

*"Sweet Home Alabama"*

## Telehealth Regulations: During the Pandemic and Beyond

### Alabama's Experience and Efforts

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2021 Annual Conference of the National Council of State Boards of Examiners for Speech-Language Pathology & Audiology  
Williamsburg, VA October 8 & 9, 2021

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### Alabama Telepractice Rules: Before the Pandemic

Prior to the onset of the SARS 2/COVID-19 Pandemic, ABESPA had no specific rules regulating telepractice, aside from the requirement that out-of-state non-ABESPA-licensed SLPs or Audiologists practicing in Alabama via telehealth/telemedicine meet three qualifying guidelines:

1. Must notify ABESPA before beginning service delivery
2. Services are performed in cooperation with a speech-language pathologist or audiologist licensed by the Board.
3. Services are limited to 30 days of practice before obtaining an Alabama License.

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### Alabama Telepractice Rules: Before the Pandemic

**870-X-2-.01 Exemptions.** Nothing in these rules and regulations or the current law shall be construed as preventing or restricting:

(h) A licensed speech-language pathologist or audiologist, who resides in another state and who is not licensed by the Board, may perform speech-language pathology or audiology services in this state provided:

1. The person is licensed under the laws of another state that has established licensure requirements at least equivalent to those established by the State of Alabama, or who holds a Certificate of Clinical Competence in speech-language pathology or audiology from the American Speech-Language-Hearing Association, or its equivalent; and
2. Services are performed for no more than 30 days in any calendar year; and
3. Services are performed in cooperation with a speech language pathologist or audiologist licensed by the Board.

(i) Any practitioner seeking an exemption under paragraphs (g) or (h) must notify the Board.

(j) Any practitioner who does not meet the exemptions stated above must hold an Alabama license. This shall be required for all individuals providing services for consumers in Alabama via in-office practice as well as telepractice or any other electronic means.

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**Telepractice Rules: Emergency Rules put in place during Pandemic**

With the COVID-19 Health Emergency, ABESPA passed a number of emergency rules (rule changes/amendments) to deal with the emergency at the April 10<sup>th</sup>, 2020 meeting. Such changes were put into effect on that date, to remain in effect for 120 days (until August 10th) or upon the removal of Governor Kay Ivey's Declaration of a State of Emergency on March 13, 2020, relating to the COVID-19 health emergency (whichever comes first).

The changes went into effect April 10<sup>th</sup> 2020, and remained in effect until the Governor's Declaration of a State of Emergency was lifted on July 6, 2021. Several of the changes involved expanding the permissibility of the use of telecommunication technology.

In addition to the emergency rule changes, ASBESPA created a new area on the ABESPA website relating to the COVID-19 Emergency that includes a list of "Frequently-Asked Questions" concerning the COVID-19 Health Emergency, as well as all necessary forms to respond to emergency rule changes.

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**Telepractice Rules: Emergency Rules put in place during Pandemic**

The emergency changes included:

1. Waiving the need for a notary signature for ALL documents where a notary signature is required.
2. For SLP and Audiology Assistants, suspension of the requirement that the licensee be physically present at the same facility at all times with the assistant, allowing supervision via telecommunication technology in real-time, as long as secure.
3. Similarly, allowing direct supervision of Clinical Fellow and 4th Year Audiology Internship registrants by the licensed supervisor via telecommunications technology in real-time.
4. Removal of the 30-Day rule for out-of-state licensed providers. Licensed out-of-state (non-ABESPA) providers must file a **30-Day Practice Exemption Extension form** with ABESPA outlining the reason for the requested extension **at the end of each 30-Day period of practice.**

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**And Beyond: New Telepractice Rules (May 15, 2021)**

With the onset of the pandemic, it became apparent that delivery of a number of different types of Audiology and SLP services via telecommunication technology was required to protect consumers, and would be increasing dramatically, a trend that appeared likely to continue even after the state of emergency was lifted. It was clear that ABESPA's lack of clear regulatory policies was problematic.

The board began reviewing telepractice/telehealth rules and regulations currently in place in other states as models for construction of our own rules and regulations. This was approximately a 6 month process, with the resultant proposed rules shared with the public and professional groups in December 2020. Following feedback, the revised rules were published in January 2021, a public hearing was held in March 2021, and the rules went into effect on May 15, 2021.

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**New ABESPA Telepractice Rules (Effective May 16,2021)**

**870-X-1-.01 Definition of Terms (addition of new terminology)**

- (12) "Patient Site," refers to the patient's physical location at the time of receipt of the telepractice services.
- (15) "Provider," a licensed speech-language pathologist or audiologist who provides telepractice services.
- (16) "Provider Site," means the licensee's physical location at the time of the provision of telepractice services.

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**New ABESPA Telepractice Rules**

**870-X-7-.05 Regulation of Telepractice (new rules, and more appropriate placement).**

Telecommunications technology makes the provision of speech, language, and hearing services to clients who are located in a different site than the licensed professional. It is incumbent on the licensee to use astute professional judgement in deciding which professional services can be utilized via telepractice. In order to maintain the standard of care, certain services would not be well suited for telepractice.

- (1) Telepractice is subject to the same standards of practice stated in 870-X-7-.01 through .04, as if the person being treated were physically present with the licensee. The quality of service provided to the patient through telepractice must be equivalent to the service obtained when the clinician is physically present with the patient.
- (2) Telepractice should be administered in real time and in a manner sufficient to ensure patient confidentiality.
- (3) Providers must hold a license in the State of Alabama unless there is a qualifying exemption as noted in Code of Alabama 1975, Section 34-28A-3; 870-X-2-.01 and shall be in compliance with the statutory and regulatory requirements of the patient site.

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**New ABESPA Telepractice Rules**

**870-X-7-.05 Regulation of Telepractice (continued)**

- (4) Telepractice services may not be administered by assistants.
- (5) Telepractice services may be provided by CFs in speech-language pathology and fourth year audiology interns in accordance with 870-X-2-.05.
- (6) Licensees are responsible for ensuring that both the provider site and the practice site are prepared adequately to ensure efficacious utilization of the therapeutic encounter.
- (7) Licensees and staff involved in telepractice should be trained in the use of telepractice equipment.
- (8) 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 alternative service delivery.

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**And the FUTURE:**

- Ongoing assessment of the effectiveness of the new ABESPA telehealth/telepractice rules and regulations
- Ongoing monitoring of actions of regulatory boards and professional association actions regarding telehealth/telepractice
- Ongoing monitoring of new developments in telecommunications technology and delivery methodology that may impact regulatory efforts.
- Funding of continuing education activities impacting consumers and professionals utilizing telehealth/telepractice service delivery

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