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HOUSE BILL 25-1075

BY REPRESENTATIVE(S) Garcia Sander and Phillips, Hartsook, Velasco, Bacon, Boesenecker, Duran, Froelich, Hamrick, Lindsay, Lindstedt, Marshall, Stewart K., Stewart R.;
also SENATOR(S) Kirkmeyer and Mullica, Michaelson Jenet, Amabile, Cutter, Jodeh, Coleman.

CONCERNING REGULATION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-305-102, **amend** (1) introductory portion and (2); and **add** (1)(c.5) as follows:

12-305-102. Legislative declaration. (1) The general assembly **hereby** finds, determines, and declares that:

(c.5) SPEECH-LANGUAGE PATHOLOGY ASSISTANTS ENHANCE THE EFFICIENCY AND EXTENT OF SPEECH-LANGUAGE PATHOLOGY SERVICES BY PROVIDING SPEECH-LANGUAGE PATHOLOGY SERVICES UNDER THE DIRECTION AND SUPERVISION OF SPEECH-LANGUAGE PATHOLOGISTS AND WILL HELP ADDRESS THE CRITICAL SHORTAGE OF SPEECH-LANGUAGE PATHOLOGY SERVICES IN THE STATE; AND

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2) The general assembly further determines that it is the purpose of this article 305 to:

(a) Regulate ~~persons~~ INDIVIDUALS who are representing or holding themselves out as speech-language pathologists or who are performing services that constitute speech-language pathology; and

(b) Exclude from regulation under this article 305 those school speech-language pathologists, INCLUDING SCHOOL SPEECH-LANGUAGE PATHOLOGY ASSISTANTS, who are paid solely by an administrative unit or state-operated program.

SECTION 2. In Colorado Revised Statutes, 12-305-104, **amend** (2) and (3); and **add** (1.3), (1.4), (1.5), (2.5), (4.5), and (6) as follows:

12-305-104. Definitions. As used in this article 305, unless the context otherwise requires:

(1.3) "CERTIFICATE HOLDER" MEANS A SPEECH-LANGUAGE PATHOLOGIST CERTIFIED PURSUANT TO SECTION 12-305-107.

(1.4) "CERTIFIED" MEANS CERTIFIED BY THE DIRECTOR PURSUANT TO THIS ARTICLE 305.

(1.5) "DIRECTION AND SUPERVISION" MEANS, WITH RESPECT TO A SPEECH-LANGUAGE PATHOLOGY ASSISTANT, DIRECTION AND SUPERVISION BY A SUPERVISING SPEECH LANGUAGE PATHOLOGIST IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 12-305-111.5.

(2) "School speech-language pathologist" means ~~a person~~ AN INDIVIDUAL licensed by the department of education to provide speech-language pathology services that are paid for by an administrative unit or a state-operated program. ~~"School speech-language pathologist" includes a school speech-language pathology assistant authorized by the department of education pursuant to section 22-60.5-111 (10) to provide speech-language pathology services that are paid for by an administrative unit or a state-operated program.~~

(2.5) "SCHOOL SPEECH-LANGUAGE PATHOLOGY ASSISTANT" MEANS

AN INDIVIDUAL AUTHORIZED BY THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-60.5-111 (10) TO ASSIST A SCHOOL SPEECH-LANGUAGE PATHOLOGIST IN PROVIDING SPEECH-LANGUAGE PATHOLOGY SERVICES THAT ARE PAID FOR BY AN ADMINISTRATIVE UNIT OR A STATE-OPERATED PROGRAM.

(3) "Speech-language pathologist" or "~~certificate holder~~" means a ~~person~~ AN INDIVIDUAL WHO IS certified to practice speech-language pathology ~~under this article 305~~ PURSUANT TO SECTION 12-305-107 (1).

