

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 870 Department or Agency Alabama Board of Examiners for Speech Language Pathology and Audiology

Rule No. 870-X-7-.05

Rule Title: Regulation of Telepractice

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of the regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the Purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Wanda C. Reed

Date 11-16-2020

REC'D & FILED
NOV 17 2020

(DATE FILED)
(STAMP) A-3

LEGISLATIVE SVC AGENCY

Alabama Board of Examiners for Speech-Language
Pathology and Audiology (ABESPA)

NOTICE OF INTENDED ACTION

Rule Number & Title: 870-X-7-.05
Regulation of Telepractice.

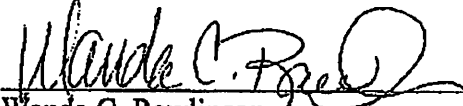
Intended Action: New rule

Substance of Amendment: ABESPA proposes a rule to update language in the rules.

Time, Place, Manner of Presenting Views: Interested person may present their views in writing to the Executive Secretary of the Board at abespa@abespa.alabama.gov at any time during the 45 day period following November 30, 2020. Any person who wishes to present his or her views orally at the public hearing may notify the Board in writing, before February 12, 2021 to P.O. Box 304760, Montgomery, AL 36130-4760. The public hearing will be held on February 12, 2021 at 400 South Union Street, 4th floor conference room, Montgomery, Alabama at 11:00 a.m.

Final Date for Comment and Completion of Notice: February 12, 2021

Contact Person at Agency: Wanda Rawlinson
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Email: abespa@abespa.alabama.gov


Wanda C. Rawlinson
Executive Secretary

been certified not to exceed the following sound pressure levels at the specified frequencies: 250Hz-40dB, 500Hz- 40dB, 750Hz-40dB, 1000Hz-40dB, 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB, and 8000Hz-67dB. An exception to this requirement shall be made in the case of a client who requests that the test be conducted in a place other than the licensee's testing room. When a test is conducted under this exception, the licensee shall obtain a written waiver from the client. The executed waiver shall be attached to the client's copy of the contract, and a copy of the executed waiver shall be retained in the licensee's file. The Board shall have the power to prescribe the minimum procedures and equipment necessary for fitting and selling hearing aids.

(h) Any licensee who fails to comply with the provisions of these rules or who otherwise violates provisions of Code of Alabama, 1975, §34-28A-25 in connection with the requirements of these rules or relating to any information to be maintained or submitted to the Board as provided for in these rules shall be, upon notice of hearing, subject to the penalties outlined in the Code of Alabama, 1975, Chapter 28A, §34-28A-26.

870-X-7-.05 Regulation of Telepractice. Telecommunications technology makes the provision of speech, language, and hearing services to clients who are located in a different site than the licensed professional. It is incumbent on the licensee to use astute professional judgement in deciding which professional services can be utilized via telepractice. In order to maintain the standard of care, certain services would not be well suited for telepractice.

(1) Telepractice is subject to the same standards of practice stated in 870-X-7-.01 through .04, as if the person being treated were physically present with the licensee. The quality of service provided to the patient through telepractice must be equivalent to the service obtained when the clinician is physically present with the patient.

(2) Telepractice should be administered in real time and in a manner sufficient to ensure patient confidentiality.

(3) Providers must hold a license in the State of Alabama unless there is a qualifying exemption as noted in Code of Alabama 1975, Section 34-28A-3: 870-X-2-.01 and shall be in compliance with the statutory and regulatory requirements of the patient site.

(4) Telepractice services may not be administered by assistants.

(5) Telepractice services may be provided by CFs in speech-language pathology and fourth year audiology interns in accordance with 870-X-2-.05.

- (6) Licensees are responsible for ensuring that both the provider site and the practice site are prepared adequately to ensure efficacious utilization of the therapeutic encounter.
- (7) Licensees and staff involved in telepractice should be trained in the use of telepractice equipment.
- (8) Notification of telepractice services shall be provided to the patient and guardian if the patient is a minor. The notification shall include the right to refuse telepractice services and options for alternate service delivery.

Authors: Richard Gresham, Richard S. Sweitzer, Denise P. Gibbs, Martha W. Paxton, Lissa Van Doorn, Robert L. Rane and, Mark Carroll

Statutory Authority: Code of Ala. 1975, §34-28A-42, et seq.

History: New Rule: Filed October 18, 1994; effective November 21, 1994; Filed June 20, 1997, Filed November 30, 2020.