

HOUSE BILL 180

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO PROFESSIONAL LICENSURE; CREATING A NEW LICENSE FOR
SPEECH-LANGUAGE PATHOLOGY ASSISTANTS; REPEALING THE APPRENTICE
IN SPEECH AND LANGUAGE LICENSE; REPEALING SECTIONS 61-14B-3.1
AND 61-14B-15.1 NMSA 1978 (BEING LAWS 1999, CHAPTER 128,
SECTIONS 3 AND 8, AS AMENDED).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-14B-2 NMSA 1978 (being Laws 1996,
Chapter 57, Section 2, as amended) is amended to read:

"61-14B-2. DEFINITIONS.--As used in the Speech-Language
Pathology, Audiology and Hearing Aid Dispensing Practices Act:

~~[A. "apprentice" means a person working toward full
licensure in speech-language pathology who meets the
requirements for licensure as an apprentice in speech and
language pursuant to the Speech-Language Pathology, Audiology~~

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1 ~~and Hearing Aid Dispensing Practices Act;~~

2 ~~B.]~~ A. "appropriate supervisor" means a person
3 licensed pursuant to the provisions of the Speech-Language
4 Pathology, Audiology and Hearing Aid Dispensing Practices Act
5 who has a minimum of two years' experience as a speech-language
6 pathologist after the clinical fellowship year;

7 ~~[C.]~~ B. "auditory trainer" means a custom-fitted FM
8 amplifying instrument other than a hearing aid designed to
9 enhance signal-to-noise ratios;

10 ~~[D.]~~ C. "audiologist" means a person who engages in
11 the practice of audiology, who may or may not dispense hearing
12 aids and who meets the qualifications set forth in the Speech-
13 Language Pathology, Audiology and Hearing Aid Dispensing
14 Practices Act;

15 ~~[E.]~~ D. "bilingual-multicultural endorsement" means
16 an endorsement that is issued pursuant to the Speech-Language
17 Pathology, Audiology and Hearing Aid Dispensing Practices Act
18 to a qualified speech-language pathologist and that recognizes
19 the licensee's or applicant's demonstrated proficiency in the
20 use of languages other than English to provide speech-language
21 pathology services;

22 ~~[F.]~~ E. "board" means the speech-language
23 pathology, audiology and hearing aid dispensing practices
24 board;

25 ~~[G.]~~ F. "business location" means a permanent

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1 physical business location in New Mexico where records can be
2 examined and process served;

3 [H.] G. "certification by a national professional
4 association" means certification issued by a board-approved
5 national speech-language or hearing association;

6 [F.] H. "clinical fellow" means a person who has
7 completed all academic course work and practicum requirements
8 for a master's degree or the equivalent in speech-language
9 pathology and engages in the practice of speech-language
10 pathology as set forth in the provisions of the Speech-Language
11 Pathology, Audiology and Hearing Aid Dispensing Practices Act;

12 [J.] I. "clinical fellowship year" or "CFY" means
13 the time following the completion of all academic course work
14 and practicum requirements for a master's degree in speech-
15 language pathology and during which a clinical fellow is
16 working toward certification by a national professional
17 association;

18 [K.] J. "department" means the regulation and
19 licensing department;

20 K. "direct contact" means a level of supervision in
21 which a supervisor is able to provide immediate feedback to a
22 person that the supervisor is supervising;

23 L. "hearing aid" means a wearable instrument or
24 device designed or offered for the purpose of aiding or
25 compensating for impaired human hearing and any parts,

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1 attachments or accessories, including earmolds but excluding
2 batteries and cords;

3 M. "hearing aid dispenser" means a person other
4 than an audiologist or an otolaryngologist who is licensed to
5 sell, fit and service hearing aids pursuant to the Speech-
6 Language Pathology, Audiology and Hearing Aid Dispensing
7 Practices Act and maintains or occupies a permanent physical
8 business location in New Mexico where records can be examined
9 and process can be served;

10 N. "otolaryngologist" means a licensed physician
11 who has completed a recognized residency in otolaryngology and
12 is certified by the American board of otolaryngology;

13 O. "paraprofessional" means a person who provides
14 adjunct speech-pathology or audiology services under the direct
15 supervision of a licensed speech-language pathologist or
16 audiologist;

17 P. "practice of audiology" means the application of
18 principles, methods and procedures of measurement, testing,
19 appraisal, prognostication, aural rehabilitation, aural
20 habilitation, consultation, hearing aid selection and fitting,
21 counseling, instruction and research related to hearing and
22 disorders of hearing for the purpose of nonmedical diagnosis,
23 prevention, identification, amelioration or the modification of
24 communicative disorders involving speech, language auditory
25 function or other aberrant behavior related to hearing