(4.5) "SPEECH-LANGUAGE PATHOLOGY ASSISTANT" MEANS AN INDIVIDUAL WHO:

(a) HAS SUCCESSFULLY COMPLETED:

(I) A BACHELOR'S OR HIGHER DEGREE IN SPEECH-LANGUAGE PATHOLOGY, COMMUNICATION DISORDERS AND SPEECH SCIENCES, OR ANY OTHER FIELD THAT INCLUDES AT LEAST TWENTY-FOUR SEMESTER HOURS IN SPEECH-LANGUAGE HEARING SCIENCES, GRANTED BY AN ACCREDITED INSTITUTION OF HIGHER EDUCATION OR ITS EQUIVALENT;

(II) A SPEECH-LANGUAGE PATHOLOGY ASSISTANT PROGRAM; AND

(III) A SUPERVISED CLINICAL PRACTICUM TOTALING AT LEAST ONE HUNDRED DIRECT HOURS UNDER THE SUPERVISION OF A SPEECH-LANGUAGE PATHOLOGIST; AND

(b) ASSISTS IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY UNDER THE DIRECTION AND SUPERVISION OF A SPEECH-LANGUAGE PATHOLOGIST PURSUANT TO SECTION 12-305-111.5.

(6) "SUPERVISING SPEECH-LANGUAGE PATHOLOGIST" OR "SUPERVISOR" MEANS A SPEECH-LANGUAGE PATHOLOGIST WHO IS RESPONSIBLE FOR THE DIRECTION AND SUPERVISION OF A SPEECH-LANGUAGE PATHOLOGY ASSISTANT PURSUANT TO SECTION 12-305-111.5.

SECTION 3. In Colorado Revised Statutes, 12-305-105, **amend** (1); and **add** (3) as follows:

12-305-105. Use of titles restricted. (1) Only a ~~person~~ AN

INDIVIDUAL WHO IS required to be and ~~who~~ is certified PURSUANT TO THIS ARTICLE 305 as a speech-language pathologist ~~under this article 305~~ or IS licensed by the ~~Colorado~~ department of education to provide speech-language pathology services may advertise as or use the title "speech-language pathologist", "speech pathologist", "speech therapist", "speech correctionist", "speech clinician", "language pathologist", "voice therapist", "voice pathologist", "aphasiologist", or any other generally accepted terms, letters, or figures that indicate that the ~~person~~ INDIVIDUAL is a certified speech-language pathologist OR A LICENSED SPEECH-LANGUAGE PATHOLOGIST.

(3) ONLY AN INDIVIDUAL WHO PRACTICES IN ACCORDANCE WITH THIS ARTICLE 305 AS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT OR IS AUTHORIZED BY THE DEPARTMENT OF EDUCATION AS A SCHOOL SPEECH-LANGUAGE PATHOLOGY ASSISTANT MAY ADVERTISE AS OR USE THE TITLE "SPEECH-LANGUAGE PATHOLOGY ASSISTANT" OR ANY OTHER GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES THAT INDICATE THAT THE INDIVIDUAL IS A SPEECH-LANGUAGE PATHOLOGY ASSISTANT OR AN AUTHORIZED SCHOOL SPEECH-LANGUAGE PATHOLOGY ASSISTANT.

SECTION 4. In Colorado Revised Statutes, 12-305-110, **amend** (1)(a) and (2)(a); and **add** (1)(c.3) and (1)(c.5) as follows:

12-305-110. Scope of article - exclusions - rules. (1) This article 305 does not prevent or restrict the practice, services, or activities of:

(a) A school speech-language pathologist OR AN AUTHORIZED SCHOOL SPEECH-LANGUAGE PATHOLOGY ASSISTANT whose compensation for speech-language pathology services is paid solely by an administrative unit or state-operated program;

(c.3) A SPEECH-LANGUAGE PATHOLOGY ASSISTANT ASSISTING IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY PURSUANT TO THIS ARTICLE 305 UNDER THE DIRECTION AND SUPERVISION OF A SPEECH-LANGUAGE PATHOLOGIST;

(c.5) AN INDIVIDUAL PARTICIPATING IN A SPEECH-LANGUAGE PATHOLOGY ASSISTANT PROGRAM OR ITS EQUIVALENT, AS DETERMINED BY THE DIRECTOR BY RULE, IF THE INDIVIDUAL IS DESIGNATED BY A TITLE THAT CLEARLY INDICATES THE INDIVIDUAL'S STATUS AS A STUDENT AND IF THE

INDIVIDUAL ACTS UNDER APPROPRIATE INSTRUCTION AND SUPERVISION;

