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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2998

03/20/2023 Authored by Coulter and Edelson
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act

1.2 relating to health occupations; establishing licensure requirements for

1.3 speech-language pathology assistants; establishing licensure fee and criminal

1.4 history background requirements; amending Minnesota Statutes 2022, sections

1.5 144.0572, subdivision 1; 148.511; 148.512, subdivision 17a; 148.513, subdivisions

1.6 1, 2, 3, by adding a subdivision; 148.514, subdivision 2; 148.515, subdivision 1;

1.7 148.518; 148.519, subdivision 1, by adding a subdivision; 148.5191, subdivision

1.8 1, by adding a subdivision; 148.5192, subdivisions 1, 2, 3; 148.5193, subdivision

1.9 1, by adding a subdivision; 148.5194, subdivision 8, by adding a subdivision;

1.10 148.5195, subdivision 3; 148.5196, subdivisions 1, 3; 245C.031, subdivision 4;

1.11 proposing coding for new law in Minnesota Statutes, chapter 148.

1.12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.13 Section 1. Minnesota Statutes 2022, section 144.0572, subdivision 1, is amended to read:

1.14 Subdivision 1. **Criminal history background check requirements.** (a) Beginning

1.15 January 1, 2018, an applicant for initial licensure, temporary licensure, or relicensure after

1.16 a lapse in licensure as an audiologist or speech-language pathologist, speech-language

1.17 pathology assistant, or an applicant for initial certification as a hearing instrument dispenser,

1.18 must submit to a criminal history records check of state data completed by the Bureau of

1.19 Criminal Apprehension (BCA) and a national criminal history records check, including a

1.20 search of the records of the Federal Bureau of Investigation (FBI).

1.21 (b) Beginning January 1, 2020, an applicant for a renewal license or certificate as an

1.22 audiologist, speech-language pathologist, or hearing instrument dispenser who was licensed

1.23 or obtained a certificate before January 1, 2018, must submit to a criminal history records

1.24 check of state data completed by the BCA and a national criminal history records check,

1.25 including a search of the records of the FBI.

1.26 (c) An applicant must submit to a background study under chapter 245C.

2.1 (d) The criminal history records check must be structured so that any new crimes that
 2.2 an applicant or licensee or certificate holder commits after the initial background check are
 2.3 flagged in the BCA's or FBI's database and reported back to the commissioner of human
 2.4 services.

2.5 **EFFECTIVE DATE.** This section is effective July 1, 2024.

2.6 Sec. 2. Minnesota Statutes 2022, section 148.511, is amended to read:

2.7 **148.511 SCOPE.**

2.8 Sections 148.511 to 148.5198 apply to persons who are applicants for licensure, who
 2.9 use protected titles, who represent that they are licensed, or who engage in the practice of
 2.10 speech-language pathology or audiology or practice as a speech-language pathology assistant.
 2.11 Sections 148.511 to 148.5198 do not apply to school personnel licensed by the Professional
 2.12 Educator Licensing and Standards Board and practicing within the scope of their school
 2.13 license under Minnesota Rules, part 8710.6000, or the paraprofessionals who assist these
 2.14 individuals.

2.15 Sec. 3. Minnesota Statutes 2022, section 148.512, subdivision 17a, is amended to read:

2.16 Subd. 17a. **Speech-language pathology assistant.** "Speech-language pathology assistant"
 2.17 means a person who meets the qualifications under section 148.5181 and provides
 2.18 speech-language pathology services under the supervision of a licensed speech-language
 2.19 pathologist in accordance with section 148.5192.

2.20 **EFFECTIVE DATE.** This section is effective July 1, 2024.

2.21 Sec. 4. Minnesota Statutes 2022, section 148.513, subdivision 1, is amended to read:

2.22 Subdivision 1. **Unlicensed practice prohibited.** A person must not engage in the practice
 2.23 of speech-language pathology or audiology or practice as a speech-language pathology
 2.24 assistant unless the person is licensed as a speech-language pathologist or, an audiologist,
 2.25 or a speech-language pathology assistant under sections 148.511 to 148.5198 or is practicing
 2.26 ~~as a speech-language pathology assistant in accordance with section 148.5192.~~ For purposes
 2.27 of this subdivision, a speech-language pathology assistant's duties are limited to the duties
 2.28 described in accordance with section 148.5192, subdivision 2.

2.29 **EFFECTIVE DATE.** This section is effective July 1, 2024.

3.1 Sec. 5. Minnesota Statutes 2022, section 148.513, subdivision 2, is amended to read:

3.2 Subd. 2. **Protected titles and restrictions on use; speech-language pathologists and**
3.3 **audiologists.** (a) Notwithstanding paragraph ~~(b)~~ (c), the use of the following terms or initials
3.4 which represent the following terms, alone or in combination with any word or words, by
3.5 any person to form an occupational title is prohibited unless that person is licensed as a
3.6 speech-language pathologist or audiologist under sections 148.511 to 148.5198:

3.7 (1) speech-language;

3.8 (2) speech-language pathologist, S, SP, or SLP;

3.9 (3) speech pathologist;

3.10 (4) language pathologist;

3.11 (5) audiologist, A, or AUD;

3.12 (6) speech therapist;

3.13 (7) speech clinician;

3.14 (8) speech correctionist;

3.15 (9) language therapist;

3.16 (10) voice therapist;

3.17 (11) voice pathologist;

3.18 (12) logopedist;

3.19 (13) communicologist;

3.20 (14) aphasiologist;

3.21 (15) phoniatrist;

3.22 (16) audiometrist;

3.23 (17) audioprosthologist;

3.24 (18) hearing therapist;

3.25 (19) hearing clinician; or

3.26 (20) hearing aid audiologist.

