

BEFORE THE BOARD OF SPEECH-LANGUAGE PATHOLOGISTS  
AND AUDIOLOGISTS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of )  
ARM 24.222.401, 24.222.509, and )  
24.222.904, the adoption of NEW )  
RULES I through IX, and the repeal of )  
ARM 24.222.301, 24.222.502, )  
24.222.504, 24.222.506, 24.222.510, )  
24.222.513, 24.222.520, 24.222.525, )  
24.222.701, 24.222.703, 24.222.706, )  
24.222.907, 24.222.910, 24.222.913, )  
24.222.916, 24.222.920, 24.222.2102, )  
and 24.222.2301, pertaining to the )  
board of speech-language )  
pathologists and audiologists )

TO: All Concerned Persons

1. On November 14, 2023, at 8:30 a.m., a public hearing will be held via remote conferencing to consider the proposed changes to the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting, <https://mt-gov.zoom.us/j/84486988365>  
Meeting ID: 844 8698 8365, Passcode: 678383

-OR-

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656  
Meeting ID: 844 8698 8365, Passcode: 678383

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on November 7, 2023, to advise us of the nature of the accommodation that you need. Please contact the department at P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-5466; Montana Relay 711; or e-mail [laborlegal@mt.gov](mailto:laborlegal@mt.gov).

3. GENERAL REASONABLE NECESSITY STATEMENT: The 2021 Montana Legislature enacted House Bill (HB) 210, an act providing for the licensure of speech-language pathology assistants or audiology assistants. The bill provided minimum licensure qualifications for assistants, including passage of a board-approved examination equal to or greater than generally accepted national standards. It was subsequently discovered that no national examination was available to Montana applicants. The board then sought vendors to develop an examination in two requests for proposal but received no responses. It was decided

to consider legislation in the 2023 session to eliminate the examination requirement and align assistants' licensure requirements with current national standards.

The 2023 Montana Legislature enacted Chapter 457, Laws of 2023 (Senate Bill (SB) 300), an act revising qualifications for licensure as speech-language pathology assistants or audiology assistants. The bill was signed by the Governor on May 8, 2023, and will be effective on January 1, 2024. The board is adopting two new rules and amending certain existing rules to implement the legislation by updating language and establishing licensure standards for assistants.

The 2023 Montana Legislature enacted Chapter 349, Laws of 2023 (SB 214), an act enacting the audiology and speech-language pathology interstate compact. The bill was signed by the Governor on May 2, 2023, and will be effective on October 1, 2023. The board is amending certain existing rules to implement the legislation and coordinate with the compact's statutory language.

The 2021 Montana Legislature enacted Chapter 497, Laws of 2021 (SB 357), an act that generally revised laws relating to the provision of telehealth services in Montana. The bill was signed by the Governor on May 12, 2021, and became effective October 1, 2021. The board is amending and repealing several rules to implement the bill.

In support of the Governor's Red Tape Relief Initiative, the Department of Labor and Industry (department) is conducting comprehensive reviews of the administrative rules of the professional licensing boards administratively attached to the department. This review focuses on updating rules to current standards and procedures, and eliminating unnecessary, redundant, and overburdensome regulations and those duplicated in statute. Other changes replace out-of-date terminology for current language and processes, and amend rules and catchphrases for accuracy, consistency, simplicity, better organization, and ease of use for customers and staff.

It is reasonably necessary to amend the authority and implementation citations to accurately reflect all statutes implemented through the rule, provide the complete sources of the board's rulemaking authority, and delete references to repealed statutes. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

4. The board is proposing to amend the following rules. The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.222.401 FEES (1) remains the same.

