

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 274 (EC)

Mike Cruz, MD *MC*
L. A. Leon Guerrero *HJR.*
L. F. Kasperbauer *LJK*

Introduced by:

AN ACT TO AMEND SECTION 12802(a)(x),
ARTICLE 8, CHAPTER 12, PART 1, DIVISION 1,
TITLE 10 OF THE GUAM CODE ANNOTATED,
AMEND SECTION 12809(a), ARTICLE 8,
CHAPTER 12, PART 1, DIVISION 1, TITLE 10 OF
THE GUAM CODE ANNOTATED, AMEND
SECTION 12101(q) and 12101(r), ARTICLE 1,
CHAPTER 12, PART 1, DIVISION 1, TITLE 10 OF
THE GUAM CODE ANNOTATED, AND AMEND
SECTIONS 121801, 121802, 121803, AND 121804,
ARTICLE 18, CHAPTER 12, PART 2, DIVISION 1,
TITLE 10 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE SPEECH, LANGUAGE
PATHOLOGY PROFESSION OF THE GUAM
ALLIED HEALTH PRACTICE ACT.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Statement. *I Liheslaturan Guåhan* finds
3 that the current statute of the licensure of Speech, Language
4 Pathology needs to be updated to meet national standards of the
5 profession, as well as acted upon as a companion bill to Article 8,
6 Chapter 12, Division 1, Part 1, Title 10 of the Guam Code Annotated,
7 relative to the Allied Health Practice Act.

1 **Section 2.** Section 12802(a)(x), Chapter 12, Part 1, Division 1, Title
2 10 of the Guam Code Annotated is hereby *amended* to read as follows:

3 **§ 12802. Definitions.**

4 **(a) Licensed Allied Health Professions.** For purposes of this
5 Act, the following Allied Health professions shall be licensed under
6 the *Guam Board of Allied Health Examiners*:

7 ~~(x)(10)~~ 'Speech-language pathology' shall mean the
8 profession that practices of evaluation, diagnosis, prognostication,
9 counseling, hearing screening, instruction, habilitation, or
10 rehabilitation of development and disorders of speech, voice, fluency,
11 language, or communications disorders, in infant, child and adult
12 populations. ~~Hearing screening is under the perview of the Speech~~
13 ~~Language Pathologist.~~

14 **Section 3.** Section 12809(a), Article 8, Chapter 12, Part 1,
15 Division 1, Title 10 of the Guam Code Annotated is hereby *amended* to
16 read as follows:

17 **"§ 12809. Continuing Education Requirements.**

18 (a) A total of thirty (30) credit hours of continuing education
19 (CME/CEU) within each two (2) year licensure period are required of
20 each licensee to qualify for a renewal, *except* for licensees under
21 Podiatry, ~~and Physician Assistants, which~~ and Clinical Psychology,
22 which requires fifty (50) credit hours of continuing education. ~~At of~~
23 which at least twenty (20) of these credit hours must be in the
24 licensee's specific area of practice. Licensees under Speech, Language
25 Pathology require a certain number of contact hours in the licensee's

1 specific area of practice within each two (2) year licensure period, as
2 specified in Rules and Regulations. The Board shall prorate the
3 continuing education credit hour requirements for licenses issued
4 less than two (2) years prior to the renewal period."

5 **Section 4.** Subsections 12101(q) and 12101(r), Section 12101,
6 Article 1, Chapter 12, Part 1, Division 1, Title 10 of the Guam Code
7 Annotated is hereby *amended* and all following subsections are
8 *renumbered* accordingly to read as follows:

9 **"§ 12101. Definitions.** For the purpose of this Chapter the
10 following words and phrases shall have the meanings assigned to
11 them, respectively, *except* where the context otherwise requires:

12 (q) *Practice of Speech, Language Pathology and Audiology* 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 non-medical application of principles,
16 methods and procedures for the measurement, testing, diagnosis,
17 prediction, counseling and instruction related to the development
18 and disorders of speech, voice or language for the purpose of non-
19 medical diagnosing, preventing, treating and ameliorating such
20 disorders and conditions in individuals and groups of individuals;
21 *and*

22 (r) *Practice of Audiology* means the application of principles,
23 methods and procedures of measurement, testing, appraisal,
24 prediction, aural rehabilitation, aural habilitation, consultation,
25 hearing-aid selection, counseling, instruction and research related to

1 hearing, and disorders of hearing, for the purpose of non-medical
2 diagnosis, prevention, identification, amelioration or the modification
3 of communicative disorders, involving speech, language, auditory
4 function or *other* aberrant behavior related to hearing disorders."

