

Notice of Emergency Rule

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20ER20-23 RULE TITLE: Board Established and Approved Protocols for Speech-Language Pathology Assistants.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Board of Speech-Language Pathology and Audiology (hereinafter the “Board”) is statutorily authorized to adopt rules establishing procedures for the direct supervision by speech language pathologists of certified speech-language pathology assistants.

On March 1, 2020, Florida Governor Ron DeSantis issued Executive Order Number 20-51 which directed the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency pursuant to the spread of the Coronavirus Disease 2019 (COVID-19). On March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 (Emergency Management - COVID-19 Public Health Emergency) and officially declared that a state of emergency exists in the State of Florida. COVID-19 is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza. As of March 26, 2020, there are 2,355 confirmed cases of COVID-19 in the State of Florida. The Center for Disease Control (“CDC”) recommends mitigation measures to combat the spread of COVID-19 such as staying home when sick, keeping away from others who are sick, staying home when a household member is sick with respiratory disease symptoms, and for those who are at higher risk, including older adults and those who have serious chronic medical conditions, to avoid non-essential air travel and to avoid crowds as much as possible.

Since the issuance of the Executive Orders and declaration of a public health emergency by the State Health Officer and Surgeon General Dr. Rivkees, the Board office has received numerous calls and emails from licensees about the difficulties in directly supervising speech-language pathology assistants in the current environment and whether there is an alternative method of direct supervision in cases where the assistant is distant to the licensee. Licensees are concerned about the dangers of travel related to COVID-19. Some licensees are concerned about the dangers of being in groups of people, others are concerned about the travel itself, and others state they are in the high-risk groups identified by the CDC.

Ensuring that Florida's speech language pathologists are not unnecessarily put at risk is essential during this healthcare emergency. Given this emergency, speech language pathologists have an increased likelihood of being exposed to COVID-19 due to the number of patients they come in close contact with during a given day. Considering the spread of COVID-19, requiring large numbers of speech-language pathologists to engage in travel for the purpose of directly supervising speech language pathology assistants unnecessarily increases the risk of exposure of these healthcare practitioners and their future patients to COVID-19. Accordingly, the Board, by emergency rule, establishes protocols for consultation and supervision of speech-language pathology assistants prior to providing services in a location distant to the supervising licensee, and requires the supervising licensee to be available to provide consultation and direction to the supervised assistant via synchronous telecommunication. The Board finds that these actions are a measured regulatory approach that helps to mitigate the threat of exposure to COVID-19 and to protect the supervised assistants and patients of speech language pathologists and the licensees themselves from exposure to COVID-19.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Given the recently declared emergency in the State of Florida and the recent guidance from the CDC, the Board finds that an immediate danger to the public health, safety, or welfare necessitates immediate action regarding this issue. Notice of this emergency meeting was published in the Florida Administrative Register on March 27, 2020. In addition, notice of the Board's emergency meeting was posted on the Board's official website on March 27, 2020.

SUMMARY: The proposed emergency rule establishes approved protocols for consultation and supervision of speech-language pathology assistants prior to providing services in a location distant to the supervising licensee and requires the availability of the supervising speech language pathologist to provide consultation and direction to the supervised assistant via synchronous telecommunication.

PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Kama Monroe, J.D., Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin # C-06 Tallahassee, Florida 32399-3256.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B20ER20-23 Board Established and Approved Protocols for Speech-Language Pathology Assistants.

(1) The following are Board of Speech-Language Pathology and Audiology established and approved protocols for consultation and supervision of speech-language pathology assistants prior to providing services in a

location distant to the supervising licensee pursuant to Fla. Stat. § 468.1125(9), F.S., Rule 64B20-4.003 and Rule 64B20-4.004, F.A.C.:

(a) Competency of duties for which the assistant has been specifically trained and is authorized to perform under Chapter 468, F.S. and Rule 64B20, F.A.C. in the areas defined in subsection 64B20-4.003 (4), F.A.C.

(b) Once competency is achieved, Form DH5043-MQA entitled, “Written Protocol: Speech Language Pathology Assistant Collaborative Practice Agreement,” (11/19), which is incorporated by reference herein, and can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-11840>, must be signed by supervising licensee and speech language pathology assistant confirming the mutual agreement between the licensee and the assistant are acting under established and approved Board of Speech-Language Pathology and Audiology protocols.

(c) The written protocol Form DH5043-MQA signed by the licensed Speech Language Pathologist (SLP) and the Speech Language Pathology Assistant (SLPA) shall minimally include the following:

1. General Information

2. Description of Duties of the SLPA

3. Description of Duties of the SLP

4. Certification

5. Designated Licensee

(d) Supervising licensee shall require the availability of the supervising speech language pathologist for consultation with and direction of the supervised assistant must be available via synchronous telecommunication.

(2) The licensed supervising speech-language pathologist will maintain full ethical and legal responsibility for all actions of the assistant when services are provided.

(3) The licensed supervising speech-language pathologist must hold a clear and active license within the state of Florida.

Rulemaking Authority: 468.1125(9) FS. Law Implemented: 468.1125(3) (4) (9) FS. History – New

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.