3.27 (b) Use of the term "Minnesota licensed" in conjunction with the titles protected under
3.28 ~~this~~ paragraph (a) by any person is prohibited unless that person is licensed as a
3.29 speech-language pathologist or audiologist under sections 148.511 to 148.5198.

4.1 ~~(b)~~ (c) A speech-language pathology assistant practicing under ~~section 148.5192~~ sections
 4.2 148.511 to 148.5198 must not represent, indicate, or imply to the public that the assistant
 4.3 is a licensed speech-language pathologist and shall only utilize ~~one of the following titles:~~
 4.4 ~~"speech-language pathology assistant," "SLP assistant," or "SLP asst."~~ the titles provided
 4.5 in subdivision 2b.

4.6 **EFFECTIVE DATE.** This section is effective July 1, 2024.

4.7 Sec. 6. Minnesota Statutes 2022, section 148.513, is amended by adding a subdivision to
 4.8 read:

4.9 **Subd. 2b. Protected titles and restrictions on use; speech-language pathology**
 4.10 **assistant.** (a) The use of the following terms or initials which represent the following terms,
 4.11 alone or in combination with any word or words, by any person to form an occupational
 4.12 title is prohibited unless that person is licensed under section 148.5181:

4.13 (1) speech-language pathology assistant;

4.14 (2) SLP assistant; or

4.15 (3) SLP asst.

4.16 (b) Use of the term "Minnesota licensed" in conjunction with the titles protected under
 4.17 this subdivision by any person is prohibited unless that person is licensed under section
 4.18 148.5181.

4.19 (c) A speech-language pathology assistant practicing under section 148.5192 must not
 4.20 represent, indicate, or imply to the public that the assistant is a licensed speech-language
 4.21 pathologist and must only utilize the title provided in paragraph (a).

4.22 **EFFECTIVE DATE.** This section is effective July 1, 2024.

4.23 Sec. 7. Minnesota Statutes 2022, section 148.513, subdivision 3, is amended to read:

4.24 **Subd. 3. Exemption.** (a) Nothing in sections 148.511 to 148.5198 prohibits the practice
 4.25 of any profession or occupation licensed, certified, or registered by the state by any person
 4.26 duly licensed, certified, or registered to practice the profession or occupation or to perform
 4.27 any act that falls within the scope of practice of the profession or occupation.

4.28 (b) Subdivision 1 does not apply to a student participating in supervised field work or
 4.29 supervised course work that is necessary to meet the requirements of ~~section~~ sections
 4.30 148.515, subdivision 2 ~~or 3~~, or 148.5181, subdivision 2, if the person is designated by a
 4.31 title which clearly indicates the person's status as a student trainee.

5.1 (c) Subdivisions 1 ~~and 2~~, 2, and 2a do not apply to a person visiting and then leaving the
 5.2 state and using titles restricted under this section while in the state, if the titles are used no
 5.3 more than 30 days in a calendar year as part of a professional activity that is limited in scope
 5.4 and duration and is in association with an audiologist or speech-language pathologist licensed
 5.5 under sections 148.511 to 148.5198.

5.6 Sec. 8. Minnesota Statutes 2022, section 148.514, subdivision 2, is amended to read:

5.7 Subd. 2. **General licensure qualifications.** An applicant for licensure must possess the
 5.8 qualifications required in one of the following clauses:

5.9 (1) a person who applies for licensure and does not meet the requirements in clause (2)
 5.10 or (3), must meet the requirements in section 148.515, or 148.5181, subdivision 2;

5.11 (2) a person who applies for licensure and who has a current certificate of clinical
 5.12 competence issued by the American Speech-Language-Hearing Association, or board
 5.13 certification by the American Board of Audiology, must meet the requirements of section
 5.14 148.516; or

5.15 (3) a person who applies for licensure by reciprocity must meet the requirements under
 5.16 section 148.517, or 148.5181, subdivision 3.

5.17 **EFFECTIVE DATE.** This section is effective July 1, 2024.

5.18 Sec. 9. Minnesota Statutes 2022, section 148.515, subdivision 1, is amended to read:

5.19 Subdivision 1. **Applicability.** Except as provided in section 148.516 or 148.517, an
 5.20 applicant for speech-language pathology or audiology must meet the requirements in this
 5.21 section.

5.22 **EFFECTIVE DATE.** This section is effective July 1, 2024.

5.23 Sec. 10. Minnesota Statutes 2022, section 148.518, is amended to read:

5.24 **148.518 LICENSURE FOLLOWING LAPSE OF LICENSURE STATUS.**

5.25 Subdivision 1. **Speech-language pathology or audiology lapse.** ~~For~~ An applicant whose
 5.26 licensure status has lapsed, ~~the applicant~~ and who is applying for a speech-language pathology
 5.27 or audiology license must:

5.28 (1) apply for licensure renewal according to section 148.5191 and document compliance
 5.29 with the continuing education requirements of section 148.5193 since the applicant's license
 5.30 lapsed;

6.1 (2) fulfill the requirements of section 148.517;

6.2 (3) apply for renewal according to section 148.5191, provide evidence to the
6.3 commissioner that the applicant holds a current and unrestricted credential for the practice
6.4 of speech-language pathology from the Professional Educator Licensing and Standards
6.5 Board or for the practice of speech-language pathology or audiology in another jurisdiction
6.6 that has requirements equivalent to or higher than those in effect for Minnesota, and provide
6.7 evidence of compliance with Professional Educator Licensing and Standards Board or that
6.8 jurisdiction's continuing education requirements;

6.9 (4) apply for renewal according to section 148.5191 and submit verified documentation
6.10 of successful completion of 160 hours of supervised practice approved by the commissioner.
6.11 To participate in a supervised practice, the applicant shall first apply and obtain temporary
6.12 licensing according to section 148.5161; or

6.13 (5) apply for renewal according to section 148.5191 and provide documentation of
6.14 obtaining a qualifying score on the examination described in section 148.515, subdivision
6.15 4, within one year of the application date for license renewal.