(2) Fees are:

(a) limited license (speech-language pathologist):

(i) application \$ ~~27~~ 25

(b) speech-language pathologist:

(i) application ~~192~~ 150

(ii) annual renewal of active license ~~140~~ 80

(iii) placement of license on inactive status ~~55~~ 40

(iv) annual renewal of inactive license ~~55~~ 40

(c) audiologist:

(i) application ~~492~~ 150

(ii) annual renewal of active license	140 <u>80</u>
(iii) placement of license on inactive status	<del>55</del> <u>40</u>
(iv) annual renewal of inactive license	<del>55</del> <u>40</u>
(d) speech-language pathologist and audiologist (dual license):	
(i) initial application	<del>192</del> <u>150</u>
(ii) annual renewal of active license	140 <u>80</u>
(iii) placement of license on inactive status	<del>55</del> <u>40</u>
(iv) annual renewal of inactive license	<del>55</del> <u>40</u>
<del>(e) aide or assistant annual registration</del>	<del>30</del>
(e) speech-language pathology or audiology assistant:	
<u>(i) application</u>	<u>50</u>
<u>(ii) annual renewal of active license</u>	<u>25</u>
<u>(iii) placement of license on inactive status</u>	<u>20</u>
<u>(iv) annual renewal of inactive license</u>	<u>20</u>
(3) remains the same.	

AUTH: 37-1-134, 37-15-202, MCA  
 IMP: 37-1-134, 37-1-141, 37-15-307, MCA

REASON: The board determined it is reasonably necessary to amend this rule to comply with the provisions of 37-1-134, MCA, and ensure that the board's fees related to its program area will provide the amount of money usually needed for the operation of the board for services. The board is also required to comply with 17-2-302 and 17-2-303, MCA, by not allowing the board's cash balance to exceed twice the annual appropriation amount. Therefore, the board is proposing these amendments to reduce application and renewal fees for all license types by 25%. This reduction will allow the board to gradually reduce its cash balance and stay in compliance with statutory requirements while ensuring adequate revenue to support board activities through the next biennium.

The board is also amending this rule to add application and renewal fees for speech-language pathology and audiology assistants to adequately fund the costs of implementing HB 210 (2021). The board estimates the fee reductions and new fees will affect approximately 1,223 licensees and applicants and result in a \$16,663 reduction in annual revenue.

24.222.509 SUPERVISED PROFESSIONAL EXPERIENCE (1) and (2) remain the same.

(3) "Professional experience supervisor" means the Montana licensed speech-language pathologist who supervises a Montana limited license holder during the required supervised professional experience. The supervisor must have:

- (a) a Montana license in good standing; and
- (b) been licensed for at least two years, excluding any period of licensure under a limited license.

~~(3) The limited licensee and professional experience supervisor must both notify the board ten days prior to any change in supervisor.~~

~~(4) Per ARM 24.222.2301, the supervisor may be subject to disciplinary action for failure to adequately supervise the limited licensee.~~

AUTH: 37-1-131, 37-15-202, 37-15-301, 37-15-303, MCA  
IMP: 37-1-131, 37-15-301, 37-15-303, MCA

REASON: The board is relocating the supervisor qualifications to this rule from ARM 24.222.301 which is proposed for repeal. It is reasonably necessary to strike the notification provision from this rule and move it to NEW RULE V that applies to multiple license types. The board is striking (4) as it is addressed in NEW RULE VIII.

24.222.904 PROVISION OF TELEPRACTICE TELEHEALTH SERVICES

~~(1) The provision of speech-language pathology or audiology services in this state through telepractice, regardless of the physical location of the speech-language pathologist or audiologist, constitutes the practice of speech-language pathology or audiology and is subject to state licensure requirements and regulation by the board.~~

(1) Licensees providing telehealth services must do so within the parameters of 37-2-305, 37-15-314, and 37-15-315, MCA, and board rules.

AUTH: 37-1-131, 37-15-202, MCA  
IMP: 37-1-131, 37-15-102, 37-15-202, 37-15-314, 37-15-315, MCA

REASON: It is reasonably necessary to amend this rule and repeal ARM 24.222.907, 24.222.910, 24.222.913, 24.222.916, and 24.222.920 to implement statutory changes from SB 357 in 2021 and avoid unnecessary duplication of statutory provisions in rule. The bill changed "telepractice" to "telehealth" and amended the statutes to provide adequate guidance on the methods of providing speech-language pathology and audiology services via telehealth.

