

## **POLICY STATEMENT REGARDING UNLICENSED PRACTICE**

This policy statement was developed by a task force appointed by the CSHA board in April, 2003 in response to concerns by members of CSHA pertaining to individuals and/or agencies who, through on-line or print material, advertise services that appear to be exceeding the boundaries of their training, and for which they do not appear to be appropriately licensed or certificated. In other words, the concerns involve encroachment on the scope of practice for speech-language pathology. members of the task force include: Carol Murphy, chair, Jane Germ Gelleke, Kristina Zajic, Claudia Dunaway, and Debra Swain. Robert Powell, Legislative Counsel for CSHA, and Lisa O'Connor, Past President of CSHA, provided guidance and support.

This policy takes the form of answers to the following pertinent questions:

### **What is encroachment?**

An individual or agency gives information and advice or provides treatment about communication disorders that goes beyond the boundaries of their training and for which they are not licensed or certificated.

### **What are the effects?**

The information, recommendations or treatment may be of little help or even harmful to the well being of the consumer. Without appropriate information, the individual with the communication disorder may regress or make inadequate progress.

### **When does it occur?**

It happens when a consumer is seeking information, evaluation or treatment regarding a communication delay or disorder. The consumer encounters individuals, agencies or businesses that claim to have expertise in these areas but lack the appropriate educational background, training and credentials to provide adequate service.

Often the occurrence is a result of a genuine misunderstanding and the person giving the advice is sincerely interested in the client's welfare. This person confuses experience with expertise and makes statements about the diagnosis, goals, service delivery model, and methods that exceed his or her level of training. In the worst case, the act is deliberate and intended to result in monetary gain for the claimant. Misleading information is most often found in print and electronic advertising and at IEP meetings and conferences.

### **How can I recognize it?**

Most instances are obvious and easy to recognize. In print or electronic advertising, the advertiser makes claims about the effectiveness of a program and the amount of growth that is likely to be made or promises specific outcomes based on a prescribed treatment approach. Sometimes these claims go well beyond the limits of the available scientific evidence. In addition, the person delivering the program lacks sufficient credentials to reasonably be considered as an expert in the area. At a meeting to discuss concerns or information regarding a client, encroachment becomes an issue when the knowledge and

expertise of the SLP is discounted or dismissed. In these situations, the client relies on a less trained or untrained individual to make sense of the data.

### **Who is qualified to talk knowledgeable about communication development and disorders?**

Language is the centerpiece of human development. Everyone has some information or opinion about it. Disciplines grow up around the study of language. At universities there are departments of literature, linguistics, English, education, cultural anthropology, child development, psychology, communications, languages, and speech-language pathology. Each one of these disciplines brings a unique understanding to communication development.

There is only one field that provides training, licensing and credentialing specific to the diagnosis and treatment of communication disorders. Speech and language pathology is the study of communication development and disorders. SLPs are trained in diagnosis and remediation of speech and language disorders by completing A Master's Degree at nationally accredited programs. Educational coursework includes typical speech and language development, speech and language disorders, diagnostics, development of treatment goals, providing evidence-based remediation, and participating in interdisciplinary teams including co-treatment and/or collaboration in treatment approaches and goals. The speech language pathologist is the only professional who is trained and qualified to diagnose and treat communication disorders.

When an individual is experiencing difficulty in communication development, caretakers want to know what is wrong, why the problem exists and how to fix it. Answers to these simple questions maybe complex and require a thorough evaluation and analysis of the results; the development of goals that reflect the client's unique environment and the development and implementation of an effective educational or treatment plan based on the most current evidence-based research. The only professional trained to deliver this level of service is a speech-language pathologist and it is done in collaboration with a team that includes caretakers, aides, paraprofessionals and allied professionals. In the course of describing a client's strengths and weaknesses and distinguishing between differences and disabilities, the SLP seeks and considers input from everyone who knows the client. When communication is at stake, the SLP is the team leader.

