

21 NCAC 64 .1003 is amended with changes as published in 40:21 NCR 1663-1664 as follows:

21 NCAC 64 .1003 LICENSEE REQUIREMENTS

(a) ~~Licensees who register an Assistant must have held a current, permanent license in North Carolina for two years or equivalent qualifications from another state. Temporary license holders shall not register Assistants. Licensees shall hold a current, permanent license in North Carolina or an equivalent qualification from another state for a minimum of two years, prior to registering an Assistant.~~

(b) ~~Licensees who register an Assistant must demonstrate understanding of the basic elements of the registration and supervision process (scope of practice, ethics, written protocols, record keeping), and satisfactorily complete a knowledge demonstration on the registration/supervision process.~~ Licensees who register an Assistant shall demonstrate understanding of the elements of the registration and supervision process, including scope of practice, ethics, written protocols, and record keeping, by correctly answering at least seven out of ten jurisprudence questions regarding the statutes and rules regulating supervision of Assistants.

(c) Licensees ~~must~~ shall submit the application and annual fee for registration of the Assistant to the ~~Board.~~ Board, as required in Rule .1002(e) of this Section. To register an Assistant, a licensee shall provide the following information to the Board:

- (1) The name, mailing address, phone number, and email address of the Assistant;
- (2) The dates on which the Assistant successfully completed the educational and examination requirements identified in Rule .1002(a) of this Section and whether the Assistant previously has been registered with the Board as an Assistant;
- (2) The Licensee's name, email address, and license number;
- (3) The addresses at which the Licensee will provide supervision to the Assistant and maintain documentation related to supervision;
- (4) The addresses at which the Assistant will provide services;
- (5) The number of Assistants currently supervised by the Licensee;
- (6) Whether the Assistant will provide feeding or swallowing services;
- (7) A sample written session protocol for a hypothetical patient specifying all three protocol elements in Parts (A) through (C) of Subparagraph (e)(1) of this Rule; and
- (8) The Licensee's attestation that:
 - (A) he or she has read the supervision requirements set forth in the rules of this Section;
 - (B) he or she agrees to abide by the supervision requirements set forth in the rules of this Section;
 - (C) he or she accepts responsibility for the professional services provided by the Assistant and will be available to the Assistant while the Assistant is providing services; and
 - (D) the information provided in the application is correct.

(d) Licensees ~~must~~ shall ~~assure~~ ensure that patients are informed when services are being provided by an Assistant. Assistant through the following methods:

- (1) The Assistant ~~must~~ shall wear a badge that includes the job title: "SLP-Assistant."
- (2) When services are to be rendered by an Assistant, the patient or, if the patient is a minor, the patient's legal guardians or family ~~must~~ shall be informed in writing. This notification form ~~must~~ shall be kept on file in the patient's chart, indicating the patient's name and date notified.
- (c) ~~Tasks that are within the scope of responsibilities for an Assistant are listed in Rules .1004 and .1005 of this Section.~~ The standards for all patient services provided by the Assistant ~~are~~ shall be the full responsibility of the Supervising Licensee as defined in Rule .1001(b) and ~~cannot~~ shall not be delegated. Therefore, the assignment of tasks ~~and the amount and type of supervision~~ must shall be determined by the Supervising Licensee to ensure quality of care considering: the skills of the Assistant, needs of the patient, the service-setting, the tasks assigned, and any other relevant factors.
- (1) Before assigning ~~a~~ treatment tasks to an Assistant, the Primary Supervising Licensee ~~must have~~ shall first ~~evaluated~~ evaluate the patient, ~~written~~ prepare a general treatment plan, and ~~provided~~ provide the Assistant with a written session protocol specifying the following for patient behaviors:
- (A) eliciting conditions;
- (B) target behavior; and
- (C) contingent response.
- (2) The Primary Supervising Licensee ~~must~~ shall document the Assistant's ~~reliable and effective~~ application of the treatment protocol with each patient. Each time a new protocol is introduced, the Primary Supervising Licensee ~~must assure~~ shall ensure and document that the Assistant is utilizing ~~all three protocol elements (A, B, C) effectively.~~ all three protocol elements in Parts (A) through (C) of Subparagraph (c)(1) of this Rule.
- (3) For every ~~record created that documents~~ a patient encounter ~~for screening or treatment (screening or treatment)~~ in which an Assistant provides service, there ~~must~~ shall be legible signatures of the Assistant and one Supervising Licensee.
- (4) These signed and dated patient encounter records ~~must~~ shall be retained as part of the patient's file for the time period specified in Rule .0209 of this Chapter and may be requested by the Board.
- (5) ~~The Board may do random audits of records to determine compliance with its rules.~~ Upon receipt of evidence tending to show that a violation of this Section may have occurred, the Board may issue subpoenas to audit records related to the supervision of an Assistant.
- ~~(6) When patient services are being rendered by an Assistant, the [Primary] Supervising Licensee must be accessible to the Assistant in order to assure that direct observation and supervision can occur when necessary.~~
- ~~[(7)]~~
- ~~(f) [The Primary Supervising Licensee shall provide direct supervision for each patient for whom the Assistant is providing services. Every 90 days the Primary Supervising Licensee shall update and recertify the target behavior form. Every 90 days,] In the 90-day period following the Assistant's registration and in every 90-day period thereafter while the Assistant is registered, the Primary Supervising Licensee shall: [provide]~~

(1) Provide to each full-time Assistant under his or her supervision who works on average 30 or more hours per week a minimum of six ~~[(6)]~~ hours of direct supervision and six ~~[(6)]~~ hours of indirect ~~[supervision.]~~ supervision; ~~[Every 90 days, the Primary Supervising Licensee shall provide]~~

(2) Provide to each part-time Assistant under his or her supervision who works on average less than 30 hours per week a minimum of three ~~[(3)]~~ hours of direct supervision and three ~~[(3)]~~ hours of indirect ~~[supervision.]~~ supervision; and

(3) Update and sign a written treatment plan that documents each patient's short-term goals, skilled intervention, eliciting conditions, target behaviors, and contingent responses.

(g) Activities that provide direct supervision include observing in-person or recorded therapy sessions by the Assistant, providing co-treatment with the Assistant, or modeling therapy techniques during a session with the Assistant. Activities that provide indirect supervision include reviewing therapy notes prepared by the Assistant, lesson planning for the Assistant, communicating with the Assistant about sessions by telephone or email, or providing written feedback to the Assistant about ~~[session.]~~ sessions. The dates and amount of supervision provided shall be documented, dated, and made available upon Board request.

~~[(8)]~~

(h) The Primary Supervising Licensee shall complete and maintain a Competency Rating Scale, entitled "Form D," ~~[Scale ("Form D")]~~ for each Assistant on a form prescribed by the Board that is available on the Board's website. The Primary Supervising Licensee shall record on the Form D his or her observations regarding the Assistant's skills, as set forth in this Rule. The Primary Supervising Licensee shall update the Form D through ~~[routine]~~ observation, feedback, and performance evaluation sessions. The Form D shall be made available for Board review upon request. The Primary Supervising Licensee shall provide written feedback to each Assistant and provide evidence of written feedback to the Board upon annual registration of the Assistant, the discontinuation of supervision of the Assistant, or upon request by the Board.

(i) A completed Form D shall contain the following:

~~[(A)]~~ (1) The name and registration number of the Assistant;

~~[(B)]~~ (2) The name and license number of the Primary Supervising Licensee;

~~[(C)]~~ (3) The Primary Supervising Licensee's rating of the Assistant's demonstrated competencies in the following skills:

~~[(i)]~~ (A) Clerical skills;

~~[(ii)]~~ (B) Interpersonal skills;

~~[(iii)]~~ (C) Professional conduct in the work setting;

~~[(iv)]~~ (D) Technical skills; and

~~[(v)]~~ (E) Other skills decided by the Primary Supervising Licensee as necessary for the work performed by the Assistant.

~~[(D)]~~ (4) The Primary Supervising Licensee's plan to encourage further growth of the Assistant's skills; and

~~[(E)]~~ (5) The dated signature of the Primary Supervising Licensee and the Assistant.

~~[(9)]~~

1 (j) The Primary Supervising Licensee shall review and approve all documentation prepared by the Assistant related
2 to the provision of services for patients at least once every 30 days. This review shall be documented with the date of
3 review and Primary Supervising Licensee's initials or signature. This review shall be maintained in the patient and
4 Assistant supervision records.

5 (k) The Primary Supervising Licensee shall assess the Assistant's competencies during the initial 60 days of
6 employment using the performance-based competency assessment and orientation checklist provided by the Board on
7 the Board's website. The Primary Supervising Licensee shall submit the completed checklist ~~shall be submitted~~ to the
8 Board within 90 days of registration. ~~A Each time the Primary Supervising Licensee changes, the successor Primary~~
9 ~~Supervising Licensee shall complete and file with the Board a new competency checklist must be completed and filed~~
10 ~~within 90 days each time the primary supervising Licensee changes, following the change in Primary Supervising~~
11 ~~Licensee. In completing the checklist, the Primary Supervising Licensee shall provide the following assessment to~~
12 ~~the Board:~~

- 13 (1) whether the Assistant has completed a Board approved course of study and is currently registered
14 with the Board;
- 15 (2) whether the Assistant has completed an employment orientation at all sites where he or she will
16 provide services;
- 17 (3) whether the Assistant knows and understands the Board rules governing Assistants;
- 18 (4) whether the Primary Supervising Licensee has informed the Assistant of the overall scope of his or
19 her duties and responsibilities as an employee;
- 20 (5) whether the Assistant conducts himself or herself in a professional manner with patients, families,
21 caregivers, and staff;
- 22 (6) whether the Assistant identifies himself or herself as an Assistant to patients, families, and
23 caregivers;
- 24 (7) whether the Assistant wears a name tag at all times that identifies himself or herself as an Assistant;
- 25 (8) whether the Assistant provides instructions or explanations of treatment to the patient that are
26 appropriate for the patient's age, developmental level, language use, communication disorder, and
27 level of understanding;
- 28 (9) whether the Assistant has been instructed in the proper administration of the screening instruments
29 or tests and accurately administers these screening instruments;
- 30 (10) whether the Assistant accurately scores and reports the results of screening tests to the Primary
31 Supervising Licensee;
- 32 (11) whether the Assistant prepares treatment or screening materials before the beginning of each
33 treatment or screening session, as directed by the Primary Supervising Licensee, assuring that such
34 materials are appropriate for the patient's age, developmental level, language use, communication
35 disorder, and level of understanding;
- 36 (12) whether the Assistant starts and ends treatment sessions on time and follows the written treatment
37 protocol developed and prescribed by the Primary Supervising Licensee;

1 (13) whether the Assistant utilizes universal precautions and adheres to the infection control procedures
2 and guidelines of the employers; and

3 (14) whether the Assistant uses procedures for the physical management of patients/clients and injury
4 prevention strategies consistent with the employer's policies and with state regulation.

5 (g) ~~Any attempt to engage in those activities and responsibilities reserved solely for the Supervising Licensee shall~~
6 ~~be regarded as the unlicensed practice of speech language pathology.~~

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8 History Note: Authority G.S. 90-298.1; 90-301A; 90-304(a)(1); 90-304(a)(3);

9 Eff. July 1, 1998;

10 Amended Eff. December 1, 2013;

11 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,
12 ~~2016; 2016;~~

13 Amended Eff. [September]October 1, 2026.
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