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FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/19

SPONSOR SPAC LAST UPDATED _____ HB _____

SHORT TITLE Speech & Language Pathology Assistant Changes SB 363/SPACS

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)
 Human Services Department (HSD)
 Children, Youth and Families Department (CYFD)
 Public Education Department (PED)

SUMMARY

Synopsis of Bill

The Senate Public Affairs Committee Substitute for Senate Bill 363 establishes licensure for a new category of professional, a speech-language pathology assistant in addition to other categories of licensed speech and language personnel. It establishes criteria for licensure of the speech-language pathology assistant (SLPA), the conditions under which she/he would need to be supervised, and continuing education requirements.

Sections of the bill and their provisions are as indicated in the table below under “Significant Issues.”

FISCAL IMPLICATIONS

No appropriation is made; no fiscal implications are expected.

SIGNIFICANT ISSUES

Sections of the bill and their provisions are summarized below:

Section of SB 363	Section of NMSA 1978 Modified	Provisions and Changes
1	61-14B-2: Definitions	“Direct supervision” defined as on-site guidance by a supervisor; “indirect supervision” refers to overall direction by the supervisor, possibly at a distance. “Speech-language pathology assistant” defined as one meeting the act’s qualifications. “Supervisor” in the act refers to a nationally-certified supervisor in speech-language pathology or audiology.
2	New 61-14B-15.2: Scope of Practice	New section to indicate activities planned, selected or designed by the supervisor. These would include tasks within the SLPA’s education. The SLPA is given a choice of many terms for self-identification.
3	61-14B-15.1: Licensure	Licenses for SLPAs are to be issued to a person who has applied and paid fees, demonstrates competence in the field, met one of several possible educational accomplishments outlined, and has completed or is completing 100 hours of directly-supervised field experience. This must be completed within a year of licensure, or the licensure will be terminated.
4	61-14B-19: License Renewal	Licenses must be renewed every two years, at which time the fee, the re-application papers, and certification that the applicant has completed 20 hours of continuing education over that time must be presented.
5	61-14B-20: Fees	The license fee for SLPAs is set at no more than \$100.
6	New	The supervisor must be licensed and have a national credential. She/he can supervise no more than two SLPAs at a time. At least 50 percent of the supervision must be direct; i.e., in person. Direct supervision must be provided in the care of medically fragile persons or in performing tasks the SLPA has never done before. Criteria allowing indirect supervision are also specified.
7	Effective Date	Set as January 1, 2020

RLD pointed out, with regard to the original bill, that the transition from “apprentice” to SLPA involved moving from a temporary (no more than five years) licensure to a permanent one, saying that:

Under SB 363, the proposed SLPA license (SB 363) is a permanent license, with appropriate educational requirements, supervision requirements, and scope of practice limitations. There is an influx of SLPA para-professionals who are currently moving to or living in New Mexico who wish to work with individuals with communication disorders, and who are unable to obtain permanent licenses because no such license

exists. New Mexico has consistently had, and continues to have, a need for SLPAs with permanent paraprofessional licenses, and many jobs go unfilled and consumers have no services, due to lack of qualified and licensed individuals. The professions of physical therapy and occupational therapy have permanent paraprofessional licenses (PTA and COTA); the national governing organization of the American Speech Language Pathology Association (ASHA) is supportive of the permanent licensure and has written guidelines for best practices for SLPAs and it is anticipated that they will be offering a certification of this paraprofessional category in the near future. All individuals with an ASL licensure should qualify for the SLPA license, and the category of (temporary licensure of) ASL will be replaced with the permanent paraprofessional license SLPA.

The committee substitute addresses this issue by retaining the category of professional known as apprentice in speech and language.

TECHNICAL ISSUES

PED comments on changes that might be considered: “One concern is that it appears the bill is trying to be in line with American Speech-Language-Hearing Association (ASHA). However, the language on page 10 (4a through 4c) is not quite the same as ASHA and is a bit confusing. Removing 4a may be appropriate because this aligns with apprentices not assistants. [this has been addressed in the committee substitute] ASHA requires that 100 hours of clinical be completed before being employed as SLP-A. This bill indicates that a license could do this concurrently while working. It is also unclear what the certificate is referring to in 4b. Section 6b – supervisory requirements do not match ASHA. This bill is more restrictive. This bill does not go far enough in outlining the scope of practice for an SLP-A.”

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

New Mexico might not be able to attract qualified speech-language pathology assistants to a temporary “apprentice” position.

LAC/sb