5. The proposed new rules are as follows:

NEW RULE I SPEECH-LANGUAGE PATHOLOGIST AND AUDIOLOGIST LICENSURE – INITIAL APPLICANTS

(1) All speech-language pathologist and audiologist applicants for licensure must submit fingerprints to obtain a criminal background check per 37-15-402, MCA.

(2) Applicants for licensure through the Audiology and Speech-Language Pathology Interstate Compact with Montana as home state must meet licensure requirements per 37-15-401, MCA.

(3) Applicants for a Montana single-state speech-language pathologist license must:

(a) have a minimum of a master's degree in speech-language pathology or communication disorders from a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association or its equivalent;

(b) during the graduate degree program, have completed a supervised clinical practicum experience;

(c) following graduation from the post-graduate degree program, have completed a 36-week speech-language pathology supervised professional experience; and

(d) have passed the national Praxis examination in speech-language pathology or its equivalent.

(4) Applicants for a Montana single-state audiologist license must:

(a) have a minimum of a Doctor of Audiology degree (Au.D.) or a Ph.D. in audiology from a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association, Accreditation Commission for Audiology Education (ACAE), or equivalent; and

(b) have passed the national Praxis examination in audiology or its equivalent.

(5) An audiologist licensed prior to January 1, 2007, who maintains that license in good standing is not required to obtain a doctorate.

AUTH: 37-1-131, 37-15-202, 37-15-303, MCA

IMP: 37-1-131, 37-15-301, 37-15-303, 37-15-401, 37-15-402, MCA

REASON: The board is repealing ARM 24.222.502 and replacing it with this new rule to streamline and simplify for ease of use by the reader. The board is amending initial licensure requirements for speech-language pathologists and audiologists to implement SB 214. The changes will incorporate licensure by the Audiology and Speech-Language Pathology Interstate Compact (compact) and differentiate between compact and Montana single-state licensure. It is necessary to add the new requirement for all audiologist and speech-language pathologist applicants, compact and single-state, to pass a criminal background check, also per SB 214.

The board is striking language referring to specific forms of proof of meeting licensure requirements as they are adequately addressed in standard application procedures. ASHA certification (certificate of clinical competence) is a primary source verifactory that proves applicants meet the degree, examination, and supervised work experience requirements. Application staff will still check for ASHA certification, but it does not need to be specified in rule.

The board is repealing ARM 24.222.510 and incorporating the required licensure examinations into this rule for simplicity and ease of use.

The board is striking the application deadline language as this is addressed in standardized department application procedures.

NEW RULE II SPEECH-LANGUAGE PATHOLOGIST AND AUDIOLOGIST LICENSURE – OUT-OF-STATE APPLICANTS (1) Applicants for licensure as

speech-language pathologists or audiologists currently licensed in another state or jurisdiction must:

(a) hold a current, active license in good standing to practice speech-language pathology or audiology in a state or jurisdiction which standards at the time of application are substantially equivalent to Montana's standards; and

(b) submit fingerprints to obtain a criminal background check per 37-15-402, MCA.

(2) An audiologist currently licensed in another state or jurisdiction prior to January 1, 2007, will not be required to obtain a doctorate if the license was issued under standards substantially equivalent to current standards in Montana.

AUTH: 37-1-131, 37-15-202, MCA

IMP: 37-1-304, 37-15-402, MCA

REASON: The board is repealing ARM 24.222.506 and replacing it with this new rule to streamline and simplify for ease of use by the reader. The only new requirement is that of the criminal background check for all speech-language pathologist and audiologist applicants as required by SB 214.

