courses that provide fundamental information applicable to the normal development and use of speech, hearing, and language chosen from such areas as:

(i) Psychological and sociological aspects of human development,

(ii) Anatomical, physiological, neurological, psychological, and physical bases of speech, hearing, and language,

(iii) Genetic and cultural aspects of speech and language development;

(b) 42 semester hours, of which 30 semester hours shall be in graduate level courses acceptable toward a graduate degree, in courses that provide information about and training in the diagnosis, treatment, and management of speech, hearing, and language disorders and that provide information supplementary to these fields distributed in accordance with §B(1)(c)—(e) of this regulation;

(c) 24 semester hours in the diagnosis, treatment, and management area in the field where certification is sought, of which:

(i) 18 semester hours shall include content in the diagnosis, evaluation, and treatment of various types of disorders of speech, hearing, and language in children and adults,

(ii) A maximum of 6 semester hours may be included in the organization and administration of programs designed to provide direct service to those with disorders of communication,

(iii) A maximum of 6 semester hours may be included in content relative to the education of individuals with communicative disorders;

(d) Six semester hours in audiology for the speech pathologist; and

(e) A maximum of 6 semester hours that provide academic credit for clinical practice.

(2) Course content supplementary to the fields of speech, hearing, and language includes:

(a) Psychology of personality or adjustment;

- (b) Psychology and education of the exceptional child;
- (c) Theories of learning and behavior;
- (d) Psychometrics;
- (e) Abnormal psychology;
- (f) Clinical psychology;
- (g) Counseling;
- (h) Interviewing;
- (i) Social work;
- (j) Otolaryngology.

(3) In addition to the requirements of §B(1) of this regulation, the applicant shall complete 275 clock hours of supervised clinical experience in the evaluation and rehabilitation of children and adults presenting a variety of disorders of communication, the experience being obtained within the training institution or in one of its cooperating programs, preferably including some experience in a public school setting, and distributed as follows:

- (a) 200 clock hours shall be obtained in the area in which certification is sought;
- (b) 25 clock hours shall be obtained in audiology for the speech pathologist;

(c) Full-time paid professional experience, obtained within the State and under the supervision of an individual certified or licensed by the State in the area of certification sought by the applicant, may be substituted for a maximum of 75 clock hours of supervised clinical experience required above, at the rate of 75 clock hours for each full school year of this paid professional experience.

C. Option III. An applicant holding a Certificate of Clinical Competence in the appropriate area or whose application has been approved by the American Speech-Language-Hearing Association shall be eligible for certification without evaluation of individual courses.

D. In compliance with the exceptions in Health Occupations Article, §2-301(b)(ii) and (iii), Annotated Code of Maryland, personnel holding a current and valid license issued by the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists shall be considered professionally certificated personnel.]

13A.12.03.10 AMEND

.10 Therapists (Occupational Therapists, [or] Physical Therapists, [or] Speech-Language Pathologists, or Audiologists [Both]).

An occupational therapist , [or] physical therapist, speech-language pathologist or audiologist holding a current and valid license issued by the State Board of Occupational Therapy Practice ,the State Board of Physical Therapy Examiners, or the State Board of Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists in accordance with the relevant provisions of the Health Occupations Article, Annotated Code of Maryland, shall be considered professionally certificated.