Once a disability is documented, the caretaker's next question is "who is the most qualified person to work with my child?" The person who should implement the plan is a person who is trained in the required methodology and can modify the program quickly to meet the ever-changing needs of the client. For many clients, this is the SLP. For others, a co-treatment or co-teaching model is the most efficacious. The SLP teams with other professionals to share expertise, focus on the same goals and leverage agency resources. This model is particularly effective when the goal is to promote academic achievement. Finally some clients need intensive practice that can effectively be conducted by a trained assistant who is supervised by the SLP.

Everyone who knows the client can and should provide information about his or her communication development. This information adds to the richness of the description and ensures the validity of the data that is collected. The same is true for the development of the goals and the intervention plan. It is critical that the plan is practical and relevant and who can tell us better than the caretakers, teachers and other academic specialist that the plan is likely to work for a particular client. Ultimately though it is the responsibility of the SLP to establish the presence or absence of a disorder, write meaningful goals and develop and monitor an effective intervention plan. We do it in collaboration but if it is our "responsibility to hold paramount the welfare of persons" we serve professionally, then we must take the lead (ASHA Principle of Ethics I).

### **How can I take the lead?**

An SLP takes the lead by adhering to the highest standard of integrity and ethical principles as stated in the ASHA Code of Ethics [American Speech-Language-Hearing Association (2003). Code of Ethics, revised. ASHA Supplement 23, p 13-15]. This Code of Ethics states that we must "hold paramount the welfare of persons whom we serve." This means that we perform all services to the highest level of professional competence, provide accurate information to the public, respect the dignity and autonomy of allied professionals and strive to maintain harmonious inter-professional and intra-professional relationships. If we have reason to believe that a member of our profession is in violation of the law or our professional Code of Ethics, a report should be made to the appropriate agency. If the complaint involves a violation of California law, the complaint should be made to the California Department of Consumer Affairs' Speech-Language Pathology and Audiology Licensing Board (SLPAB). If the complaint involves a violation of the ASHA Code of Ethics, and the subject of the complain is a member of ASHA, the complaint should be made to the ASHA Board of Ethics. If the complaint involves a member of another profession and that organization provides certification for its members, then the complaint should be made to the Board of Ethics of that association.

Below are a few practical ways an SLP can take a leadership role in the community.

- Advocate for our profession. Leadership involves education. Strengthen the profession's standing in your community by finding opportunities to increase the public's awareness of the roles and responsibilities of an SLP.
- Stay current. Take the professional obligation of continuing education seriously.
- Carefully document situations of unethical behavior and report serious infractions.
- Be willing to cooperate and collaborate in the best interest of persons whom we serve.
- Be clear about your own competencies. Make sure that your practice is exemplary.

### **What can CSHA do to help?**

- Continue to provide education about the role of speech language pathologists.
- Maintain a strong alliance with the California State Licensing Board.
- Work collaboratively with other professional associations to inform and educate.
- Maintain financial resources for continued outreach to parents.

**Resources: Ethical and/or licensing complaints** (reprinted from the CSHA Code of Ethics, January, 2003)

**CA Licensing complaints:** [www.slpab.ca.gov](http://www.slpab.ca.gov)

**ASHA:** [www.asha.org](http://www.asha.org)

ASHA Statement of Practices and Procedures of the Board of Ethics:

<http://professional.asha.org/resources/deskref/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=13518>

Effective February 8, 1998; revised 1993; revised 1997; revised 1998; revised 2001

ASHA Ethics in Research and Professional Practice

<http://professional.asha.org/resources/deskref/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=13531>

*1982; revised 2001*

ASHA - How to File an Ethics Complaint

[http://professional.asha.org/resources/ethics/complaint\\_procedures.cfm](http://professional.asha.org/resources/ethics/complaint_procedures.cfm)

**AAA** [www.audiology.org](http://www.audiology.org)

AAA Eligibility Requirements for Board Certification

<http://www.audiology.org/professional/aba/eligibility>

**CSHA** [www.csha.org](http://www.csha.org)