

## CHAPTER 20:79:01

### QUALIFICATIONS AND APPLICATION FOR LICENSURE

#### Section

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**20:79:01:01. Definitions.** Words and phrases defined in SDCL 36-37-1 and 36-37-2 have the same meaning when used in this article. ~~Terms used in these rules mean:~~

(1) ~~"American Speech Language Hearing Association," (ASHA) the professional, scientific, and credentialing association for members and affiliates who are audiologists, speech language pathologists and, speech, language, and hearing scientists;~~

~~(2) "Board," the South Dakota Board of Examiners for Speech Language Pathology;~~

~~(3) "Direct supervision," on site, in view observation including live video conferencing and guidance by a speech language pathologist while an assigned activity is performed by an assistant. This can include the supervising speech language pathologist viewing and communicating with the speech language pathology assistant via telecommunication technology as the speech language pathology assistant provides clinical services, because this allows the speech language pathologist to provide ongoing immediate feedback. Direct supervision does not include reviewing a taped session at a later time;~~

~~(4) "Indirect supervision," any activity other than by direct observation and guidance, conducted by a speech language pathologist, that may include methods such as audio recordings, videotape recordings, telephone communications, conferences, and review of data;~~

~~(5) "Limited license," the license issued to a speech language pathologist serving a birth to twenty one population of birth to 21 years of age in an educational setting and addressing disorders of communications;~~

~~(6) "Provisional license," the license issued to an applicant who is practicing speech pathology while completing the supervised postgraduate professional experience following completion of a master's degree in speech language pathology;~~

~~(7) "Speech language pathologist," any person who engages in the practice of speech language pathology and who meets the qualifications set forth in this chapter;~~

~~(8) "Speech language pathology assistant," any person who assists in the practice of speech language pathology and who meets the qualifications set forth in this chapter;~~

~~(9) "Telepractice," "telespeech," "telespeech language pathology," or "telehealth," the application of telecommunication technology to deliver speech language pathology at a distance for assessment, intervention, or consultation.~~

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-1, 36-37-2.

**20:79:01:02. ~~Application forms~~ Incomplete application.** ~~Applications shall be made on a form provided by the board~~ A licensure application deemed incomplete by Board staff must be completed within one year from the date received by the board, or the board must consider it withdrawn.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-4, 36-37-12(15), 36-37-14(1), 36-37-15(1), 36-37-17(2), 36-37-18(1), 36-37-18.1(1).

**20:79:01:03. Information required.** ~~The board shall determine qualification for licensure based on information given on the application form and on any additional information the board considers necessary for clarification of submitted material. Any person seeking licensure must include with the application the following information:~~

- ~~(1) Type of biennial license;~~
- ~~(2) Name, mailing address, social security number, telephone number, and date of birth of applicant;~~
- ~~(3) Name of employer, address, telephone number, and past employment history, if applicable;~~
- ~~(4) If not ASHA certified, the name of current and postgraduate supervisor, license number, telephone number, and address;~~
- ~~(5) A copy of Department of Education speech language pathologist certificate (if applicable as a bachelors level speech language pathologist);~~

~~(6) Name and location of any college or university attended, including postgraduate (provide official transcripts of highest degree obtained);~~

~~(7) If not ASHA certified, record of supervised postgraduate professional experience;~~

~~(8) If not ASHA certified, signed releases of information for state boards and current and past supervisors and employers; and~~

~~(9) If not ASHA certified, evidence of passing the Praxis examination, if required Repealed.~~

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** ~~SDCL 36-37-14.~~

**Law Implemented:** ~~SDCL 36-37-4, 36-37-12, 36-37-14, 36-37-15, 36-37-16, 36-37-17, 36-17-18.~~

**20:79:01:05. Fees.** ~~Application fees for a biennial license shall be remitted to the board in the form of a cashier's check, personal check, certified check, or money order made payable to the South Dakota Board of Examiners for Speech Language Pathology. The board may not take any action on any application for license until the fee is received Repealed.~~

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** ~~SDCL 36-37-12.~~

**Law Implemented:** ~~SDCL 36-37-12.~~

**20:79:01:06. Fee schedule for applications.** The application fee for licensure is as follows:

(1) Speech-language pathologist license, ~~\$100~~ one hundred dollars;

(2) Provisional license, ~~\$100~~ one hundred dollars;

(3) Limited license, ~~\$100~~ one hundred dollars; and

(4) Speech-language pathologist pathology assistant license, ~~\$100~~ one hundred dollars.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-4, 36-37-12(15), 36-37-14, 36-37-15, 36-37-17, 36-37-18, 36-37-18.1.