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1 disorders;

2 Q. "practice of hearing aid dispensing" means the
3 behavioral measurement of human hearing for the purpose of the
4 selection and fitting of hearing aids or other rehabilitative
5 devices to ameliorate the dysfunction of hearing sensitivity;
6 this may include otoscopic inspection of the ear, fabrication
7 of ear impressions and earmolds, instruction, consultation and
8 counseling on the use and care of these instruments, medical
9 referral when appropriate and the analysis of function and
10 servicing of these instruments involving their modification or
11 adjustment;

12 R. "practice of speech-language pathology" means
13 the rendering or offering to render to individuals, groups,
14 organizations or the public any service in speech or language
15 pathology involving the nonmedical application of principles,
16 methods and procedures for the measurement, testing, diagnosis,
17 prognostication, counseling and instruction related to the
18 development and disorders of communications, speech, fluency,
19 voice, verbal and written language, auditory comprehension,
20 cognition, dysphagia, oral pharyngeal or laryngeal sensorimotor
21 competencies and treatment of persons requiring use of an
22 augmentative communication device for the purpose of nonmedical
23 diagnosing, preventing, treating and ameliorating such
24 disorders and conditions in individuals and groups of
25 individuals;

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1 S. "repetitive, mechanical or routine tasks" means
2 tasks that are simple, predictable or rote and do not require
3 the expertise of a speech-language pathologist to administer.
4 These activities are essential for maintaining consistency and
5 effectiveness in therapy services provided by speech-language
6 pathologists. "Repetitive, mechanical or routine tasks"
7 includes implementing routine therapy sessions, recording and
8 documenting data, preparing therapy materials and setting up
9 clean environments;

10 [~~S.~~] T. "screening" means a pass-fail procedure to
11 identify individuals who may require further assessment in the
12 areas of speech-language pathology, audiology or hearing aid
13 dispensing;

14 [~~F.~~] U. "speech-language pathologist" means a
15 person who engages in the practice of speech-language pathology
16 and who meets the qualifications set forth in the Speech-
17 Language Pathology, Audiology and Hearing Aid Dispensing
18 Practices Act;

19 V. "speech-language pathology assistant" means a
20 person who assists in the practice of speech-language pathology
21 and meets the qualifications set forth in the Speech-Language
22 Pathology, Audiology and Hearing Aid Dispensing Practices Act;

23 [~~U.~~] W. "sponsor" means a licensed hearing aid
24 dispenser, audiologist or otolaryngologist who has an
25 endorsement to dispense hearing aids and:

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1 (1) is employed in the same business location
2 where the trainee is being trained; and

3 (2) has been actively engaged in the
4 dispensing of hearing aids during three of the past five years;

5 [V-] X. "student" means a person who is a full- or
6 part-time student enrolled in an accredited college or
7 university program in speech-language pathology, audiology or
8 communicative disorders;

9 [W-] Y. "supervisor" means a speech-language
10 pathologist or audiologist licensed pursuant to the provisions
11 of the Speech-Language Pathology, Audiology and Hearing Aid
12 Dispensing Practices Act who provides supervision in the area
13 of speech-language pathology or audiology; and

14 [X-] Z. "trainee" means a person working toward
15 full licensure as a hearing aid dispenser under the direct
16 supervision of a sponsor."

17 SECTION 2. A new section of the Speech-Language
18 Pathology, Audiology and Hearing Aid Dispensing Practices Act,
19 Section 61-14B-3.3 NMSA 1978, is enacted to read:

20 "61-14B-3.3. [NEW MATERIAL] SCOPE OF PRACTICE--SPEECH-
21 LANGUAGE PATHOLOGY ASSISTANT.--

22 A. The scope of practice for a speech-language
23 pathology assistant is to assist a speech-language pathologist
24 with administrative, clinically related and clinical tasks that
25 are planned, selected, directed or designed by the speech-

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1 language pathology assistant's appropriate supervisor. The
2 appropriate supervisor of a speech-language pathology assistant
3 may delegate to a speech-language pathology assistant certain
4 repetitive, mechanical or routine tasks that fall within the
5 scope of the practice of speech-language pathology. The
6 appropriate supervisor of a speech-language pathology assistant
7 retains full legal and ethical responsibility for every patient
8 to whom the speech-language pathology assistant provides
9 services. The scope of practice for a speech-language
10 pathology assistant may include:

11 (1) providing clerical, administrative,
12 prevention, advocacy and clinically related support to a
13 supervising speech-language pathologist;

14 (2) at the discretion of the supervising
15 speech-language pathologist, assisting with or conducting
16 speech, language and hearing screenings without providing
17 clinical interpretation;

18 (3) documenting a patient's performance and
19 reporting the information to the supervising speech-language
20 pathologist;

21 (4) assisting a supervising speech-language
22 pathologist in the provision of services to a patient who
23 speaks a language other than English, if the speech-language
24 pathology assistant has demonstrated competency in the language
25 the patient speaks;

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1 (5) programming and providing instruction in
2 the use of augmentative and alternative communication devices;

3 (6) providing guidance and treatment via
4 telepractice to students who are selected by an appropriate
5 supervisor; and

6 (7) assisting and supporting an appropriate
7 supervisor during feeding and swallowing evaluations and
8 treatments.