6.16 Subd. 2. **Speech-language pathology assistant lapse.** An applicant applying for
6.17 speech-language pathology assistant licensure and whose licensure status has lapsed must:

6.18 (1) apply for licensure renewal according to section 148.5191 and document compliance
6.19 with the continuing education requirements of section 148.5193 since the applicant's license
6.20 lapsed;

6.21 (2) apply for renewal according to section 148.5191, and provide evidence to the
6.22 commissioner that the applicant has an associate's degree from a speech-language pathology
6.23 assistant program that is accredited by the Higher Learning Commission of the North Central
6.24 Association of Colleges or its equivalent as approved by the commissioner and that includes
6.25 at least 100 hours of supervised field work in speech-language pathology assisting according
6.26 to section 148.5181;

6.27 (3) apply for renewal according to section 148.5191, and provide evidence to the
6.28 commissioner that applicant has a bachelor's degree in the discipline of communication
6.29 sciences or disorders and a speech-language pathology assistant certificate program, including
6.30 relevant coursework and supervised field experience according to section 148.5181; or

6.31 (4) apply for licensure renewal according to section 148.5191 and document compliance
6.32 with the continuing education requirements of section 148.5193 since the applicant's license
6.33 lapsed.

7.1 **EFFECTIVE DATE.** This section is effective July 1, 2024.

7.2 Sec. 11. **[148.5181] LICENSURE; SPEECH-LANGUAGE PATHOLOGY**
7.3 **ASSISTANTS.**

7.4 Subdivision 1. **Applicability.** Except as provided in subdivisions 3 and 4, an applicant
7.5 for licensure as a speech-language pathology assistant must meet the requirements of this
7.6 section.

7.7 Subd. 2. **Educational requirements.** (a) To be eligible for speech-language pathology
7.8 assistant licensure, an applicant must submit to the commissioner a transcript from an
7.9 educational institution documenting satisfactory completion of either:

7.10 (1) an associate's degree from a speech-language pathology assistant program that is
7.11 accredited by the Higher Learning Commission of the North Central Association of Colleges
7.12 or its equivalent as approved by the commissioner and that includes at least 100 hours of
7.13 supervised field work experience in speech-language pathology assisting; or

7.14 (2) a bachelor's degree in the discipline of communication sciences or disorders and a
7.15 speech-language pathology assistant certificate program that includes:

7.16 (i) coursework in an introduction to speech-language pathology assisting, adult
7.17 communication disorders and treatment, speech sound disorders and language disorders at
7.18 a speech-language pathology assistant level; and

7.19 (ii) at least 100 hours of supervised field work experience in speech-language pathology
7.20 assisting.

7.21 (b) Within one month following expiration of a license, an applicant for licensure renewal
7.22 as a speech-language pathology assistant must provide evidence to the commissioner of a
7.23 minimum of 20 contact hours of continuing education obtained within the two years
7.24 immediately preceding licensure expiration. A minimum of 13 contact hours of continuing
7.25 education must be directly related to the licensee's area of licensure. Seven contact hours
7.26 of continuing education may be in areas generally related to the licensee's area of licensure.
7.27 Licensees who are issued licenses for a period of less than two years must prorate the number
7.28 of contact hours required for licensure renewal based on the number of months licensed
7.29 during the biennial licensure period. Licensees must receive contact hours for continuing
7.30 education activities only for the biennial licensure period in which the continuing education
7.31 activity was performed.

8.1 Subd. 3. **Licensure by reciprocity.** The commissioner shall issue a speech-language
 8.2 pathology assistant license to a person who holds a current speech-language pathology
 8.3 assistant license in another state or country if the following conditions are met:

8.4 (1) payment of the commissioner's current fee for licensure; and

8.5 (2) the applicant submits evidence of licensure in good standing from another state or
 8.6 country that maintains a system and standard of examinations for speech-language pathology
 8.7 assistants which meets or exceeds the current requirements for licensure in Minnesota.

8.8 Subd. 4. **Temporary practice.** An individual who has an associate's degree in
 8.9 speech-language pathology assisting or a bachelor's degree in communication sciences and
 8.10 disorders and has been continuously employed for two years prior to July 1, 2024, may
 8.11 practice as a speech-language pathology assistant without a license until July 1, 2029, at
 8.12 which time the individual must meet the requirements for licensure in accordance with
 8.13 sections 148.511 to 148.5198.

8.14 **EFFECTIVE DATE.** This section is effective July 1, 2024.

8.15 Sec. 12. Minnesota Statutes 2022, section 148.519, subdivision 1, is amended to read:

8.16 Subdivision 1. **Applications for licensure; speech-language pathologists and**
 8.17 **audiologists.** (a) An applicant for licensure as a speech-language pathologist or audiologist
 8.18 must:

8.19 (1) submit a completed application for licensure on forms provided by the commissioner.
 8.20 The application must include the applicant's name, certification number under chapter 153A,
 8.21 if applicable, business address and telephone number, or home address and telephone number
 8.22 if the applicant practices speech-language pathology or audiology out of the home, and a
 8.23 description of the applicant's education, training, and experience, including previous work
 8.24 history for the five years immediately preceding the date of application. The commissioner
 8.25 may ask the applicant to provide additional information necessary to clarify information
 8.26 submitted in the application; and

8.27 (2) submit documentation of the certificate of clinical competence issued by the American
 8.28 Speech-Language-Hearing Association, board certification by the American Board of
 8.29 Audiology, or satisfy the following requirements:

8.30 (i) submit a transcript showing the completion of a master's or doctoral degree or its
 8.31 equivalent meeting the requirements of section 148.515, subdivision 2;

8.32 (ii) submit documentation of the required hours of supervised clinical training;

9.1 (iii) submit documentation of the postgraduate clinical or doctoral clinical experience
 9.2 meeting the requirements of section 148.515, subdivision 4; and

9.3 (iv) submit documentation of receiving a qualifying score on an examination meeting
 9.4 the requirements of section 148.515, subdivision 6.

