

SENATE BILL NO. 230

INTRODUCED BY D. WANZENRIED

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY LICENSING TO ALLOW FOR TELEPRACTICE; DEFINING THE SCOPE OF AND REQUIREMENTS FOR TELEPRACTICE; EXTENDING THE BOARD'S RULEMAKING AUTHORITY; AMENDING SECTIONS 37-15-102 AND 37-15-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-15-102, MCA, is amended to read:

"37-15-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Association" means the Montana speech-language and hearing association.

(2) "Audiologist" means a person who practices audiology and who meets the qualifications set forth in this chapter. A person represents to the public that the person is an audiologist by incorporating in any title or description of services or functions that the person directly or indirectly performs the words "audiologist", "audiology", "audiometrist", "audiometry", "audiological", "audiometrics", "hearing clinician", "hearing clinic", "hearing therapist", "hearing therapy", "hearing center", "hearing aid audiologist", or any similar title or description of services.

(3) "Audiology aide or assistant" means any person meeting the minimum requirements established by the board of speech-language pathologists and audiologists who works directly under the supervision of a licensed audiologist.

(4) "Board" means the board of speech-language pathologists and audiologists provided for in 2-15-1739.

(5) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(6) "Facilitator" means an individual who is physically present with the patient and facilitates telepractice at the direction of an audiologist or speech-language pathologist. A facilitator may be but is not limited to an audiology or speech-language pathology aide or assistant.

(7) "Patient" means a consumer of services from an audiologist or speech-language pathologist, including a consumer of those services provided through telepractice.

1 ~~(6)~~(8) "Practice of audiology" means nonmedical diagnosis, assessment, and treatment services relating
 2 to auditory and vestibular disorders as provided by board rule and includes the selling, dispensing, and fitting of
 3 hearing aids.

4 ~~(7)~~(9) "Practice of speech-language pathology" means nonmedical diagnosis, assessment, and
 5 treatment services relating to speech-language pathology as provided by board rule.

6 ~~(8)~~(10) "Speech-language pathologist" means a person who practices speech-language pathology and
 7 who meets the qualifications set forth in this chapter. A person represents to the public that the person is a
 8 speech-language pathologist by incorporating in any title or description of services or functions that the person
 9 directly or indirectly performs the words "speech pathologist", "speech pathology", "speech correctionist", "speech
 10 corrections", "speech therapist", "speech therapy", "speech clinician", "speech clinic", "language pathologist",
 11 "language pathology", "voice therapist", "voice therapy", "voice pathologist", "voice pathology", "logopedist",
 12 "logopedics", "communicologist", "communicology", "aphasiologist", "aphasiology", "phoniatriest", "language
 13 therapist", "language clinician", or any similar title or description of services or functions.

14 ~~(9)~~(11) "Speech-language pathology aide or assistant" means a person meeting the minimum
 15 requirements established by the board who works directly under the supervision of a licensed speech-language
 16 pathologist.

17 (12) "Telepractice" means the practice of audiology or speech-language pathology by an audiologist or
 18 speech-language pathologist at a distance through any means, method, device, or instrumentality for the
 19 purposes of assessment, intervention, and consultation."

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21 **Section 2.** Section 37-15-202, MCA, is amended to read:

22 **"37-15-202. Powers and duties of board and department.** (1) The board shall:

23 (a) administer, coordinate, and enforce the provisions of this chapter;

24 (b) evaluate the qualifications of each applicant for a license as issued under this chapter and supervise
 25 the examination of applicants;

26 (c) conduct hearings and keep records and minutes as the board considers necessary to an orderly
 27 dispatch of business;

28 (d) adopt rules, including but not limited to those governing ethical standards of practice or standards
 29 for telepractice under this chapter;

30 (e) make recommendations to the governor and other state officials regarding new and revised programs

1 and legislation related to speech-language pathology or audiology which could be beneficial to the citizens of the
2 state of Montana;

3 (f) cause the prosecution and enjoinder of all persons violating this chapter, by the complaints of its
4 secretary filed with the county attorney in the county where the violation took place, and incur necessary
5 expenses ~~therefor~~ for the prosecution;

6 (g) adopt a seal by which the board shall authenticate its proceedings.

7 (2) Copies of the proceedings, records, and acts of the board, signed by the presiding officer or secretary
8 of the board and stamped with the seal, are prima facie evidence of the validity of the documents.

9 (3) The board may make rules ~~which~~ that are reasonable or necessary for the proper performance of
10 its duties and for the regulation of proceedings before it.

11 (4) The department may employ persons it considers necessary to carry out the provisions of this
12 chapter.

13 (5) The department shall prepare a report to the governor as required by law."
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15 NEW SECTION. **Section 3. Telepractice -- authorization -- licensure.** (1) An audiologist or
16 speech-language pathologist who is licensed under and meets the requirements of this chapter may engage in
17 telepractice in Montana without obtaining a separate or additional license from the board.

18 (2) Except as provided in 37-15-103, an audiologist or speech-language pathologist who is not a resident
19 of Montana and who is not licensed under this chapter may not provide services to patients in Montana through
20 telepractice without first obtaining a license from the board in accordance with this part.

21 (3) An audiology aide or assistant or a speech-language pathology aide or assistant may not engage
22 in telepractice. This section does not prohibit an audiology aide or assistant or a speech-language pathology aide
23 or assistant from serving as a facilitator.
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25 NEW SECTION. **Section 4. Scope of telepractice -- requirements.** (1) The quality of services
26 provided through telepractice must be equivalent to the quality of audiology or speech-language pathology
27 services that are provided in person and must conform to all existing state, federal, and institutional professional
28 standards, policies, and requirements for audiologists and speech-language pathologists.

29 (2) Technology used to provide telepractice, including but not limited to equipment, connectivity, software,
30 hardware, and network compatibility, must be appropriate for the service being delivered and must address the

1 unique needs of each patient. Audio and video quality utilized in telepractice must be sufficient to deliver services
2 that are equivalent to services that are provided in person. A person providing telepractice services is responsible
3 for calibrating clinical instruments in accordance with standard operating procedures and the manufacturer's
4 specifications.

5 (3) A person providing telepractice services shall comply with all state and federal laws, rules, and
6 regulations governing the maintenance of patient records, including maintaining patient confidentiality and
7 protecting sensitive patient data.

8 (4) A person providing telepractice services shall conduct an initial assessment of each patient's
9 candidacy for telepractice, including the patient's behavioral, physical, and cognitive abilities to participate in
10 services provided through telepractice. Telepractice may not be provided only through written correspondence.

11 (5) At a minimum, a person providing telepractice services shall provide a notice of telepractice services
12 to each patient and, if applicable, the patient's guardian, caregiver, or multidisciplinary team. The notification must
13 provide that a patient has the right to refuse telepractice services and has options for service delivery and must
14 include instructions on filing and resolving complaints.

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16 **NEW SECTION. Section 5. Codification instruction.** [Sections 3 and 4] are intended to be codified
17 as an integral part of Title 37, chapter 15, part 3, and the provisions of Title 37, chapter 15, part 3, apply to
18 [sections 3 and 4].

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20 **NEW SECTION. Section 6. Effective date.** [This act] is effective on passage and approval.

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