The board is striking language referring to specific forms of proof of meeting licensure requirements as they are adequately addressed in standard application procedures. ASHA certification (certificate of clinical competence) is a primary source verifactory that proves applicants meet the degree, examination, and supervised work experience requirements. Application staff will still check for ASHA certification, but it does not need to be specified in rule.

The board is removing the application deadline language as this is addressed in standardized department application procedures.

NEW RULE III ASSISTANT LICENSURE – INITIAL APPLICANTS (1) To practice as a licensed speech-language pathology or audiology assistant in Montana, all assistants must have at least one Montana licensed practitioner of the same profession to supervise the assistant per 37-15-102, MCA.

(2) Speech-language pathology assistant applicants not currently licensed in another state or jurisdiction and who did not serve as unlicensed aides or assistants in Montana prior to January 1, 2024, must have either:

(a) a baccalaureate degree in speech-language pathology or communication sciences and disorders from an accredited institution; or

(b) a speech-language pathology assistant certificate or associate degree from an accredited institution.

(3) Speech-language pathology assistant applicants not currently licensed in another state or jurisdiction and who served as unlicensed aides or assistants in Montana prior to January 1, 2024, but do not meet the requirements in (2)(a) or (b) must have a minimum of 690 hours of practical experience under the supervision of a speech-language pathologist.

(4) Audiology assistant applicants not currently licensed in another state or jurisdiction and who did not serve as unlicensed aides or assistants in Montana prior to January 1, 2024, must have either:

(a) a baccalaureate degree in communication sciences and disorders from an accredited institution;

(b) an audiology assistant certificate or associate degree from an accredited institution; or

(c) a high school diploma or equivalent and a minimum of 10 hours of additional board-approved training in audiology.

(5) Audiology assistant applicants not currently licensed in another state or jurisdiction and who served as unlicensed aides or assistants in Montana prior to

January 1, 2024, but do not meet the requirements in (4)(a), (b), or (c) must have a minimum of 110 hours of practical experience under the supervision of an audiologist.

AUTH: 37-15-303, MCA  
IMP: 37-15-303, MCA

REASON: It is reasonably necessary to adopt this new rule to implement HB 210 (2021) and SB 300 (2023) providing for the licensing of speech-language pathology and audiology assistants. This new rule clearly sets forth the minimum qualifications for assistants obtaining initial licensure.

NEW RULE IV ASSISTANT LICENSURE – OUT-OF-STATE APPLICANTS

- (1) To practice as a licensed speech-language pathology or audiology assistant in Montana, all assistants must have at least one Montana licensed practitioner of the same profession to supervise the assistant per 37-15-102, MCA.
- (2) Applicants for speech-language pathology assistant and audiology assistant licensure currently licensed in another state or jurisdiction must hold a current, active license in good standing to practice as a speech-language pathology assistant or audiology assistant in a state or jurisdiction which standards at the time of application are substantially equivalent to Montana's standards.

AUTH: 37-1-131, 37-15-303, MCA  
IMP: 37-1-304, 37-15-303, MCA

REASON: It is reasonably necessary to adopt this new rule to implement HB 210 (2021) and SB 300 (2023) providing for the licensing of speech-language pathology and audiology assistants. This new rule clearly sets forth the minimum qualifications for assistant applicants holding licensure in other states.

NEW RULE V CHANGE OF SUPERVISOR (1) Speech-language pathology and audiology assistants must notify the board within ten days of any change in supervisor.

(2) Limited licensees and professional experience supervisors must both notify the board within ten days of any change in supervisor.

AUTH: 37-15-202, 37-15-301, MCA  
IMP: 37-15-102, 37-15-301, MCA

REASON: It is reasonably necessary to adopt this new rule to implement SB 300 (2023) by ensuring that the board is aware of current supervisors for all licensed speech-language pathology and audiology assistants.

The board is relocating similar language from ARM 24.222.509 to (2) regarding limited licensees and their supervisors.