(2) Nothing in this article 305 requires or allows the department of education, the department of health care policy and financing, or any other state department to adopt or apply the standards contained in this article 305:

(a) As the standards for endorsing or otherwise authorizing school speech-language pathologists OR SCHOOL SPEECH-LANGUAGE PATHOLOGY ASSISTANTS to provide speech-language pathology services that are paid for by an administrative unit or state-operated program; or

SECTION 5. In Colorado Revised Statutes, **amend** 12-305-111 as follows:

12-305-111. Limitations on authority - limitations specific to speech-language pathology assistants. (1) Nothing in this article 305 authorizes a speech-language pathologist OR A SPEECH-LANGUAGE PATHOLOGY ASSISTANT to engage in the practice of medicine, as defined in section 12-240-107; dentistry, as defined in sections 12-220-104 (6) and 12-220-305; or any other profession for which licensure, certification, or registration is required, EXCEPT AS AUTHORIZED by this article 305.

(2) NOTHING IN THIS ARTICLE 305 AUTHORIZES A SPEECH-LANGUAGE PATHOLOGY ASSISTANT TO PRACTICE SPEECH-LANGUAGE PATHOLOGY UNLESS THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT PRACTICES UNDER THE DIRECTION AND SUPERVISION OF A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST.

(3) A SPEECH-LANGUAGE PATHOLOGY ASSISTANT SHALL NOT:

(a) REPRESENT THEMSELF AS A SPEECH-LANGUAGE PATHOLOGIST;

(b) INTERPRET ASSESSMENT TOOLS FOR THE PURPOSE OF DIAGNOSING DISABILITY OR DETERMINING ELIGIBILITY OR QUALIFICATION FOR SERVICES;

(c) ADMINISTER OR INTERPRET FEEDING OR SWALLOWING SCREENINGS, CHECKLISTS, OR ASSESSMENTS;

(d) DIAGNOSE COMMUNICATION AND FEEDING OR SWALLOWING

DISORDERS;

(e) DEVELOP OR DETERMINE THE FEEDING OR SWALLOWING STRATEGIES OR PRECAUTIONS FOR PATIENTS;

(f) DISCLOSE CLINICAL OR CONFIDENTIAL INFORMATION, INCLUDING DIAGNOSES, SERVICES PROVIDED, OR RESPONSE TO TREATMENT, EITHER ORALLY OR IN WRITING, TO INDIVIDUALS WHO HAVE NOT BEEN APPROVED BY THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST TO RECEIVE INFORMATION, UNLESS MANDATED BY LAW;

(g) WRITE, DEVELOP, OR MODIFY A PATIENT'S PLAN OF CARE IN ANY WAY;

(h) MAKE REFERRALS FOR ADDITIONAL SERVICES;

(i) SELECT AUGMENTATIVE AND ALTERNATIVE COMMUNICATION SYSTEMS OR DEVICES;

(j) TREAT MEDICALLY FRAGILE PATIENTS WHO ARE ACUTELY ILL AND IN AN UNSTABLE HEALTH CONDITION WITHOUT CONTINUOUS, DIRECT SUPERVISION BY A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST, WHICH MAY INCLUDE SYNCHRONOUS OR LIVE TELESUPERVISION;

(k) PERFORM PROCEDURES THAT REQUIRE SPECIALIZED KNOWLEDGE AND TRAINING, INCLUDING VOCAL TRACT PROSTHESIS SHAPING OR FITTING OR VOCAL TRACT IMAGING;

(l) PROVIDE INPUT IN CARE CONFERENCES, CASE CONFERENCES, OR INTERDISCIPLINARY TEAM MEETINGS WITHOUT THE PRESENCE OR PRIOR APPROVAL OF A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST OR OTHER DESIGNATED SPEECH-LANGUAGE PATHOLOGIST;

(m) PROVIDE INTERPRETATIVE INFORMATION TO A PATIENT OR OTHERS REGARDING THE PATIENT'S STATUS OR SERVICE; OR

(n) SIGN OR INITIAL ANY FORMAL DOCUMENTS, INCLUDING PLANS OF CARE, REIMBURSEMENT FORMS, OR REPORTS, THAT ARE NOT ALSO SIGNED BY A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST.

