

25106923D

HOUSE BILL NO. 2040

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 13, 2025)

(Patron Prior to Substitute—Delegate Seibold)

A *BILL* to amend the Code of Virginia by adding in Chapter 26 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-2620 through 54.1-2624, and to repeal § 54.1-2605 of the Code of Virginia, relating to speech-language pathology assistants; licensure, qualifications, scope of practice; revocation or suspension of license; continuing education.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 26 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-2620 through 54.1-2624, as follows:

*Article 3.**Licensure of Speech-Language Pathology Assistants.***§ 54.1-2620. License; application; qualifications of speech-language pathology assistants.**

A. No person shall practice as a speech-language pathology assistant unless he possesses a current, active, and valid license from the Board. The licensee shall have the right to practice as a speech-language pathology assistant in the Commonwealth for the period of his license as set by the Board, under the supervision and direction of a licensed speech-language pathologist.

B. An application for such license shall be made to the Board in writing and shall be accompanied by satisfactory proof that the applicant (i) has completed a Board-approved eligibility pathway option, described in subsection C, and (ii) has completed a minimum of 100 hours of supervised clinical experience under the direct supervision of a licensed speech-language pathologist.

C. In order to practice as a speech-language pathology assistant, an applicant for licensure shall complete a Board-approved eligibility pathway that includes:

1. (i) Obtaining a two-year speech-language pathology assistant program degree from an accredited institution, (ii) completing the prerequisite courses required by subsection D, and (iii) completing the clinical field work required by subsection E; or

2. (i) Obtaining a bachelor's degree in communication sciences and disorders from an accredited institution; (ii) completing (a) the online education modules offered by the American Speech-Language-Hearing Association or (b) a program equivalent to the online education modules offered by the American Speech-Language-Hearing Association; (iii) completing the prerequisite courses required by subsection D; and (iv) completing the clinical field work required by subsection E; or

3. (i) Obtaining a bachelor's or associate's degree from an accredited institution; (ii) completing a speech-language pathology assistant program with equivalent course work, or completing academic course work from an accredited institution of higher education in the following areas: (a) introductory or overview course in communication disorders, (b) phonetics, (c) speech sound disorders, (d) language development, (e) language disorders, and (f) anatomy and physiology of speech and hearing mechanisms; (iii) completing the prerequisite courses required by subsection D; and (iv) completing the clinical field work required by subsection E.

D. In order to practice as a speech-language pathology assistant, an applicant for licensure shall complete three one-hour prerequisite courses from an approved professional development provider, academic clinical practicum program, or via employee training, on each of the following topics: (i) ethics, (ii) universal safety precautions, and (iii) patient confidentiality.

E. In order to practice as a speech-language pathology assistant, an applicant for licensure shall complete a minimum of 100 hours of clinical field work, including (i) 80 hours of direct patient/client/student services under the supervision of a licensed speech-language pathologist and (ii) 20 hours of indirect patient/client/student services under the supervision of a licensed speech-language pathologist. Such hours may be completed via an academic practicum or on the job under the supervision of a licensed speech-language pathologist. Hours completed via an academic practicum or on the job shall be no more than five years old at the time of application for licensure. Observation, simulation, and graduate practicum hours shall not count toward such requirement.

F. The Board may grant a license to practice as a speech-language pathology assistant to an applicant licensed to practice in another jurisdiction if he (i) meets the requirements of subsection B; (ii) holds a current, unrestricted license to practice as a speech-language pathology assistant in another jurisdiction in the United States; (iii) has not committed any act that would constitute grounds for denial as set forth in § 54.1-2706; and (iv) meets other qualifications as determined in regulations promulgated by the Board.