9.5 (b) In addition, an applicant must:

9.6 (1) sign a statement that the information in the application is true and correct to the best
 9.7 of the applicant's knowledge and belief;

9.8 (2) submit with the application all fees required by section 148.5194;

9.9 (3) sign a waiver authorizing the commissioner to obtain access to the applicant's records
 9.10 in this or any other state in which the applicant has engaged in the practice of speech-language
 9.11 pathology or audiology; and

9.12 (4) consent to a fingerprint-based criminal history background check as required under
 9.13 section 144.0572, pay all required fees, and cooperate with all requests for information. An
 9.14 applicant must complete a new criminal history background check if more than one year
 9.15 has elapsed since the applicant last applied for a license.

9.16 **EFFECTIVE DATE.** This section is effective July 1, 2024.

9.17 Sec. 13. Minnesota Statutes 2022, section 148.519, is amended by adding a subdivision
 9.18 to read:

9.19 **Subd. 1a. Applications for licensure; speech-language pathology assistants. An**
 9.20 **applicant for licensure as a speech-language pathology assistant must:**

9.21 **(1) submit a completed application on forms provided by the commissioner. The**
 9.22 **application must include the applicant's name, business address and telephone number,**
 9.23 **home address and telephone number, and a description of the applicant's education, training,**
 9.24 **and experience, including previous work history for the five years immediately preceding**
 9.25 **the application date. The commissioner may ask the applicant to provide additional**
 9.26 **information needed to clarify information submitted in the application;**

9.27 **(2) submit documentation that the applicant satisfies the qualifications in section**
 9.28 **148.5181;**

9.29 **(3) submit a signed statement that the information in the application is true and correct**
 9.30 **to the best of the applicant's knowledge and belief;**

9.31 **(4) submit all fees required under section 148.5194;**

10.1 (5) submit a signed waiver authorizing the commissioner to obtain access to the applicant's
 10.2 records in this or any other state in which the applicant has worked as a speech-language
 10.3 pathology assistant; and

10.4 (6) consent to a fingerprint-based criminal history background check as required under
 10.5 section 144.0572, pay all required fees, and cooperate with all requests for information. An
 10.6 applicant must complete a new criminal history background check if more than one year
 10.7 has lapsed since the applicant last applied for a license.

10.8 **EFFECTIVE DATE.** This section is effective July 1, 2024.

10.9 Sec. 14. Minnesota Statutes 2022, section 148.5191, subdivision 1, is amended to read:

10.10 Subdivision 1. **Renewal requirements.** To renew licensure, an applicant for license
 10.11 renewal as a speech-language pathologist or audiologist must:

10.12 (1) biennially complete a renewal application on a form provided by the commissioner
 10.13 and submit the biennial renewal fee;

10.14 (2) meet the continuing education requirements of section 148.5193 and submit evidence
 10.15 of attending continuing education courses, as required in section 148.5193, subdivision 6;
 10.16 and

10.17 (3) submit additional information if requested by the commissioner to clarify information
 10.18 presented in the renewal application. The information must be submitted within 30 days
 10.19 after the commissioner's request.

10.20 Sec. 15. Minnesota Statutes 2022, section 148.5191, is amended by adding a subdivision
 10.21 to read:

10.22 **Subd. 1a. Renewal requirements; speech-language pathology assistant.** To renew
 10.23 licensure, an applicant for license renewal as a speech-language pathology assistant must:

10.24 (1) biennially complete a renewal application on a form provided by the commissioner
 10.25 and submit the biennial renewal fee;

10.26 (2) meet the continuing education requirements of section 148.5193, subdivision 1a,
 10.27 and submit evidence of attending continuing education courses, as required in section
 10.28 148.5193, subdivision 1a; and

10.29 (3) submit additional information if requested by the commissioner to clarify information
 10.30 presented in the renewal application. The information must be submitted within 30 days
 10.31 after the commissioner's request.

11.1 **EFFECTIVE DATE.** This section is effective July 1, 2024.

11.2 Sec. 16. Minnesota Statutes 2022, section 148.5192, subdivision 1, is amended to read:

11.3 Subdivision 1. **Delegation requirements.** A licensed speech-language pathologist may
 11.4 delegate duties to a licensed speech-language pathology assistant in accordance with this
 11.5 section following an initial introduction to a client with the speech-language pathologist
 11.6 and speech-language pathology assistant present. ~~Duties may only be delegated to an~~
 11.7 ~~individual who has documented with a transcript from an educational institution satisfactory~~
 11.8 ~~completion of either:~~

11.9 ~~(1) an associate degree from a speech-language pathology assistant program that is~~
 11.10 ~~accredited by the Higher Learning Commission of the North Central Association of Colleges~~
 11.11 ~~or its equivalent as approved by the commissioner; or~~

11.12 ~~(2) a bachelor's degree in the discipline of communication sciences or disorders with~~
 11.13 ~~additional transcript credit in the area of instruction in assistant-level service delivery~~
 11.14 ~~practices and completion of at least 100 hours of supervised field work experience as a~~
 11.15 ~~speech-language pathology assistant student.~~

11.16 **EFFECTIVE DATE.** This section is effective July 1, 2024.