SECTION 6. In Colorado Revised Statutes, **add** 12-305-111.5 as follows:

12-305-111.5. Direction and supervision of speech-language pathology assistants by speech-language pathologists - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DIRECT SUPERVISION" MEANS IN-VIEW OBSERVATION AND GUIDANCE BY A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST WHILE THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT IS PERFORMING A CLINICAL ACTIVITY. "DIRECT SUPERVISION" MAY INCLUDE THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST COMMUNICATING WITH THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT VIA TELECOMMUNICATION TECHNOLOGY DURING THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S PROVISION OF CLINICAL SERVICES.

(b) "INDIRECT SUPERVISION" MEANS SUPERVISION DURING WHICH A SPEECH-LANGUAGE PATHOLOGIST IS NOT REQUIRED TO BE PHYSICALLY PRESENT OR AVAILABLE VIA TELECOMMUNICATION TECHNOLOGY WHILE THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT IS PROVIDING SERVICES. "INDIRECT SUPERVISION" MAY INCLUDE:

(I) REVIEWING DEMONSTRATION VIDEOS;

(II) REVIEWING PATIENT FILES;

(III) REVIEWING AND EVALUATING AUDIO OR VIDEO RECORDED SESSIONS; OR

(IV) CONDUCTING SUPERVISORY CONFERENCES EITHER IN PERSON OR VIA TELEPHONE OR IN LIVE, SECURE VIRTUAL MEETINGS.

(2) A SPEECH-LANGUAGE PATHOLOGY ASSISTANT SHALL PRACTICE SPEECH-LANGUAGE PATHOLOGY ONLY UNDER THE DIRECTION AND SUPERVISION OF A SPEECH-LANGUAGE PATHOLOGIST.

(3) A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST IS RESPONSIBLE FOR THE DIRECTION AND SUPERVISION OF A SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S PRACTICE OF SPEECH-LANGUAGE PATHOLOGY. THE LEVEL OF SUPERVISION MUST BE BASED ON THE NEEDS, COMPETENCIES, SKILLS,

EXPECTATIONS, PHILOSOPHIES, AND EXPERIENCE OF THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT AND THE SUPERVISOR; THE NEEDS OF THE PATIENT SERVED; THE SERVICE SETTING; THE TASKS ASSIGNED; AND ANY OTHER RELEVANT FACTORS. THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST IS RESPONSIBLE FOR DESIGNING AND IMPLEMENTING A WRITTEN SUPERVISORY PLAN TO OUTLINE THE PRACTICES OF THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST AND TO DOCUMENT PROGRESS. A SUPERVISOR SHALL NOT ASSIGN TASKS TO A SPEECH-LANGUAGE PATHOLOGY ASSISTANT THAT ARE BEYOND THE LEVEL OF COMPETENCE OF THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT OR THAT ARE BEYOND THE SCOPE OF A SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S PRACTICE. THE CARE OF THE PATIENT REMAINS THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST'S RESPONSIBILITY.

(4) A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST SHALL DETERMINE THE APPROPRIATE NUMBER OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS WHOSE PRACTICE MAY BE SUPERVISED, WITH A NUMBER FOR SUPERVISION OF NO MORE THAN THREE SPEECH-LANGUAGE PATHOLOGY ASSISTANTS PER SPEECH-LANGUAGE PATHOLOGIST. THE FACTORS TO CONSIDER IN DETERMINING SUPERVISION RATIOS INCLUDE CASELOAD CHARACTERISTICS, THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S EXPERIENCE, AND THE SPEECH-LANGUAGE PATHOLOGIST'S EXPERIENCE AND WORKLOAD.