G. The Board shall promulgate regulations (i) establishing the number of speech-language pathology assistants that may practice under the supervision of one licensed speech-language pathologist, not to exceed

60 *three speech-language pathology assistants under the supervision of one licensed speech-language*
61 *pathologist, and (ii) defining (a) "direct supervision" as the in-view observation and guidance by a licensed*
62 *speech-language pathologist of a speech-language pathology assistant while such speech language pathology*
63 *assistant performs an assigned activity and (b) "indirect supervision" as the monitoring or reviewing of the*
64 *activities performed by a speech-language pathology assistant by a licensed speech-language pathologist,*
65 *excluding observation and guidance provided during the provision of direct services to a student, patient, or*
66 *client.*

67 **§ 54.1-2621. Scope of practice of speech-language pathology assistants.**

68 *A. A licensed speech-language pathology assistant shall only engage in those duties that adhere to the*
69 *code of ethics of the Board and are planned, designed, and supervised by a licensed speech-language*
70 *pathologist, including:*

71 *1. Assisting with speech, language, and hearing screenings without clinical interpretation of results;*

72 *2. Administering and scoring screenings for clinical interpretation by the supervising speech-language*
73 *pathologist;*

74 *3. Assisting with, but not administering or interpreting the results of, client assessments, including setting*
75 *up the testing environment, gathering and preparing materials, and taking notes;*

76 *4. Administering and scoring assessments and progress monitoring tools without clinical interpretation of*
77 *results, if the licensed speech-language pathology assistant meets the examiner requirements for such tools*
78 *and the supervising speech-language pathologist has verified that such examiner requirements have been*
79 *met;*

80 *5. Performing routine activities for therapy sessions in accordance with a plan developed and directed by*
81 *the speech-language pathologist who retains the professional responsibility for such client, including (i)*
82 *implementing documented care plans or protocols, (ii) providing direct therapy services to address treatment*
83 *goals, (iii) adjusting and documenting the amount and type of support or scaffolding provided to the client in*
84 *treatment to facilitate progress, and (iv) developing and implementing activities and materials for teaching*
85 *and practice of skills to address the goals of the client;*

86 *6. Providing treatment through a variety of service delivery models as directed by the supervising*
87 *speech-language pathologist;*

88 *7. Utilizing telecommunications technology to provide services remotely to clients as directed by the*
89 *supervising speech-language pathologist;*

90 *8. Documenting client performance and reporting such performance information to the supervising*
91 *speech-language pathologist;*

92 *9. Providing caregiver coaching, including modeling and teaching communication strategies and*
93 *providing feedback regarding caregiver-client interactions for facilitation and carryover of skills;*

94 *10. Sharing objective information regarding client performance without interpretation or*
95 *recommendations as directed by the supervising speech-language pathologist;*

96 *11. Assisting with programming augmentative and alternative communication devices and assisting and*
97 *training clients with using such devices;*

98 *12. Demonstrating strategies and assisting clients with skills included in the feeding and swallowing plan*
99 *developed by the supervising speech-language pathologist;*

100 *13. Signing or initialing informal treatment notes and, upon request, co-signing formal documents with*
101 *the supervising speech-language pathologist;*

102 *14. Assisting with clerical duties and site operations, including preparing materials, scheduling*
103 *appointments and activities, preparing charts, records, or graphs, and performing checks and maintenance of*
104 *equipment;*

105 *15. Assisting clients with transitioning to and from therapy sessions; and*

106 *16. Performing duties not otherwise restricted to the practice of speech-language pathology.*

107 *B. A speech-language pathologist assistant shall not engage in the practice of speech-language*
108 *pathology, including the following:*

109 *1. Representing himself as a speech-language pathologist;*

110 *2. Performing diagnostic tests or evaluations;*

111 *3. Performing procedures that require a professional level of clinical judgment and technical skill;*

112 *4. Interpreting results and observations of feeding and swallowing evaluations or screenings performed*
113 *by a speech-language pathologist;*

114 *5. Participating in formal conferences or meetings without the presence of the supervising*
115 *speech-language pathologist;*

116 *6. Providing interpretative information to a client, the family of a client, or any other individual;*