5 **Section 5.** Section 121801, Article 18, Chapter 12, Part 2,
6 Division 1, Title 10 of the Guam Code Annotated is hereby *amended* to
7 read as follows:

8 "ARTICLE 18.

9 **SPEECH-~~L~~ LANGUAGE PATHOLOGY.**

- 10 § 121801. Definitions.
- 11 § 121802. Qualifications for Licensure.
- 12 ~~(a) Speech~~,~~ Language~~
13 ~~Pathologist.~~
- 14 ~~(b) Speech Language Assistant.~~
- 15 § 121803. Exceptions to Licensure
16 Requirements.
- 17 § 121804. Scope of Practice. ~~(a) Speech~~,~~~~
18 ~~Language Pathologist. (b) A Speech Language Assistants.~~

19 **§ 121801. Definitions.** For purposes of this Article, the
20 following words and phrases have been defined to mean:

21 (a) 'ASHA' means the American Speech, Language, Hearing
22 Association who is the national credentialing association that issues
23 the Certificate of Clinical Competence (CCC).

24 ~~(b) 'Speech language assistant' means any individual who~~
25 ~~meets minimum qualifications which the Board may establish for~~

1 ~~speech-language assistants, whose qualifications shall be less than~~
2 ~~those established by these Rules for licensure as a speech-language~~
3 ~~pathologist, and who works under the indirect supervision of a~~
4 ~~licensed speech-language pathologist.~~

5 (e)(b) ~~'Speech-Language pathologist'~~ 'Speech, Language Pathologist
6 (SLP)' means any individual who is duly licensed by the Board to
7 practice in the field of speech-language pathology.

8 (d)(c) ~~'Speech-language pathology'~~ means ~~the application of~~
9 ~~principles, methods and procedures for the measurement, testing,~~
10 ~~evaluation, prediction, counseling, instruction, habilitation or~~
11 ~~rehabilitation related to the development and disorders of speech,~~
12 ~~voice, fluency or language, for the purpose of evaluating, identifying,~~
13 ~~treating, preventing, ameliorating, or modifying such disorders and~~
14 ~~conditions in individuals or groups of individuals.~~ 'Speech Language
15 Pathology' means the study of hearing, speech, voice, fluency,
16 language and swallowing development and swallowing disorders;
17 and the acquired knowledge of scientifically based theories of
18 habilitative/rehabilitative practices for the above mentioned in
19 infant, child and adult populations.

20 (d) 'Unlicensed' means any individual working in the field of
21 speech, language pathology whose qualifications are less than those
22 established by these Rules for licensure as a Speech, Language
23 Pathologist (i.e. CFY Speech, Language, Pathologist; master's level
24 speech, language pathologist without the CCC; speech clinician;
25 speech technician, etc.) working under the direct/indirect

1 supervision of a licensed Speech-Language Pathologist, according to
2 ASHA's Guidelines for Training, Use, and Supervision of Speech
3 Language Pathology Assistant 2004, and ASHA's handbook on CFY
4 year and CFY supervision).

5 (1) 'Direct supervision of unlicensed individuals' means onsite, in
6 view observation and guidance by a licensed SLP with greater
7 than or equal to two (2) years experience (post - CCC) in the
8 field of speech, language pathology;

9 (2) 'Indirect supervision of unlicensed individuals' means those
10 activities other than direct observation and guidance conducted
11 by a licensed SLP with greater than or equal to two (2) years
12 experience (post - CCC) in the field of speech, language
13 pathology that may include consultation, demonstration, record
14 review, review and evaluation of audio or video-taped sessions
15 and/or interactive television.