**20:79:01:07. Fee schedule for licensure.** The licensure fee for a biennial license is as follows:

- (1) Speech-language pathologist license, ~~\$150~~ one hundred and fifty dollars;
- (2) Provisional license, ~~\$150~~ one hundred and fifty dollars;
- (3) Limited license, ~~\$150~~ one hundred and fifty dollars; and
- (4) Speech-language pathologist pathology assistant license, ~~\$100~~ one hundred dollars.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12(3).

**20:79:01:08. No reimbursement before expiration of license.** ~~The board may not reimburse a licensee for any fees paid if the licensee applies for a different state license issued by the board prior to the expiration of the license presently held by the licensee~~ Repealed.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** ~~SDCL 36-37-12.~~

**Law Implemented:** ~~SDCL 36-37-12.~~

**20:79:01:09. No refund refunds for license or application fee fees.** ~~The board may not refund license or application fees to licensees or applicants~~ All fees paid to the board are non-refundable.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12(3).

**20:79:01:10. Certificates.** ~~Upon approval of licensure by the board, the board shall issue to the licensee a certificate of licensure and a license number for display~~ Repealed.

**Source:** 39 SDR 220, effective June 27, 2013.

~~**General Authority:** SDCL 36-37-12.~~

~~**Law Implemented:** SDCL 36-37-12.~~

**20:79:01:12. Verification of licensure for the public.** ~~The board shall supply verification of licensure status of any speech-language pathology service provider licensed by the board to any person or organization requesting it~~ Repealed.

**Source:** 39 SDR 220, effective June 27, 2013.

~~**General Authority:** SDCL 36-37-12.~~

~~**Law Implemented:** SDCL 36-37-12.~~

**20:79:01:15. Supervision of speech-language pathologist provisional licensee.** A supervised postgraduate professional experience, as referenced in SDCL 36-37-14(5), comprises three segments. Each segment requires the supervisor provide six hours of direct observation of the provisional licensee and six hours of indirect observation of the provisional licensee. If a provisional licensee has more than one supervisor, the supervisors must coordinate to collectively complete the provisional licensee's observation hours.

**Source:**

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-14(5), 36-37-17.

**Example:** Indirect observation includes reviewing diagnostic reports, treatment records, and treatment plans; monitoring participation in case conferences and professional meetings; and evaluations through consultation with colleagues, clients, or client families.

**20:79:02:03. License renewal fees.** Fees for biennial renewal of a license are as follows:

- (1) Speech-language pathologist, ~~\$150~~ one hundred and fifty dollars;
- (2) Provisional license, ~~\$150~~ one hundred and fifty dollars;
- (3) Limited license, ~~\$150~~ one hundred and fifty dollars; and
- (4) Speech-language pathologist pathology assistant, ~~\$100~~ one hundred dollars.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12, 36-37-17.

**Law Implemented:** SDCL 36-37-4, 36-37-12(3), 36-37-17, 36-37-19(3).

**20:79:02:05. Continuing education.** ~~All licensees~~ To be eligible for renewal, a licensee must complete at least twenty contact credit hours or 2.0 units of continuing education for each two-year renewal period. One unit of continued continuing education is equal to one ten credit-hour hours. A one-credit college course is equal to 1.5 units. ~~Continued~~ Continuing education may be completed through the American Speech-Language-Hearing Association (ASHA), ~~ASHA-approved~~ ASHA-approved providers, or any formal education courses or presentations in which the objectives relate to the theory or clinical application of theory pertaining to the practice of speech-language pathology.

The board retains final authority for acceptance of any continuing education submissions by the a licensee to meet the continuing education requirement for competency in the field of speech-language pathology. ~~Other non-ASHA courses may be applicable and considered by the board.~~

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12(15), 36-37-21(7).

## CHAPTER 20:79:04

### SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

#### Section

- 20:79:04:01 Responsibilities within the scope for speech-language pathology assistants.
- 20:79:04:02 Responsibilities outside the scope for speech-language pathology assistants.
- 20:79:04:03 Supervision of speech-language pathology assistants.
- 20:79:04:04 Record of supervision.
- 20:79:04:05 Documentation required for supervision.
- 20:79:04:06 License of supervisor, Repealed.