11.17 Sec. 17. Minnesota Statutes 2022, section 148.5192, subdivision 2, is amended to read:

11.18 Subd. 2. **Delegated duties; prohibitions.** (a) A speech-language pathology assistant
 11.19 may perform only those duties delegated by a licensed speech-language pathologist and
 11.20 must be limited to duties within the training and experience of the speech-language pathology
 11.21 assistant.

11.22 (b) Duties may include the following as delegated by the supervising speech-language
 11.23 pathologist:

11.24 (1) assist with speech language and hearing screenings;

11.25 (2) implement documented treatment plans or protocols developed by the supervising
 11.26 speech-language pathologist;

11.27 (3) document client performance, including writing progress notes;

11.28 (4) assist with assessments of clients;

11.29 (5) assist with preparing materials and scheduling activities as directed;

11.30 (6) perform checks and maintenance of equipment;

12.1 (7) support the supervising speech-language pathologist in research projects, in-service
12.2 training, and public relations programs; and

12.3 (8) collect data for quality improvement.

12.4 (c) A speech-language pathology assistant may not:

12.5 (1) perform standardized or nonstandardized diagnostic tests, perform formal or informal
12.6 evaluations, or interpret test results;

12.7 ~~(2) screen or diagnose clients for feeding or swallowing disorders, including using a~~
12.8 ~~checklist or tabulating results of feeding or swallowing evaluations, or demonstrate~~
12.9 ~~swallowing strategies or precautions to clients or the clients' families~~ demonstrate strategies
12.10 included in the feeding and swallowing plan developed by the speech-language pathologist
12.11 or share such information with students, patients, clients, families, staff, and caregivers;

12.12 (3) participate in parent conferences, case conferences, or ~~any~~ interdisciplinary team
12.13 ~~without the presence of the supervising speech-language pathologist or other licensed~~
12.14 ~~speech-language pathologist as authorized by the supervising speech-language pathologist~~
12.15 meetings without approval from the speech-language pathologist or misrepresent themselves
12.16 as a speech-language pathologist at such a conference or meeting. The speech-language
12.17 pathologist and speech-language pathology assistant are required to meet prior to the parent
12.18 conferences, case conferences, or interdisciplinary team meetings to determine the
12.19 information to be shared;

12.20 (4) provide client or family counseling or consult with the client or the family regarding
12.21 the client status or service;

12.22 (5) write, develop, or modify a client's individualized treatment plan or individualized
12.23 education program;

12.24 (6) select clients for service;

12.25 (7) discharge clients from service;

12.26 (8) ~~disclose clinical or confidential information either orally or in writing to anyone~~
12.27 ~~other than the supervising speech-language pathologist~~ information, without permission
12.28 from the supervising speech-language pathologist, to other team members; or

12.29 (9) make referrals for additional services.

12.30 (d) A speech-language pathology assistant must ~~not~~ only sign ~~any formal~~ documents,
12.31 including treatment plans, education plans, reimbursement forms, or reports, when cosigned
12.32 by the supervising speech-language pathologist. The speech-language pathology assistant

13.1 must sign or initial all treatment notes written by the assistant, which must then also be
 13.2 cosigned by the supervising speech-language pathologist.

13.3 Sec. 18. Minnesota Statutes 2022, section 148.5192, subdivision 3, is amended to read:

13.4 Subd. 3. **Supervision requirements.** (a) A supervising speech-language pathologist
 13.5 shall authorize and accept full responsibility for the performance, practice, and activity of
 13.6 a speech-language pathology assistant. The amount and type of supervision required must
 13.7 be based on the skills and experience of the speech-language pathology assistant. A minimum
 13.8 of one hour every 30 days of consultative supervision time must be documented for each
 13.9 speech-language pathology assistant.

13.10 (b) A supervising speech-language pathologist must:

13.11 (1) be licensed under sections 148.511 to 148.5198;

13.12 (2) hold a certificate of clinical competence from the American Speech-Language-Hearing
 13.13 Association or its equivalent as approved by the commissioner; and

13.14 (3) have completed at least ~~one~~ ten hours of continuing education unit in supervision.

13.15 (c) The supervision of a speech-language pathology assistant shall be maintained on the
 13.16 following schedule:

13.17 (1) for the first 90 workdays, within a 40-hour work week, 30 percent of the work
 13.18 performed by the speech-language pathology assistant must be supervised and at least 20
 13.19 percent of the work performed must be under direct supervision; ~~and~~

13.20 (2) for the work period after the initial 90-day period, within a 40-hour work week, 20
 13.21 percent of the work performed must be supervised and at least ten percent of the work
 13.22 performed must be under direct supervision; and

13.23 (3) once every 60 days, the supervising speech-language pathologist must treat or cotreat
 13.24 with the speech-language pathology assistant each client on the speech-language pathology
 13.25 assistant's caseload.

13.26 (d) For purposes of this section, "direct supervision" means ~~on-site, in-view~~ observation
 13.27 and guidance by the supervising speech-language pathologist during the performance of a
 13.28 delegated duty that occurs either on-site and in-view or through the use of real-time, two-way
 13.29 interactive audio and visual communication. The supervision requirements described in this
 13.30 section are minimum requirements. Additional supervision requirements may be imposed
 13.31 at the discretion of the supervising speech-language pathologist.

14.1 (e) A supervising speech-language pathologist must be available to communicate with
 14.2 a speech-language pathology assistant at any time the assistant is in direct contact with a
 14.3 client.

14.4 (f) A supervising speech-language pathologist must document activities performed by
 14.5 the assistant that are directly supervised by the supervising speech-language pathologist.
 14.6 At a minimum, the documentation must include:

14.7 (1) information regarding the quality of the speech-language pathology assistant's
 14.8 performance of the delegated duties; and

14.9 (2) verification that any delegated clinical activity was limited to duties authorized to
 14.10 be performed by the speech-language pathology assistant under this section.