(5) BEFORE A SPEECH-LANGUAGE PATHOLOGY ASSISTANT BEGINS TO PROVIDE INDEPENDENT SUPPORT TO A PATIENT, THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST SHALL INITIATE FIRST CONTACT WITH THE PATIENT AND PREPARE A PLAN OF CARE FOR THE PATIENT. AFTER THE ESTABLISHMENT OF THE SUPERVISORY RELATIONSHIP, MINIMUM ONGOING SUPERVISION MUST INCLUDE DOCUMENTATION OF DIRECT SUPERVISION PROVIDED BY THE SUPERVISOR FOR EACH PATIENT AT LEAST EVERY THIRTY TO SIXTY DAYS, DEPENDING ON THE FREQUENCY OF THE SESSIONS AND SETTING, AND THE SUPERVISOR SHALL REVIEW PATIENT DATA. THE SUPERVISOR SHALL ADJUST THE AMOUNT OF SUPERVISION BASED ON THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S COMPETENCIES AND SKILL LEVEL IN TREATING PATIENTS WHO HAVE A VARIETY OF COMMUNICATION DISORDERS. THE SUPERVISING SPEECH-LANGUAGE PATHOLOGIST SHALL ACCURATELY DOCUMENT AND REGULARLY RECORD ALL SUPERVISORY ACTIVITIES, FOR BOTH DIRECT AND INDIRECT SUPERVISION. FOR MEDICALLY FRAGILE PATIENTS WHO ARE ACUTELY ILL AND IN AN UNSTABLE HEALTH CONDITION, THE SUPERVISOR SHALL PROVIDE ONE HUNDRED PERCENT

DIRECT SUPERVISION OF THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT, WHICH MAY BE THROUGH SYNCHRONOUS OR LIVE TELESUPERVISION.

(6) A SUPERVISOR SHALL PROVIDE FEEDBACK REGARDING THE QUALITY OF A SPEECH-LANGUAGE PATHOLOGY ASSISTANT'S PERFORMANCE OF ASSIGNED TASKS. INFORMATION OBTAINED DURING DIRECT SUPERVISION MAY INCLUDE DATA RELATIVE TO THE RELIABILITY BETWEEN THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT AND THE SUPERVISOR ON CORRECT OR INCORRECT RECORDING OF TARGET BEHAVIOR, ACCURACY IN IMPLEMENTING ASSIGNED TREATMENT PROCEDURES AND IN RECORDING DATA, AND THE ABILITY TO INTERACT EFFECTIVELY WITH THE PATIENT DURING THE PRESENTATION AND IMPLEMENTATION OF ASSIGNED PROCEDURES AND ACTIVITIES.

(7) A SPEECH-LANGUAGE PATHOLOGY ASSISTANT SHALL NOT PERFORM TASKS WHEN A SUPERVISOR CANNOT BE REACHED BY PERSONAL CONTACT, VIA PHONE, OR BY OTHER IMMEDIATE ELECTRONIC MEANS. IF FOR SOME REASON A SUPERVISOR BECOMES UNABLE TO CONTINUE SUPERVISION, THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT SHALL NOT PERFORM SPEECH-LANGUAGE PATHOLOGY TASKS UNTIL ANOTHER QUALIFIED SUPERVISOR IS AVAILABLE TO SUPERVISE.

SECTION 7. In Colorado Revised Statutes, 12-305-112, **amend** (2) introductory portion, (2)(r), and (2)(s)(II); and **add** (2)(t) as follows:

12-305-112. Grounds for discipline - definitions. (2) The director may take disciplinary or other action specified in section 12-20-404 or 12-305-113 or issue a cease-and-desist order to a certificate holder OR A SPEECH-LANGUAGE PATHOLOGY ASSISTANT in accordance with sections 12-20-405 and 12-305-113 (8) upon proof that the certificate holder:

(r) Has otherwise violated ~~any~~ A provision of this article 305 or lawful order or rule of the director; ~~or~~

(s) Has committed:

(II) An abuse of health insurance, as set forth in section 18-13-119;
OR

(t) HAS FAILED TO PROPERLY DIRECT AND SUPERVISE A

SPEECH-LANGUAGE PATHOLOGY ASSISTANT WHO IS UNDER THE SPEECH-LANGUAGE PATHOLOGIST'S DIRECTION AND SUPERVISION PURSUANT TO SECTION 12-305-111.5.

SECTION 8. In Colorado Revised Statutes, 24-34-104, **amend** (34)(a)(III) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (34) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2033:

(III) The regulation of speech-language pathologists AND SPEECH-LANGUAGE PATHOLOGY ASSISTANTS by the director of the division of professions and occupations in accordance with article 305 of title 12;

SECTION 9. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO