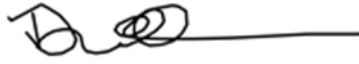






**TO:** The Honorable the Members of the Board of Regents

**FROM:** Douglas E. Lentivech  


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

**DATE:** January 11, 2018

**AUTHORIZATION(S):**  

### **SUMMARY**

#### **Issue for Decision (Consent Agenda)**

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 statute (Chapter 202 of the Laws of 2017).

#### **Proposed Handling**

The proposed amendment will be presented to the Full Board for permanent adoption at the January 2018 Regents meeting. Supporting materials are available upon request from the Secretary to the Board of Regents.

#### **Procedural History**

The proposed amendment was discussed by the Professional Practice Committee at the October 2017 Board of Regents meeting. A Notice of Proposed Rule Making was published in the State Register on November 1, 2017. Following the 60-day public comment period, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. 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 §8206-a, to the same experience requirements as applicants for licensure under Education Law §8206 who have not been issued such licenses.

## **Related Regents Items**

[October 2017 Regents Item](http://www.regents.nysed.gov/common/regents/files/1017ppcd1.pdf): Proposed Amendment of §75.2 of the Regulations of the Commissioner of Education Relating to the Limited License in Speech-Language Pathology (<http://www.regents.nysed.gov/common/regents/files/1017ppcd1.pdf>)

## **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That subdivision (d) of §75.2 of the Regulations of the Commissioner of Education be added, as submitted, effective February 17, 2018.

### **Timetable for Implementation**

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.