117 *7. Writing, developing, or modifying a client's treatment plan;*

118 *8. Assisting in or providing services described in subsection A unless directed by the supervising*
119 *speech-language pathologist;*

120 *9. Signing any formal documents in place of the supervising speech-language pathologist;*

121 *10. Selecting a client for service or discharging a client from service;*

122 11. Making a decision regarding the need for additional services or making a referral for service;
 123 12. Disclosing clinical or confidential information either orally or in writing to anyone other than the
 124 supervising speech-language pathologist, unless mandated by law or authorized by the supervising
 125 speech-language pathologist; or

126 13. Developing or determining the swallowing or feeding strategies or precautions for a client or provid
 127 ing feeding or swallowing treatment.

128 C. A licensed speech-language pathology assistant shall be supervised by a speech-language pathologist,
 129 who shall retain full legal and ethical responsibility for the client.

130 **§ 54.1-2622. Continuing education.**

131 The Board shall promulgate regulations requiring continuing education for any speech-language
 132 pathology assistant license renewal or reinstatement. The Board may grant exceptions or exemptions from
 133 these continuing education requirements.

134 **§ 54.1-2623. Revocation or suspension; other sanctions.**

135 The Board may refuse to issue a license to any applicant; suspend, for a stated period or indefinitely, or
 136 revoke any license; or censure or reprimand any licensee or place such person on probation for such time as
 137 it may designate for any of the following causes:

138 1. Obtaining a license through fraud, deceit, or misrepresentation;

139 2. Being convicted of any felony or being convicted of any crime involving moral turpitude;

140 3. Using alcohol or drugs to the extent that such use renders the person unsafe to practice as a
 141 speech-language pathologist assistant;

142 4. Any unprofessional conduct likely to defraud or to deceive the public or patients;

143 5. Practicing in an intentional or negligent manner that causes or is likely to cause injury to a patient or
 144 patients;

145 6. Assisting persons whom he knew or had reason to believe were unlicensed to practice as a
 146 speech-language pathologist or speech-language pathologist assistant;

147 7. Violating, assisting, or inducing others to violate any provision of this article or any Board regulation;

148 8. Conducting his practice in a manner contrary to the standards of ethics of a speech-language
 149 pathologist assistant;

150 9. Practicing or causing others to practice in a manner that is dangerous to the health and welfare of his
 151 patients or to the public;

152 10. Practicing outside the scope of the speech-language pathologist assistant's education, training, and
 153 experience; or

154 11. Receiving a revocation, suspension, or restriction of a license to practice as a speech-language
 155 pathologist assistant in another state, possession, or territory of the United States or foreign country.

156 **§ 54.1-2624. Grounds for revocation or suspension.**

157 The Board may revoke or suspend the license of any speech-language pathologist assistant for any of the
 158 causes set forth in § 54.1-2623, insofar as the action is applicable to practicing as a speech-language
 159 pathologist assistant.

160 **2. That § 54.1-2605 of the Code of Virginia is repealed.**

161 **3. That the provisions of the first and second enactments of this act shall become effective on July 1,
 162 2026.**

163 **4. That for any individual practicing as an assistant speech-language pathologist pursuant to §
 164 54.1-2605 of the Code of Virginia prior to the repeal of § 54.1-2605 of the Code of Virginia, the
 165 provisions of the first and second enactments of this act shall become effective on July 1, 2027.**

166 **5. That the Board of Audiology and Speech-Language Pathology's initial adoption of regulations
 167 necessary to implement the provisions of this act shall be exempt from the Administrative Process Act
 168 (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board of Audiology and Speech-Language
 169 Pathology shall provide an opportunity for public comment on the regulations prior to adoption of
 170 such regulations.**

171 **6. That the Board of Audiology and Speech-Language Pathology shall amend and promulgate
 172 regulations in accordance with this act by July 1, 2026.**