

**Note from the Codifier:** The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days. For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

## TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

### CHAPTER 64 – BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

*Notice is hereby given in accordance with G.S. 150B-21.1 that the Board of Examiners for Speech and Language Pathologists and Audiologists intends to amend the rule cited as 21 NCAC 64 .0219.*

**Codifier of Rules** approved this rule as an emergency rule effective March 27, 2020 and received for publication the following notice and proposed temporary rule on March 19, 2020.

**Public Hearing:**

**Date:** April 10, 2020

**Time:** 9:00 a.m.

**Location:** Virtual, Call in number (646)-558-8656, Meeting ID 436 525 446, Password 112676; Please contact Board staff at (336) 272-1828 if you have any problem accessing the virtual meeting.

**Reason for Proposed Temporary Action:** A serious and unforeseen threat to the public health, safety or welfare. In accordance with Executive Order 116 to alleviate access to health care concerns during the COVID-19 outbreak and for the purpose of public safety of both patients and licensed practitioners, relaxation of telepractice rules are required.

**Comment Procedures:** Comments from the public shall be directed to: Denise Sherwood Brown, Executive Director; PO Box 16885, Greensboro, NC 27416; phone (336) 272-1828; fax (336) 272-4353; email dbrown@ncboeslpa.org. The comment period begins March 26, 2020 and ends April 17, 2020.

### SECTION .0200 - INTERPRETATIVE RULES

#### 21 NCAC 64 .0219 TELEPRACTICE

(a) The Board shall temporarily waive the requirement for licensure for telepractice in order to allow speech and language pathologists to delegate telepractice to speech and language pathology-assistants under the same level of direct supervision as required by 21 NCAC 64 .1003(e)(1)(2) and (6). This temporary waiver of licensure shall apply only to speech and language pathology-assistants and shall continue for the duration of the declared emergency as set forth in Executive Order No. 116 issued March 10, 2020.

~~(a)~~(b) For purposes of this Rule the following words shall have the following meanings:

- (1) "Patient site" means the patient's physical location at the time of the receipt of the telepractice services.
- (2) "Provider" means a licensed speech and language pathologist or audiologist who provides telepractice services.
- (3) "Provider site" means the licensee's physical location at the time of the provision of the telepractice services.
- (4) "Telepractice" means the use of telecommunications and information technologies for the exchange of encrypted patient data, obtained through real-time interaction, from patient site to provider site for the provision of speech and language pathology and audiology services to patients through hardware or internet connection. Telepractice also includes the interpretation of patient information provided to the licensee via store and forward techniques.

~~(b)~~(c) Telepractice shall be obtained in real time and in a manner sufficient to ensure patient confidentiality.

~~(c)~~(d) Telepractice is subject to the same standard of practice stated in Rules .0205 and .0216 of this Chapter as if the person being treated were physically present with the licensee. Telepractice is the responsibility of the licensee and shall not be delegated.

~~(d)~~(e) Providers must hold a license in the state of the provider site and shall be in compliance with the statutory and regulatory requirements of the patient site.

~~(e)~~(f) Licensees and staff involved in telepractice must be trained in the use of telepractice equipment.

~~(f)~~(g) Notification of telepractice services shall be provided to the patient and guardian if the patient is a minor. The notification shall include the right to refuse telepractice services and options for alternate service delivery.

~~(g)~~(h) Telepractice constitutes the practice of Speech and Language Pathology and Audiology in both the patient site and provider site.

Authority G.S. 90-304(a)(3).