#### **20:79:04:01. Responsibilities within the scope for speech-language pathology assistants.**

A licensed speech-language pathology assistant, who has demonstrated competency, may perform the following ~~duties~~ under ~~direct~~ the supervision of a ~~licensed~~ speech-language pathologist:

- (1) Administer and score speech, language, and hearing ~~screenings~~ screening tools, speech and language assessment tools, and speech and language monitoring tools without clinical interpretation;
- (2) Assist with informal documentation ~~such as notes~~ for the supervising speech-language pathologist to use, prepare materials, and assist with other duties ~~as directed by the supervising speech-language pathologist~~ not prohibited by § 20:79:04:02;
- (3) ~~Follow~~ Implement documented ~~treatment~~ care plans or protocols developed by the supervising speech-language pathologist;



(4) Provide direct client services to address treatment goals as developed by the supervising speech-language pathologist;

~~(5)~~ Document client performance ~~through tallying data for the SLP to use, by~~ preparing charts, records, and graphs, and report ~~this~~ the information to the supervising speech-language pathologist;

~~(5)~~~~(6)~~ Perform simple checks and maintenance on equipment;

~~(6)~~~~(7)~~ Assist the supervising speech-language pathologist during assessment of clients, ~~excluding administration, and~~ interpretation;

~~(7)~~~~(8)~~ Support the supervising speech-language pathologist in research projects, development of training materials, in-service training, and public relations programs;

~~(8)~~~~(9)~~ Assist with scheduling, record keeping, and safety and maintenance of supplies and equipment;

~~(9)~~ ~~Exhibit compliance with regulations, confidentiality policies, reimbursement requirements, and speech language pathology assistant's job responsibilities as assigned by the supervising speech language pathologist;~~

(10) Program and provide instruction ~~in~~ on the use of augmentative and alternative communication ~~devices~~ services by developing low-tech augmentative and alternative communication materials, programming devices, and providing training and technical assistance on the use of devices, as directed by the supervising speech-language pathologist;

(11) Demonstrate or share information with ~~patient's families~~ a client's caregiver and staff regarding ~~established feeding strategies, without bolus~~ and swallowing plans as developed and directed by the supervising speech-language pathologist; ~~and~~

(12) Provide guidance and treatment via telepractice to ~~students, patients, and~~ clients who are selected by the supervising speech-language pathologist ~~as appropriate for this service delivery model;~~

(13) Provide caregiver coaching for facilitation of skills; and

(14) Share objective information regarding client performance to clients, caregivers, and staff, without interpretation or recommendation, as directed by the supervising speech-language pathologist.

A licensed speech-language pathology assistant shall comply with regulations, confidentiality policies, reimbursement requirements, and job responsibilities as assigned by the supervising speech-language pathologist.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-5(3)(c), 36-37-12(15), 36-37-18, 36-37-20.

**20:79:04:02. Responsibilities outside the scope for speech-language pathology assistants.**

A speech-language pathology assistant may not:

- (1) Perform any activity that violates § 20:79:06:04;
- (2) Represent ~~himself or herself~~ oneself as a speech-language pathologist;
- (3) ~~Administer or perform any standardized or nonstandardized diagnostic tests, formal or informal evaluations, swallow screenings checklist, or clinical interpretation of Interpret screening or test results;~~
- (4) Administer feeding and swallowing screenings, checklists, or test results;
- (5) Diagnose communication, feeding, or swallowing disorders;
- ~~(4)(6) Perform procedures that require a high level of clinical acumen and technical skill, vocal tract prosthesis shaping or fitting, vocal tract imaging and oral pharyngeal swallow therapy with bolus material;~~
- (5) ~~Tabulate or interpret results and observations of feeding and swallowing evaluations performed by speech language pathologists;~~

~~(6)~~(7) Participate in parent conferences, case conferences, or any interdisciplinary team without the presence or prior approval of the supervising speech-language pathologist ~~or a designated licensed speech-language pathologist~~;

~~(7)~~(8) Develop, write, or modify a ~~patient~~ or client's individualized ~~treatment~~ care plan in any way;

~~(8)~~(9) Provide client ~~or patient~~ counseling;

~~(9)~~(10) Provide interpretative information to the client, family caregiver, or ~~others~~ staff regarding the ~~client~~ client's status or service;