16 § 121802. **Qualifications for Licensure. (a) ~~Speech,~~**
17 **~~Language Pathologist.~~** To be eligible for licensure by the Board as a
18 ~~speech,~~ language pathologist, an applicant must possess a ~~current~~ the
19 Certificate of Clinical Competence in Speech-Language Pathology
20 issued by ASHA as evidence of professional training, clinical
21 practicum and intern experience. Applicants shall arrange for an
22 official statement from ASHA to be sent directly to the ~~GBAHE~~
23 ~~reporting present ASHA certification.~~ Board.

24 (b) ~~Speech Language Assistant.~~ The ~~speech language~~
25 ~~assistant shall possess at least a Bachelor's degree in speech and~~

1 ~~language or communication disorders. The Board may establish~~
2 ~~further qualifications for speech-language assistants.~~

3 § 121803. Exceptions to Licensure Requirements. These
4 rules and regulations shall *not* be construed as preventing or
5 restricting:

6 (a) any person licensed on Guam, under any other law, from
7 engaging in the profession or occupation for which he or she is
8 licensed;

9 (b) the activities and services of persons pursuing a course of
10 study leading to a degree in Speech-Language Pathology at a college
11 or university, *if* such activities and services constitute a part of an
12 approved supervised course of study, and such person is designated
13 as a speech-language intern or trainee;

14 (c) the activities and services of persons presently working
15 on their Clinical Fellowship Year ('CFY'), ~~and such person is~~
16 ~~designated by ASHA as 'CFY-Speech, Language Pathologist';~~ The
17 licensed supervising Speech, Language Pathologist shall possess
18 greater than or equal to two (2) years experience (post-CCC) in the
19 field of speech, language pathology, shall assume all responsibilities
20 of patient care, shall meet all sponsorship requirements for such
21 individuals as set forth by the Board and ASHA. The Board and
22 ASHA does not limit the number of CFY Speech, Language
23 Pathologists a licensed certified SLP can electively, ethically, and
24 comfortably supervise;

1 (d) the activities of any other unlicensed individual who
2 works in the field of speech-language pathology and is working
3 under the direct/indirect supervision of a licensed SLP with greater
4 than or equal to two (2) years experience post CCC, ~~who does not~~
5 ~~meet the requirements of licensure and who is working under the~~
6 ~~indirect supervision of a licensed Speech-Language Pathologist,~~
7 ~~respective to the individual's work. This includes activities of a~~
8 ~~speech language assistant, who shall possess at least a Bachelor's~~
9 ~~degree in speech and language disorders. A licensed speech-~~
10 ~~language pathologist may not supervise more than five (5)~~
11 ~~individuals at one time. The licensed sponsor will assume all~~
12 ~~responsibilities and will meet all sponsorship requirements for such~~
13 ~~individuals as set forth by the Board. A supervising licensed SLP is~~
14 solely responsible for the unlicensed individual's quality of
15 patient/client care and patient/client case. The supervising SLP
16 must have specific knowledge of each patient/client served, provide
17 specific instruction of rote speech/language tasks via demonstration
18 and explanation of the task to the unlicensed individual and must be
19 satisfied with the observed individual's ability to:

- 20 (1) perform assigned tasks in the frequency that is prescribed
21 by the SLP;
- 22 (2) record task data as designed by the SLP; and
- 23 (3) encourage and anticipate patient/client
24 participation/response.

1 The supervising SLP must be available by phone or physically
2 present at all times during patient/client care sessions in order for
3 the unlicensed individual to conduct a session. The Board and ASHA
4 puts no limit on the number of unlicensed individuals a licensed SLP
5 can electively supervise. The supervising SLP alone determines the
6 number of unlicensed individuals he/she supervises and can refuse
7 to supervise individuals that are non-compliant or show poor
8 performance in carrying out orders of SLP. The supervising SLP
9 must be ethically comfortable and satisfied with each unlicensed
10 individual's ability to perform assigned tasks, interact with and
11 report progress (verbally and/or by data sheets) appropriately
12 prepared by the SLP for patients/clients; and

13 (e) an employee of a federal government agency or Armed
14 Forces department performing his official duties on Federal
15 Government base properties.