9 B. A speech-language pathology assistant shall not:

10 (1) represent the speech-language pathology
11 assistant's self as a speech-language pathologist;

12 (2) disclose clinical or confidential
13 information either orally or in writing to anyone other than
14 the supervising speech-language pathologist, unless otherwise
15 mandated by law;

16 (3) perform or interpret diagnostic tests,
17 instrumental dysphagia exams, feeding assessments or swallowing
18 assessments or strategies;

19 (4) write, develop or modify a patient's
20 treatment plan;

21 (5) provide interpretative information to a
22 patient or a patient's family regarding the patient's status or
23 services;

24 (6) select patients or plan treatment
25 sessions;

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1 (7) design or select augmentative or
2 alternative communication systems or devices;

3 (8) treat medically fragile patients
4 independently;

5 (9) discharge a patient from therapy services;
6 or

7 (10) make referrals for additional service.

8 C. The board shall promulgate rules to outline the
9 types of procedures that a speech-language pathology assistant
10 may or may not perform under the supervision of an appropriate
11 supervisor.

12 D. For the purposes of this section, "medically
13 fragile patient" means a person who has a chronic physical
14 condition that results in a prolonged dependency on medical
15 care for which daily skilled nursing intervention is medically
16 necessary."

17 SECTION 3. A new section of the Speech-Language
18 Pathology, Audiology and Hearing Aid Dispensing Practices Act,
19 Section 61-14B-15.2 NMSA 1978, is enacted to read:

20 "61-14B-15.2. [NEW MATERIAL] REQUIREMENTS FOR LICENSURE--
21 SPEECH-LANGUAGE PATHOLOGY ASSISTANT.--A license to practice as
22 a speech-language pathology assistant shall be issued by the
23 board to a person who files a completed application, pays the
24 required fees and submits documentation and evidence to
25 demonstrate that the person has met either of the following

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1 sets of educational, supervisory and employment requirements:

2 A. completion:

3 (1) of a nationally recognized speech-language
4 pathology assistant educational program that is accredited by a
5 nationally recognized speech-language-hearing association;

6 (2) and passage of a nationally recognized
7 standard examination for speech-language pathology assistant
8 verification; and

9 (3) of at least one hundred supervised
10 clinical hours under the supervision of a certified speech-
11 language pathologist; or

12 B. active certification as a speech-language
13 pathology assistant from a nationally recognized certification
14 body and proof of passage of a state jurisprudence exam for
15 speech-language pathology assistants."

16 SECTION 4. A new section of the Speech-Language
17 Pathology, Audiology and Hearing Aid Dispensing Practices Act,
18 Section 61-14B-15.3 NMSA 1978, is enacted to read:

19 "61-14B-15.3. [NEW MATERIAL] SPEECH-LANGUAGE PATHOLOGY
20 ASSISTANT SUPERVISION REQUIREMENTS.--

21 A. A speech-language pathology assistant shall be
22 supervised by an appropriate supervisor who:

23 (1) has consented in writing to supervise the
24 speech-language pathology assistant;

25 (2) is licensed pursuant to the Speech-

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1 Language Pathology, Audiology and Hearing Aid Dispensing
2 Practices Act; and

3 (3) has completed a minimum of two hours of
4 board-approved training in clinical instruction and
5 supervision.

6 B. An appropriate supervisor shall:

7 (1) provide supervision to no more than two
8 full-time or three part-time speech-language pathology
9 assistants;

10 (2) be responsible for an entire caseload and
11 workload. The appropriate supervisor shall ensure that the
12 speech-language pathology assistant does not have an individual
13 caseload or workload that is separate from the appropriate
14 supervisor's;

15 (3) be present for the first and last contact
16 with each patient;

17 (4) provide a level of supervision necessary
18 for each situation, based on the:

19 (a) competencies, skills and experience
20 of the speech-language pathology assistant;

21 (b) needs of the patient being served;

22 and

23 (c) service setting; and

24 (5) provide direct contact to speech-language
25 pathology assistants when a speech-language pathology assistant

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1 is providing services to a patient that are not repetitive,
2 mechanical or routine tasks."