NEW RULE VI INACTIVE LICENSE -- CONVERSION TO ACTIVE

- (1) Licenses may be placed on inactive status by paying the appropriate fee

and:

- (a) indicating inactive status on the renewal form; or
- (b) informing the board office in writing or e-mail.
- (2) Inactive licensees shall:
  - (a) renew annually; and
  - (b) inform the board of all address/contact changes.
- (3) Inactive status licensees may not practice in Montana.
- (4) To convert from inactive to active, a licensee must submit:
  - (a) documentation demonstrating completion of half the continuing education hours required in ARM 24.222.2102 for each year or portion of a year on inactive status;
  - (b) license verification from all jurisdictions where the licensee held a license while inactive, including a detailed explanation of all pending or final discipline imposed; and
  - (c) satisfactory evidence the applicant was not out of active practice for more than five years.

AUTH: 37-1-319, MCA

IMP: 37-1-319, MCA

REASON: The board is repealing ARM 24.222.513 and replacing it with this rewritten new rule to simplify and streamline the process for converting to and from inactive licensure. While most of the requirements remain the same, the board is striking the statement of intent to practice in Montana as unnecessary and unenforceable.

NEW RULE VII CONTINUING EDUCATION (1) Licensees must obtain the following continuing education (CE) hours annually, prior to renewal:

- (a) ten hours for speech-language pathology or audiology;
- (b) 15 hours for dual licensure in speech-language pathology and audiology, with at least five hours each in speech-language pathology and audiology; or
- (c) five hours for speech-language pathology or audiology assistants.
- (2) Continuing education requirements do not apply until a licensee's first full year of licensure.
- (3) Board/staff will not preapprove CE programs or sponsors. Licensees must select quality programs that:
  - (a) contribute to professional knowledge and competence;
  - (b) contain significant intellectual or practical content; and
  - (c) are germane to the licensed profession.
- (4) All licensees shall affirm an understanding of their recurring duty to comply with CE requirements as part of annual license renewal.
- (5) Licensees must maintain CE documentation and make the documentation available upon request. Documentation must include:
  - (a) licensee name;
  - (b) presenter or sponsor;
  - (c) course title and/or description of content;
  - (d) course date(s); and



(e) number of CE hours earned.

(6) Licensees found to be in noncompliance with CE requirements may be subject to administrative suspension. Licensees may not apply CE hours used to complete delinquent CE requirements for the next education reporting period.

(7) Any CE hours required by disciplinary order do not apply toward hours required annually.

(8) The department, with respect to any CE audit it performs, shall determine the percentage to audit based on a statistically relevant sampling of the total number of licensees and the compliance rate of past audits.

AUTH: 37-1-131, 37-1-319, MCA

IMP: 37-1-131, 37-1-306, MCA

REASON: The board is repealing ARM 24.222.2102 and replacing it with this new rule to simplify and standardize with procedures used by all licensing boards. Further, the board is adding minimal CE requirements for licensed speech-language pathology and audiology assistants.

The board is amending the CE standards in (3) to simplify and provide broader guidance as to acceptable CE content. The board is striking the general 50% maximum on random audits as it duplicates the language of 37-1-306, MCA. Since it is the department's audit unit that performs the random CE audits, the board is including (8) to clarify the numbers-based methodology of the random audits.

NEW RULE VIII UNPROFESSIONAL CONDUCT (1) In addition to the provisions of 37-1-316, MCA, the board defines unprofessional conduct as follows:

- (a) violating a federal, state, or local law or rule relating to the conduct of the profession;
- (b) practicing outside the licensee's area of training, expertise, competence, or scope of practice;
- (c) failure to refer a patient to another professional when warranted;
- (d) guaranteeing the results of any speech or hearing therapeutic procedure;
- (e) failing to adequately supervise assistants, auxiliary staff, or limited license holders according to generally accepted standards of practice;
- (f) failure to cooperate with a board inspection or investigation;
- (g) failure to report unsafe, unethical, or unlicensed practice to the appropriate board;
- (h) failure to maintain appropriate patient records as required by state and federal regulations; and
- (i) failure to provide records when requested to do so by the patient or legally designated representative.

