






TO: The Professional Practice Committee

FROM: Douglas E. Lentivech


SUBJECT: Proposed Amendment of Section 75.2 of the Regulations of the Commissioner of Education Relating to the Limited License in Speech-Language Pathology

DATE: October 5, 2017

AUTHORIZATION(S):  

SUMMARY

Issue for Discussion

Should the Board of Regents add subdivision (d) to §75.2 of the Regulations of the Commissioner of Education relating to the limited license in speech-language pathology.

Reason(s) for Consideration

Required by State statute (L. 2017, Ch. 202).

Proposed Handling

The proposed amendment will be presented to the Professional Practice Committee for discussion at the October 2017 meeting of the Board of Regents.

Procedural History

It is anticipated that a Notice of Proposed Rule Making will be published in the State Register on November 1, 2017. A copy of the proposed rule is attached.

Background Information

Applicants for licensure as speech-language pathologists are required to fulfill the statutory requirements set forth in §8206 of the Education Law, which includes having experience satisfactory to the State Board for Speech-Language Pathology and Audiology and in accordance with the Regulations of the Commissioner of Education.

The experience requirements, which include, inter alia, both duration of experience and supervision requirements for speech-language pathology, are set forth in §75.2 of the Regulations of the Commissioner of Education.

Federal regulations (42 CFR 484.4) and the Centers for Medicare and Medicaid (CMS) require a speech-language pathologist to be licensed to be eligible to participate in the Medicare program. New York State is one of only seven states that do not provide a “limited license” or similar status to individuals during the completion of their experience requirements for licensure. Chapter 202 of the Laws of 2017, effective February 17, 2018, adds a new §8206-a to the Education Law, establishing a limited license category for speech-language pathologists. Chapter 202 authorizes the Department to issue a limited license to an applicant for licensure as a speech-language pathologist who has completed a master’s degree program. A limited licensee would be authorized to practice speech-language pathology only under the supervision of a licensed speech-language pathologist. A limited license would be valid for one year, but may be renewed for additional one-year periods until such time as may be necessary for the applicant to complete the experience requirement for licensure pursuant to Education Law §8206. Chapter 202 provides that the fee for a limited license shall be \$70.

The proposed addition of subdivision (d) to §75.2 of the Regulations of the Commissioner of Education implements Chapter 202 by subjecting applicants for a license under Education Law §8206, who have been issued limited licenses under Education Law section 8206-a, to the same experience requirements as applicants for licensure under Education Law §8206 who have not been issued such licenses.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented for adoption at the January 2018 meeting, after the publication of the proposed amendment in the State Register and expiration of the 45-day public comment period required under the State Administrative Procedure Act. If adopted at the January meeting, the proposed amendment would become effective February 17, 2018, which is the effective date of the statute.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507 and 8206-a of the Education Law and Chapter 202 of the Laws of 2017

Section 75.2 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (d) to read as follows:

(d) The provisions of this section shall apply to both applicants who have been issued a limited license, pursuant to section 8206-a of the Education Law, and those who have not been issued such a license.