3 SECTION 5. Section 61-14B-16.1 NMSA 1978 (being Laws
4 2022, Chapter 39, Section 63) is amended to read:

5 "61-14B-16.1. EXPEDITED LICENSURE.--

6 A. The board shall issue an expedited license
7 without examination to a speech-language pathologist, speech-
8 language pathology assistant, audiologist or hearing aid
9 dispenser licensed in another licensing jurisdiction in
10 accordance with Section 61-1-31.1 NMSA 1978. The board shall
11 issue the expedited license as soon as practicable but no later
12 than thirty days after the person files an application with the
13 required fees and demonstrates that the person holds a valid,
14 unrestricted license and is in good standing with the licensing
15 board in the other licensing jurisdiction. If the board issues
16 an expedited license to a person whose prior licensing
17 jurisdiction did not require examination, the board may require
18 the person to pass an examination before license renewal.

19 B. The board by rule shall determine the states and
20 territories of the United States and the District of Columbia
21 from which it will not accept an applicant for expedited
22 licensure and determine any foreign countries from which it
23 will accept an applicant for expedited licensure. The board
24 shall post the lists of disapproved and approved licensing
25 jurisdictions on its website. The list of disapproved

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1 licensing jurisdictions shall include specific reasons for
2 disapproval. The lists shall be reviewed annually to determine
3 if amendments to the rule are warranted."

4 SECTION 6. Section 61-14B-19 NMSA 1978 (being Laws 1996,
5 Chapter 57, Section 19, as amended) is amended to read:

6 "61-14B-19. LICENSE RENEWAL.--

7 A. Each licensee shall renew the licensee's license
8 biennially by submitting a renewal application as provided for
9 in the board's regulations. The board may require proof of
10 continuing education as a requirement for renewal. The board
11 may establish a method to provide for staggered biennial terms.
12 The board may authorize license renewal for one year to
13 establish the renewal cycle.

14 B. A sixty-day grace period shall be allowed to
15 each licensee after each licensing period. A license may be
16 renewed during the grace period upon payment of a renewal fee
17 and a late fee as prescribed by the board.

18 C. Any license not renewed by the end of the grace
19 period will be considered expired and the licensee shall not be
20 eligible to practice within the state until the license is
21 renewed. The board shall develop rules regarding requirements
22 for renewal of an expired license and may require the licensee
23 to reapply as a new applicant.

24 D. Clinical fellow licenses may be renewed annually
25 for no more than three years; provided the clinical fellow has

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1 submitted evidence of passing a recognized standard national
2 examination in speech-language pathology prior to or within the
3 clinical fellow's second year of the CFY. The CFY license
4 shall not be renewed for a second year without evidence of
5 passing a recognized standard national examination in speech-
6 language pathology.

7 ~~[E. An apprentice in speech-language pathology~~
8 ~~shall renew the apprentice's license annually; provided that~~
9 ~~the apprentice is accepted into a master's-level program in~~
10 ~~speech-language pathology or communicative disorders within two~~
11 ~~years of initial licensing.~~

12 ~~F.]~~ E. The board may issue rules providing for
13 inactive status of licenses."

14 SECTION 7. Section 61-14B-20 NMSA 1978 (being Laws 1996,
15 Chapter 57, Section 20, as amended) is amended to read:

16 "61-14B-20. FEES.--Except as provided in Section 61-1-34
17 NMSA 1978, the board shall establish a schedule of reasonable
18 fees for applications, licenses, renewal of licenses, exams,
19 penalties and administrative fees. The license and license
20 renewal fees shall not exceed:

21 A. one hundred dollars (\$100) for clinical fellows
22 and ~~[apprentices in speech and language]~~ speech-language
23 pathology assistants;

24 B. two hundred dollars (\$200) for audiologists or
25 speech-language pathologists;

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- 1 C. six hundred dollars (\$600) for hearing aid
- 2 dispensers;
- 3 D. four hundred dollars (\$400) for examinations;
- 4 E. one hundred dollars (\$100) for late renewal
- 5 fees;
- 6 F. four hundred dollars (\$400) for hearing aid
- 7 dispensing endorsement;
- 8 G. five hundred dollars (\$500) for a hearing aid
- 9 dispenser trainee license, which fee includes examination, both
- 10 written and practical;
- 11 H. one hundred dollars (\$100) for bilingual-
- 12 multicultural endorsement; and
- 13 I. reasonable administrative fees."

14 SECTION 8. REPEAL.--Sections 61-14B-3.1 and 61-14B-15.1
15 NMSA 1978 (being Laws 1999, Chapter 128, Sections 3 and 8, as
16 amended) are repealed.