AUTH: 37-1-319, 37-15-202, MCA

IMP: 37-1-316, 37-1-319, 37-15-202, MCA

REASON: It is reasonably necessary to repeal ARM 24.222.2301 and replace the outdated provisions with this streamlined new rule. The board is simplifying the rule by replacing overly specific language with more broadly applicable statements to

facilitate use by the reader and eliminate the more detailed "laundry list." These amendments will also facilitate the board's disciplinary processes by utilizing standard language among the licensing boards and programs.

The board is striking failure to report unsafe practice to facilities since the board does not regulate facilities and the provision is unnecessary and unenforceable.

NEW RULE IX ADMINISTRATIVE SUSPENSION (1) The board authorizes the department to:

(a) administratively suspend licenses for deficiencies set forth in 37-1-321(1)(a) through (e), MCA; or

(b) file a complaint pertaining to the deficiencies in (1) that are based on repeated or egregious conduct, or that have co-occurring misconduct allegations that directly implicate public safety and may warrant formal disciplinary action.

(2) An administrative suspension is not a negative, adverse, or disciplinary action under Title 37, MCA, and is not reportable under federal law and regulations implementing the Healthcare Practitioner Databank or the department's licensee lookup and license verification databank.

AUTH: 37-1-131, MCA

IMP: 37-1-321, MCA

REASON: Section 37-1-321, MCA, permits the board to authorize the department to take certain non-disciplinary actions regarding licensees who are out of compliance with administrative licensure requirements such as not meeting continuing education requirements, failing to respond to continuing education audits, not paying required fees, not meeting initial licensing requirements, and noncompliance with board final orders. The board authorized the department to take these actions previously by motion. Reasonable necessity exists to adopt this rule to formally, publicly, and accessibly reiterate that authorization, so the public and licensees are aware of the authorization.

6. The rules proposed to be repealed are as follows:

24.222.301 DEFINITIONS

AUTH: 37-1-131, 37-15-202, 37-15-301, MCA

IMP: 37-1-131, 37-15-102, 37-15-202, 37-15-301, 37-15-303, 37-15-313, MCA

REASON: It is reasonably necessary to repeal this rule following elimination of most of the rule's definitions. The board is deleting the definitions of "asynchronous" and "synchronous," and (2), (5), and (6) to align with the legislative changes regarding assistant licensure and telehealth. "Assistants" are defined in 37-15-102, MCA, and "aides" were removed from statute in 2021.

It is reasonably necessary to delete "certificate of clinical competence" to align with current application procedures as expressed in NEW RULES I and II.

The definition of "professional experience supervisor" is being relocated to ARM 24.222.509 as a more logical location.

24.222.502 SPEECH-LANGUAGE PATHOLOGIST AND AUDIOLOGIST LICENSES

AUTH: 37-1-131, 37-15-202, 37-15-303, MCA

IMP: 37-1-131, 37-15-301, 37-15-303, MCA

REASON: The board is repealing ARM 24.222.502 and replacing it with NEW RULE I to streamline and simplify for ease of use by the reader. See REASON for NEW RULE I.

24.222.504 MILITARY TRAINING OR EXPERIENCE

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: The 2023 Montana Legislature enacted Chapter 390, Laws of 2023 (HB 583), an act generally revising licensing and certification laws for military members, military spouses, and veterans. The bill was signed by the Governor on May 3, 2023, and will be effective July 1, 2024.

It is reasonably necessary to repeal this rule to align with the bill's amendments to 37-1-145, MCA. The amended statute provides for all boards and programs to accept relevant military education, training, or service toward license qualifications. Specific board or program rules are no longer needed.

24.222.506 LICENSURE OF OUT-OF-STATE APPLICANTS

AUTH: 37-1-131, MCA

IMP: 37-1-304, MCA

REASON: The board is repealing ARM 24.222.506 and replacing it with NEW RULE II to streamline and simplify for ease of use by the reader. See REASON for NEW RULE II.

24.222.510 EXAMINATIONS

AUTH: 37-1-131, 37-15-202, MCA

IMP: 37-1-131, 37-15-303, MCA

REASON: The board is repealing this rule and incorporating the relevant provisions into NEW RULE I to align with current national exam processes and eliminate the jurisprudence exam as a licensure requirement. All licensees are required to know and adhere to all board statutes and administrative rules. Requiring an exam that only calls out certain regulations does not lead to greater compliance with the regulations or enhance the public's protection. The board concluded that striking the

jurisprudence exam will also eliminate unnecessary costs and delays in the application process.

Speech-language pathology and audiology assistants have no examination required for licensure, per SB 300.

24.222.513 INACTIVE STATUS AND CONVERSION TO ACTIVE STATUS

AUTH: 37-1-131, 37-1-319, 37-15-202, MCA

IMP: 37-1-319, MCA

REASON: The board is repealing this rule and replacing it with NEW RULE VI to simplify and streamline the process for converting to and from inactive status licensure. While most of the requirements remain the same, the board is striking the statement of intent to practice in Montana as unnecessary and unenforceable.

24.222.520 SPEECH-LANGUAGE PATHOLOGY SCOPE OF PRACTICE

AUTH: 37-1-131, 37-15-202, MCA

IMP: 37-15-102, MCA

REASON: The board is repealing this rule and ARM 24.222.525 as unnecessary and overly regulatory. These two scope of practice rules were adopted in 2006, following a bill that generalized the statutory speech-language pathology and audiology practice definitions by removing specific permissive activities. The board has not reviewed or updated the "laundry lists" of these scope of practice rules in 17 years.

Since the adoption of these rules, decisions by the Federal Trade Commission have focused on minimally restrictive licensure regulations so as to avoid restraint of trade. This approach is supported by Governor Gianforte's Red Tape Relief Initiative for agencies to analyze, update, and repeal all unnecessary and overly burdensome professional licensure rules. Additionally, it is impossible to list every allowable activity and function within the scope of the board's licensees at any point in time. Any attempted list is outdated upon adoption.

Therefore, it is reasonably necessary to repeal these two rules and allow the board's licensed professionals to practice within their particular training, education, and experience and the professions' generally accepted standards of practice. The board has the authority to discipline licensees for practicing outside of these standards.

24.222.525 AUDIOLOGY SCOPE OF PRACTICE

AUTH: 37-1-131, 37-15-202, MCA

IMP: 37-15-102, MCA

24.222.701 GENERAL REGISTRATION AND AIDE/ASSISTANT SUPERVISION REQUIREMENTS

AUTH: 37-1-131, 37-15-202, MCA  
IMP: 37-1-131, 37-15-102, 37-15-313, MCA

REASON: It is reasonably necessary to repeal this rule, ARM 24.222.703, and 24.222.706 as HB 210 (2021) repealed 37-15-313, MCA, and eliminated the registration of unlicensed aides and assistants. Per SB 300 (2023), speech-language pathology and audiology assistants will now be licensed.

24.222.703 PROHIBITED SERVICES – SPEECH-LANGUAGE PATHOLOGY AIDES/ASSISTANTS

AUTH: 37-1-131, 37-15-202, MCA  
IMP: 37-1-131, 37-15-102, 37-15-313, 37-15-314, MCA

24.222.706 PROHIBITED SERVICES – AUDIOLOGY AIDES/ASSISTANTS

AUTH: 37-1-131, 37-15-202, MCA  
IMP: 37-1-131, 37-15-102, 37-15-313, 37-15-314, MCA

24.222.907 LIMITS ON TELEPRACTICE

AUTH: 37-1-131, 37-15-202, MCA  
IMP: 37-1-131, 37-15-102, 37-15-202, 37-15-314, 37-15-315, MCA

REASON: The board is repealing this rule, ARM 24.222.910, 24.222.913, 24.222.916, and 24.222.920 to implement SB 357 (2021) and avoid unnecessary duplication of statutory provisions in rule. The bill changed "telepractice" to "telehealth" and amended the statutes to provide adequate guidance on the methods of providing speech-language pathology and audiology services via telehealth. See also the REASON for amending ARM 24.222.904.

24.222.910 DELIVERY OF TELEPRACTICE SERVICES

AUTH: 37-1-131, 37-15-202, MCA  
IMP: 37-1-131, 37-15-102, 37-15-202, 37-15-314, 37-15-315, MCA

24.222.913 QUALITY OF TELEPRACTICE SERVICES

AUTH: 37-1-131, 37-15-202, MCA  
IMP: 37-1-131, 37-15-102, 37-15-202, 37-15-314, 37-15-315, MCA

24.222.916 ESTABLISHING THE PRACTITIONER-PATIENT RELATIONSHIP

AUTH: 37-1-131, 37-15-202, MCA  
IMP: 37-1-131, 37-15-102, 37-15-202, 37-15-314, 37-15-315, MCA

24.222.920 COMPETENCE – PRACTICE LIMITS – MAINTENANCE AND RETENTION OF RECORDS

AUTH: 37-1-131, 37-15-202, MCA

IMP: 37-1-131, 37-15-102, 37-15-202, 37-15-314, 37-15-315, MCA

24.222.2102 CONTINUING EDUCATION – SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

AUTH: 37-1-131, 37-1-319, MCA

IMP: 37-1-131, 37-1-306, MCA

REASON: It is reasonably necessary to repeal this rule and replace it with NEW RULE VII. The new rule will apply to all licensees and has been simplified and aligned with current procedures and recent legislation.

24.222.2301 UNPROFESSIONAL CONDUCT

AUTH: 37-1-131, 37-1-319, 37-15-202, MCA

IMP: 37-1-131, 37-1-316, 37-1-319, 37-15-202, MCA

REASON: It is reasonably necessary to repeal this rule and replace the outdated provisions with NEW RULE VIII. The board is simplifying the rule by replacing overly specific language with more broadly applicable statements to assist use by the reader. Additionally, these amendments will facilitate the board's disciplinary processes by utilizing standard language among the licensing boards.

The board is striking failure to report unsafe practice to facilities since the board does not regulate facilities and the provision is unnecessary and unenforceable.

7. Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at [dli.mt.gov/rules](http://dli.mt.gov/rules) or P.O. Box 1728; Helena, Montana 59624. Comments must be received no later than 5:00 p.m., November 17, 2023.

8. An electronic copy of this notice of public hearing is available at [sosmt.gov/ARM/register](http://sosmt.gov/ARM/register).

9. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at [dli.mt.gov/rules](http://dli.mt.gov/rules) or by sending a letter to P.O. Box 1728; Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were contacted on May 17, 2021 (HB 210) and May 4, 2023 (SB 214, SB 300, and SB 357), all by electronic mail.

11. Pursuant to 2-4-111, MCA, the board has determined that the fee reductions proposed to ARM 24.222.401 will significantly and directly impact small businesses. The group of small businesses affected are rural hospitals, small clinics, and private practices that pay licensure fees for their employed speech-language pathologists, audiologists, and assistants. The fee changes will reduce the financial burden on these employers for employing board licensees. The board has no alternative methods for reducing licensure fees.

The board has determined that the remaining rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

12. Department staff has been designated to preside over and conduct this hearing.

BOARD OF SPEECH-LANGUAGE  
PATHOLOGISTS AND AUDIOLOGISTS  
KELSEY MANN, BOARD PRESIDING  
OFFICER

/s/ DARCEE L. MOE  
Darcee L. Moe  
Rule Reviewer

/s/ SARAH SWANSON  
Sarah Swanson, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 10, 2023.