14.11 (g) A supervising speech-language pathologist must review and cosign all informal
 14.12 treatment notes signed or initialed by the speech-language pathology assistant.

14.13 (h) A full-time, speech-language pathologist may supervise no more than ~~one~~ two
 14.14 full-time, speech-language pathology ~~assistant~~ assistants or the equivalent of ~~one~~ two
 14.15 full-time ~~assistant~~ assistants.

14.16 **EFFECTIVE DATE.** This section is effective July 1, 2024.

14.17 Sec. 19. Minnesota Statutes 2022, section 148.5193, subdivision 1, is amended to read:

14.18 Subdivision 1. **Number of contact hours required; speech-language pathologists**
 14.19 **and audiologists.** (a) An applicant for licensure renewal as a speech-language pathologist
 14.20 or audiologist must meet the requirements for continuing education stipulated by the
 14.21 American Speech-Language-Hearing Association or the American Board of Audiology, or
 14.22 satisfy the requirements described in paragraphs (b) to (e).

14.23 (b) Within one month following expiration of a license, an applicant for licensure renewal
 14.24 as either a speech-language pathologist or an audiologist must provide evidence to the
 14.25 commissioner of a minimum of 30 contact hours of continuing education obtained within
 14.26 the two years immediately preceding licensure expiration. A minimum of 20 contact hours
 14.27 of continuing education must be directly related to the licensee's area of licensure. Ten
 14.28 contact hours of continuing education may be in areas generally related to the licensee's
 14.29 area of licensure. Licensees who are issued licenses for a period of less than two years shall
 14.30 prorate the number of contact hours required for licensure renewal based on the number of
 14.31 months licensed during the biennial licensure period. Licensees shall receive contact hours
 14.32 for continuing education activities only for the biennial licensure period in which the
 14.33 continuing education activity was performed.

15.1 (c) An applicant for licensure renewal as both a speech-language pathologist and an
15.2 audiologist must attest to and document completion of a minimum of 36 contact hours of
15.3 continuing education offered by a continuing education sponsor within the two years
15.4 immediately preceding licensure renewal. A minimum of 15 contact hours must be received
15.5 in the area of speech-language pathology and a minimum of 15 contact hours must be
15.6 received in the area of audiology. Six contact hours of continuing education may be in areas
15.7 generally related to the licensee's areas of licensure. Licensees who are issued licenses for
15.8 a period of less than two years shall prorate the number of contact hours required for licensure
15.9 renewal based on the number of months licensed during the biennial licensure period.
15.10 Licensees shall receive contact hours for continuing education activities only for the biennial
15.11 licensure period in which the continuing education activity was performed.

15.12 (d) If the licensee is licensed by the Professional Educator Licensing and Standards
15.13 Board:

15.14 (1) activities that are approved in the categories of Minnesota Rules, part 8710.7200,
15.15 subpart 3, items A and B, and that relate to speech-language pathology, shall be considered:

15.16 (i) offered by a sponsor of continuing education; and

15.17 (ii) directly related to speech-language pathology;

15.18 (2) activities that are approved in the categories of Minnesota Rules, part 8710.7200,
15.19 subpart 3, shall be considered:

15.20 (i) offered by a sponsor of continuing education; and

15.21 (ii) generally related to speech-language pathology; and

15.22 (3) one clock hour as defined in Minnesota Rules, part 8710.7200, subpart 1, is equivalent
15.23 to 1.0 contact hours of continuing education.

15.24 (e) Contact hours may not be accumulated in advance and transferred to a future
15.25 continuing education period.

15.26 **EFFECTIVE DATE.** This section is effective July 1, 2024.

15.27 Sec. 20. Minnesota Statutes 2022, section 148.5193, is amended by adding a subdivision
15.28 to read:

15.29 **Subd. 1a. Continuing education; speech-language pathology assistants.** An applicant
15.30 for licensure renewal as a speech-language pathology assistant must meet the requirements
15.31 for continuing education established by the American Speech-Language-Hearing Association
15.32 and submit evidence of attending continuing education courses. A licensee must receive

16.1 contact hours for continuing education activities only for the biennial licensure period in
 16.2 which the continuing education activity was completed. Continuing education contact hours
 16.3 obtained in one licensure period must not be transferred to a future licensure period.

16.4 **EFFECTIVE DATE.** This section is effective July 1, 2024.

16.5 Sec. 21. Minnesota Statutes 2022, section 148.5194, is amended by adding a subdivision
 16.6 to read:

16.7 Subd. 3b. **Speech-language pathology assistant licensure fees.** The fee for initial
 16.8 licensure as a speech-language pathology assistant is \$..... The fee for licensure renewal
 16.9 for a speech-language pathology assistant is \$.....

16.10 **EFFECTIVE DATE.** This section is effective July 1, 2024.

16.11 Sec. 22. Minnesota Statutes 2022, section 148.5194, subdivision 8, is amended to read:

16.12 Subd. 8. **Penalty fees.** (a) The penalty fee for practicing speech-language pathology or
 16.13 audiology, practicing as a speech-language pathology assistant, or using protected titles
 16.14 without a current license after the credential has expired and before it is renewed is the
 16.15 amount of the license renewal fee for any part of the first month, plus the license renewal
 16.16 fee for any part of any subsequent month up to 36 months.

16.17 (b) The penalty fee for applicants who engage in the unauthorized practice of
 16.18 speech-language pathology or audiology, practice as a speech-language pathology assistant,
 16.19 or using use of protected titles before being issued a license is the amount of the license
 16.20 application fee for any part of the first month, plus the license application fee for any part
 16.21 of any subsequent month up to 36 months. This paragraph does not apply to applicants not
 16.22 qualifying for a license who engage in the unauthorized practice of speech language
 16.23 pathology or audiology or in unauthorized practice as a speech-language pathology assistant.

16.24 (c) The penalty fee for practicing speech-language pathology or audiology and failing
 16.25 to submit a continuing education report by the due date with the correct number or type of
 16.26 hours in the correct time period is \$100 plus \$20 for each missing clock hour. The penalty
 16.27 fee for a licensed speech-language pathology assistant who fails to submit a continuing
 16.28 education report by the due date with the correct number or type of hours in the correct time
 16.29 period is \$100 plus \$20 for each missing clock hour. "Missing" means not obtained between
 16.30 the effective and expiration dates of the certificate, the one-month period following the
 16.31 certificate expiration date, or the 30 days following notice of a penalty fee for failing to

17.1 report all continuing education hours. The licensee must obtain the missing number of
17.2 continuing education hours by the next reporting due date.

17.3 (d) Civil penalties and discipline incurred by licensees prior to August 1, 2005, for
17.4 conduct described in paragraph (a), (b), or (c) shall be recorded as nondisciplinary penalty
17.5 fees. For conduct described in paragraph (a) or (b) occurring after August 1, 2005, and
17.6 exceeding six months, payment of a penalty fee does not preclude any disciplinary action
17.7 reasonably justified by the individual case.

17.8 **EFFECTIVE DATE.** This section is effective July 1, 2024.

17.9 Sec. 23. Minnesota Statutes 2022, section 148.5195, subdivision 3, is amended to read:

17.10 Subd. 3. **Grounds for disciplinary action by commissioner.** The commissioner may
17.11 take any of the disciplinary actions listed in subdivision 4 on proof that the individual has:

17.12 (1) intentionally submitted false or misleading information to the commissioner or the
17.13 advisory council;

17.14 (2) failed, within 30 days, to provide information in response to a written request by the
17.15 commissioner or advisory council;

17.16 (3) performed services of a speech-language pathologist ~~or~~ audiologist, or
17.17 speech-language pathology assistant in an incompetent or negligent manner;

17.18 (4) violated sections 148.511 to 148.5198;

17.19 (5) failed to perform services with reasonable judgment, skill, or safety due to the use
17.20 of alcohol or drugs, or other physical or mental impairment;

17.21 (6) violated any state or federal law, rule, or regulation, and the violation is a felony or
17.22 misdemeanor, an essential element of which is dishonesty, or which relates directly or
17.23 indirectly to the practice of speech-language pathology or audiology or to the practice of a
17.24 speech-language pathology assistant. Conviction for violating any state or federal law which
17.25 relates to speech-language pathology ~~or~~ audiology, or to the practice of a speech-language
17.26 pathology assistant is necessarily considered to constitute a violation, except as provided
17.27 in chapter 364;

17.28 (7) aided or abetted another person in violating any provision of sections 148.511 to
17.29 148.5198;

17.30 (8) been or is being disciplined by another jurisdiction, if any of the grounds for the
17.31 discipline is the same or substantially equivalent to those under sections 148.511 to 148.5198;

18.1 (9) not cooperated with the commissioner or advisory council in an investigation
18.2 conducted according to subdivision 1;

18.3 (10) advertised in a manner that is false or misleading;

18.4 (11) engaged in conduct likely to deceive, defraud, or harm the public; or demonstrated
18.5 a willful or careless disregard for the health, welfare, or safety of a client;

18.6 (12) failed to disclose to the consumer any fee splitting or any promise to pay a portion
18.7 of a fee to any other professional other than a fee for services rendered by the other
18.8 professional to the client;

18.9 (13) engaged in abusive or fraudulent billing practices, including violations of federal
18.10 Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical
18.11 assistance laws;

18.12 (14) obtained money, property, or services from a consumer through the use of undue
18.13 influence, high pressure sales tactics, harassment, duress, deception, or fraud;

18.14 (15) performed services for a client who had no possibility of benefiting from the services;

18.15 (16) failed to refer a client for medical evaluation or to other health care professionals
18.16 when appropriate or when a client indicated symptoms associated with diseases that could
18.17 be medically or surgically treated;

18.18 (17) had the certification required by chapter 153A denied, suspended, or revoked
18.19 according to chapter 153A;

18.20 (18) used the term doctor of audiology, doctor of speech-language pathology, AuD, or
18.21 SLPD without having obtained the degree from an institution accredited by the North Central
18.22 Association of Colleges and Secondary Schools, the Council on Academic Accreditation
18.23 in Audiology and Speech-Language Pathology, the United States Department of Education,
18.24 or an equivalent;

18.25 (19) failed to comply with the requirements of section 148.5192 regarding supervision
18.26 of speech-language pathology assistants; or

18.27 (20) if the individual is an audiologist or certified hearing instrument dispenser:

18.28 (i) prescribed or otherwise recommended to a consumer or potential consumer the use
18.29 of a hearing instrument, unless the prescription from a physician or recommendation from
18.30 an audiologist or certified dispenser is in writing, is based on an audiogram that is delivered
18.31 to the consumer or potential consumer when the prescription or recommendation is made,
18.32 and bears the following information in all capital letters of 12-point or larger boldface type:

19.1 "THIS PRESCRIPTION OR RECOMMENDATION MAY BE FILLED BY, AND
 19.2 HEARING INSTRUMENTS MAY BE PURCHASED FROM, THE LICENSED
 19.3 AUDIOLOGIST OR CERTIFIED DISPENSER OF YOUR CHOICE";

19.4 (ii) failed to give a copy of the audiogram, upon which the prescription or
 19.5 recommendation is based, to the consumer when the consumer requests a copy;

19.6 (iii) failed to provide the consumer rights brochure required by section 148.5197,
 19.7 subdivision 3;

19.8 (iv) failed to comply with restrictions on sales of hearing instruments in sections
 19.9 148.5197, subdivision 3, and 148.5198;