16 **§ 121804. Scope of Practice.** The scope of practice for speech-
17 language pathology includes the application of:

- 18 (1) screening, identifying, assessing and interpreting,
19 diagnosing, counseling, prognosticating,
20 habilitating/rehabilitating and preventing disorders of
21 speech (e.g. intelligibility, accent reduction,
22 communication effectiveness), articulation, fluency, voice
23 and language;
24 ~~(2) screening, identifying, assessing and interpreting,~~
25 ~~diagnosing, rehabilitating and preventing disorders of~~

1 oral-pharyngeal function (e.g. dysphagia), and related
2 disorders;

3 (2) screening of hearing, referring suspected cases of hearing
4 loss/vestibular disorders or hearing aid maintenance to a
5 licensed audiologist, consulting, patient/family
6 education/counseling, or habilitating, rehabilitating
7 speech and language disorders inherent in temporary,
8 permanent or progressive mild, moderate or severe
9 hearing loss, aided or unaided;

10 (3) ~~screening, identifying, assessing and interpreting,~~
11 ~~diagnosing, and rehabilitating cognitive and~~
12 ~~communication disorders; screening, consulting,~~
13 ~~identifying, assessing, interpreting, diagnosing,~~
14 ~~prognosticating, counseling, habilitating, rehabilitating~~
15 ~~cognitive/language disorders;~~

16 (4) ~~assessing, selecting, and developing augmentative and~~
17 ~~alternative communication systems, and providing~~
18 ~~training in their use; assessing, selecting, educating,~~
19 ~~training, and developing appropriate~~
20 ~~augmentative/alternative communication systems;~~

21 (5) ~~providing aural rehabilitation and related counseling~~
22 ~~services to hearing-impaired individuals and their~~
23 ~~families;~~

24 (5) collecting case history facts about the patient's feeding
25 and swallowing;

- 1 (6) collecting clinical data/measurements (e.g. cervical
2 auscultation of the swallow, labiogoniometer, jaw
3 abduction, range of movement readings, blue dye testing
4 and functional proficiency data, etc.) of the three stages of
5 the swallow;
- 6 (7) conducting video-fluoroscopy, endoscopy or
7 ultrasonography of the swallow for the safety of the
8 airway while eating/drinking (Videofluoroscopy and
9 endoscopy are required to be conducted under direct or
10 indirect consultation of a qualified Physician, ENT
11 Specialist, Respiratory Specialist, Pulmonologist,
12 Neurologist or Radiologist, as ethically appropriate to the
13 case according to ASHA's guidelines. The SLP is
14 obligated to report to the referring physician any
15 structural abnormalities for further evaluation.);
- 16 (8) diagnosing prognosticating, counseling and educating
17 patients/family about the swallow and their assessed
18 swallow patterns;
- 19 (9) habilitating/rehabilitating oral, laryngeal, pharyngeal
20 stages of the swallow by strengthening, increasing range
21 of motion and functionality of the structures involved
22 with the use of proven theories/practices of swallow
23 restoration;
- 24 (10) modifying food consistencies to facilitate the safety of the
25 airway during the swallow when appropriate;

1 (11) monitoring caloric intake and consult with a nutritionist
2 to attempt to facilitate appropriate caloric intake; and/or

3 (12) recommending and education patient/family on
4 appropriate artificial nutrition and hydration feeding
5 methods when the airway is found not to be safe during
6 the swallow and prognosis for immediate or long-term
7 improvement is uncertain or poor.

8 (6) ~~enhancing speech language proficiency and~~
9 ~~communication effectiveness (e.g., accent reduction); and~~

10 (7) ~~screening of hearing and other factors for the purpose of~~
11 ~~speech language evaluation or the initial identification of~~
12 ~~individuals with other communication disorders.~~

13 (b) ~~A Speech Language Assistants. A speech language~~
14 ~~assistants, as defined by this Article, must work under the indirect~~
15 ~~supervision of the speech language pathologist and may progress the~~
16 ~~plan in conjunction with the treatment goals."~~

17 **Section 6. Severability.** *If any provision of this Law or its*
18 *application to any person or circumstance is found to be invalid or*
19 *contrary to law, such invalidity shall not affect other provisions or*
20 *applications of this Law, which can be given effect without the*
21 *invalid provisions or application, and to this end the provisions of*
22 *this Law are severable.*