~~(10)~~(11) Sign or initial any formal document ~~such as treatment plans or reimbursement plans~~ without the co-signature of the supervising speech-language pathologist;

~~(11)~~(12) Assist ~~with~~ clients without following the individualized ~~treatment~~ care plan prepared by the supervising speech-language pathologist or without access to supervision by the supervising speech-language pathologist;

~~(12)~~(13) Select clients for services or make determinations regarding eligibility or qualification for services;

~~(13)~~(14) Discharge clients from services;

~~(14)~~(15) Make referrals for additional services;

~~(15)~~(16) Develop or determine the swallowing strategies or precautions for clients, ~~family caregivers~~, or staff;

~~(16)~~(17) Treat medically fragile clients ~~independently~~ without supervision; ~~and~~

~~(17)~~(18) Design or select augmentative and alternative communication systems or devices; or

(19) Disclose confidential information orally or in writing to anyone who has not been approved by the supervising speech-language pathologist to receive information, unless mandated by law.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-5(3)(c), 36-37-12(15), 36-37-18, 36-37-20.

**Examples:**

- (6) High level of clinical acumen and technical skill includes vocal tract prosthesis shaping or fitting, vocal tract imaging, and oral pharyngeal swallow therapy with bolus material.
- (11) Formal document includes treatment plans, reports, or reimbursement plans.

**20:79:04:03. Supervision of speech-language pathology assistants.** During the first 90 workdays as a speech language pathology assistant, ~~the supervising speech language pathologist shall provide supervision for at least 30 percent of the time each week, of which at least 20 percent must be direct supervision~~ two work weeks of supervising a speech-language pathology assistant, the supervising speech-language pathologist shall observe the speech-language pathology assistant performing direct and indirect services and develop a written supervision plan. The plan must include:

- (1) The date the plan was developed;
- (2) An assessment of the speech-language pathology assistant's skills;
- (3) The frequency, amount, and type of supervision to be provided to maintain the highest quality of services; and
- (4) Signatures of the speech-language pathologist and speech-language pathology assistant.

The supervising speech-language pathologist must complete a written review of the plan at least annually, or more frequently based on the speech-language pathology assistant's skills, needs of a client, or setting. The speech-language pathologist and speech-language pathology assistant are jointly responsible for ensuring the plan is implemented and for documenting all supervision activities.

~~The supervising speech-language pathologist shall initiate the first contact with every client and thereafter review data on every client seen by the speech-language pathology assistant weekly every two weeks. In addition, the direct supervision shall be scheduled so that all clients seen by the assistant are directly supervised. Each client must receive direct contact with the~~ The speech-language pathologist shall make direct contact with each client at least one session every two weeks once every sixty calendar days.

~~After 90 workdays, the amount of supervision can be adjusted if the supervising speech-language pathologist determines the speech-language pathologist assistant has met appropriate competencies and skill levels with a variety of communication and related disorders.~~

~~Minimum ongoing supervision must always include documentation of direct supervision provided by the speech-language pathologist and direct client contact at least every 60 calendar days.~~

~~A minimum of one hour of direct supervision weekly for full time speech language pathologist assistants and as much indirect supervision as needed to facilitate the delivery of quality services must be maintained. A minimum of two hours of direct supervision monthly for part time speech language pathologist assistants and as much indirect supervision as needed to facilitate the delivery of quality services must be maintained.~~ The supervising speech-language pathologist shall supervise the speech-language pathology assistant when the assistant is serving medically fragile clients. For purposes of this section, the term, medically fragile, includes any client who is acutely ill and in an unstable health condition.

A speech-language pathology assistant may not practice when a supervising speech-language pathologist is not available in-person or by telecommunication technology. If a supervising speech-language pathologist is no longer available to provide appropriate supervision, the speech-language pathology assistant may not perform assigned tasks until a new supervisor, meeting the requirements of SDCL 36-37-20, has been designated. If the supervising speech-language pathologist changes, the new supervising speech-language pathologist shall develop a new written supervision plan and

shall consult the previous supervisor to determine the appropriate supervision level based on the speech-language pathology assistant's knowledge, skills, experience, and demonstrated competency.

If a speech-language pathology assistant has more than one supervising speech-language pathologist, the supervisors must coordinate to collectively meet the requirements of this section.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-5(3)(c), 36-37-12(15), 36-37-18, 36-37-20.

**20:79:04:04. Record of supervision.** All supervision, ~~both direct and indirect~~, must be documented by either the speech-language pathology assistant or the supervising speech-language pathologist and signed by both.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-5(3)(c), 36-37-12(15), 36-37-18, 36-37-20.

**20:79:04:05. Documentation required for supervision.** The speech-language pathologist ~~pathology~~ assistant ~~shall~~ must submit a notarized form, prescribed by the board and signed by ~~both parties~~ the speech-language pathology assistant and the supervisor, to the board, before the speech-language pathology assistant practices, ~~explicitly indicating that the~~. The supervisor agrees shall agree to supervise the assistant and that the supervisor accepts and accept full and complete responsibility for that the assistant's professional practice, and shall confirm the agreement on the form.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-5(3)(c), 36-37-12(15), 36-17-18, 36-37-20.

**20:79:04:06. License of supervisor.** ~~A supervising speech language pathologist must have a valid South Dakota license as a speech language pathologist~~ Repealed.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL ~~36-37-12.~~

**Law Implemented:** SDCL ~~36-37-12, 36-37-20.~~

## CHAPTER 20:79:05

### PROCEDURE FOR SUSPENSION AND REVOCATION OF LICENSURE

#### Section

20:79:05:01 Review by the board, Repealed.

20:79:05:02 Initiation of suspension or revocation of licensure, Repealed.

20:79:05:03 Multiple respondents.

20:79:05:04 Information file.

20:79:05:05 Proceedings to conform to administrative procedures, Repealed.

20:79:05:06 Appeal from board rulings or decisions, Repealed.

**20:79:05:01. Review by the board.** ~~The board shall review alleged violations requiring disciplinary action in such a manner as the board, in its discretion, deems necessary and proper~~ Repealed.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL ~~36-37-12, 36-37-21.~~

**Law Implemented:** SDCL ~~36-37-12, 36-37-21, 36-37-23.~~

**20:79:05:02. Initiation of suspension or revocation of licensure.** ~~The board may initiate proceedings for suspension or revocation of a license when the board has information that any person may have been guilty of any misconduct as provided in SDCL 36-37-23 or is guilty of incompetence or unprofessional or dishonorable conduct~~ Repealed.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** ~~SDCL 36-37-12, 36-37-21.~~

**Law Implemented:** ~~SDCL 36-37-12, 36-37-21, 36-37-23.~~

**20:79:05:05. Proceedings to conform to administrative procedures.** ~~All proceedings relative to the suspension or revocation of a license shall otherwise conform to the procedure set forth in chapter 1-26~~ Repealed.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** ~~SDCL 36-37-12.~~

**Law Implemented:** ~~SDCL 36-37-12, 36-37-21, 36-37-22, 36-37-23, 36-37-24, 36-37-25.~~

**20:79:05:06. Appeal from board rulings or decisions.** ~~Any party feeling aggrieved by any acts, ruling or decision of the board relating to the refusal to grant, suspend or revoke a license shall have the right to appeal pursuant to chapter 1-26~~ Repealed.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** ~~SDCL 36-37-12.~~

**Law Implemented:** ~~SDCL 36-37-12, 36-37-21, 36-37-22, 36-37-23, 36-37-24, 36-37-25.~~

## CHAPTER 20:79:06



## SCHEDULE OF DISCIPLINARY ACTIONS.

- 20:79:06:01 Disciplinary actions, Repealed.
- 20:79:06:02 Determination of appropriate disciplinary action.
- 20:79:06:03 Additional information.
- 20:79:06:04 Rules of professional conduct.

**20:79:06:01. Disciplinary actions.** ~~The board may institute disciplinary actions for any violation of law or rule~~ Repealed.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** ~~SDCL 36-37-12.~~

**Law Implemented:** ~~SDCL 36-37-12, 36-37-21, 36-37-22, 36-37-23, 36-37-24.~~

**20:79:06:04. Rules of professional conduct.** Any licensee or applicant for licensure shall abide by the American Speech-Language-Hearing Association Code of Ethics, ~~2010~~ 2023.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12(3).

**Reference:** American Speech-Language-Hearing Association ~~(2010)~~ (2023). *Code of Ethics* ~~[Ethics]~~. Copies may be obtained from ~~http://www.asha.org/policy/ET2010-00309/#sect.1~~ https://www.asha.org/siteassets/publications/code-of-ethics-2023.pdf.