19.10 (v) failed to return a consumer's hearing instrument used as a trade-in or for a discount
 19.11 in the price of a new hearing instrument when requested by the consumer upon cancellation
 19.12 of the purchase agreement;

19.13 (vi) failed to follow Food and Drug Administration or Federal Trade Commission
 19.14 regulations relating to dispensing hearing instruments;

19.15 (vii) failed to dispense a hearing instrument in a competent manner or without appropriate
 19.16 training;

19.17 (viii) delegated hearing instrument dispensing authority to a person not authorized to
 19.18 dispense a hearing instrument under this chapter or chapter 153A;

19.19 (ix) failed to comply with the requirements of an employer or supervisor of a hearing
 19.20 instrument dispenser trainee;

19.21 (x) violated a state or federal court order or judgment, including a conciliation court
 19.22 judgment, relating to the activities of the individual's hearing instrument dispensing; or

19.23 (xi) failed to include on the audiogram the practitioner's printed name, credential type,
 19.24 credential number, signature, and date.

19.25 **EFFECTIVE DATE.** This section is effective July 1, 2024.

19.26 Sec. 24. Minnesota Statutes 2022, section 148.5196, subdivision 1, is amended to read:

19.27 Subdivision 1. **Membership.** The commissioner shall appoint ~~12~~ 13 persons to a
 19.28 Speech-Language Pathologist and Audiologist Advisory Council. The ~~12~~ 13 persons must
 19.29 include:

19.30 (1) three public members, as defined in section 214.02. Two of the public members shall
 19.31 be either persons receiving services of a speech-language pathologist or audiologist, or

20.1 family members of or caregivers to such persons, and at least one of the public members
 20.2 shall be either a hearing instrument user or an advocate of one;

20.3 (2) three speech-language pathologists licensed under sections 148.511 to 148.5198,
 20.4 one of whom is currently and has been, for the five years immediately preceding the
 20.5 appointment, engaged in the practice of speech-language pathology in Minnesota and each
 20.6 of whom is employed in a different employment setting including, but not limited to, private
 20.7 practice, hospitals, rehabilitation settings, educational settings, and government agencies;

20.8 (3) one speech-language pathologist licensed under sections 148.511 to 148.5198, who
 20.9 is currently and has been, for the five years immediately preceding the appointment,
 20.10 employed by a Minnesota public school district or a Minnesota public school district
 20.11 consortium that is authorized by Minnesota Statutes and who is licensed in speech-language
 20.12 pathology by the Professional Educator Licensing and Standards Board;

20.13 (4) three audiologists licensed under sections 148.511 to 148.5198, two of whom are
 20.14 currently and have been, for the five years immediately preceding the appointment, engaged
 20.15 in the practice of audiology and the dispensing of hearing instruments in Minnesota and
 20.16 each of whom is employed in a different employment setting including, but not limited to,
 20.17 private practice, hospitals, rehabilitation settings, educational settings, industry, and
 20.18 government agencies;

20.19 (5) one nonaudiologist hearing instrument dispenser recommended by a professional
 20.20 association representing hearing instrument dispensers; ~~and~~

20.21 (6) one physician licensed under chapter 147 and certified by the American Board of
 20.22 Otolaryngology, Head and Neck Surgery; and

20.23 (7) one speech-language pathology assistant licensed under sections 148.511 to 148.5198.

20.24 **EFFECTIVE DATE.** This section is effective July 1, 2024.

20.25 Sec. 25. Minnesota Statutes 2022, section 148.5196, subdivision 3, is amended to read:

20.26 Subd. 3. **Duties.** The advisory council shall:

20.27 (1) advise the commissioner regarding speech-language pathologist and audiologist
 20.28 licensure standards;

20.29 (2) advise the commissioner regarding the delegation of duties to, the licensure standards
 20.30 for, and the training required for speech-language pathology assistants;

20.31 (3) advise the commissioner on enforcement of sections 148.511 to 148.5198;

21.1 (4) provide for distribution of information regarding speech-language pathologist ~~and,~~
 21.2 audiologist, and speech-language pathology assistant licensure standards;

21.3 (5) review applications and make recommendations to the commissioner on granting or
 21.4 denying licensure or licensure renewal;

21.5 (6) review reports of investigations relating to individuals and make recommendations
 21.6 to the commissioner as to whether licensure should be denied or disciplinary action taken
 21.7 against the individual;

21.8 (7) advise the commissioner regarding approval of continuing education activities
 21.9 provided by sponsors using the criteria in section 148.5193, subdivision 2; and

21.10 (8) perform other duties authorized for advisory councils under chapter 214, or as directed
 21.11 by the commissioner.

21.12 **EFFECTIVE DATE.** This section is effective July 1, 2024.

21.13 Sec. 26. Minnesota Statutes 2022, section 245C.031, subdivision 4, is amended to read:

21.14 Subd. 4. **Applicants, licensees, and other occupations regulated by the commissioner**
 21.15 **of health.** The commissioner shall conduct an alternative background study, including a
 21.16 check of state data, and a national criminal history records check of the following individuals.
 21.17 For studies under this section, the following persons shall complete a consent form:

21.18 (1) An applicant for initial licensure, temporary licensure, or relicensure after a lapse in
 21.19 licensure as an audiologist ~~or,~~ speech-language pathologist, or speech language pathologist
 21.20 assistant, or an applicant for initial certification as a hearing instrument dispenser who must
 21.21 submit to a background study under section 144.0572.

21.22 (2) An applicant for a renewal license or certificate as an audiologist, speech-language
 21.23 pathologist, or hearing instrument dispenser who was licensed or obtained a certificate
 21.24 before January 1, 2018.

21.25 **EFFECTIVE DATE.** This section is effective July 1, 2024.