



Position Statement on Telesupervision

The Nevada Speech-Language Hearing Association (NSHA) is the state association for Audiologists and Speech Language Pathologists. The mission of NSHA is to promote and protect the practice of quality speech, language, and hearing services for children and adults throughout the State of Nevada. NSHA provides leadership and guidance within the issues that have an impact on our professions.

As the association representing all Speech and Language practices in Nevada, we speak on behalf of our membership body that includes Certified Speech-Language Pathologists (CCC-SLPs), Clinical Fellow Speech-Language Pathologists (CF-SLPs), our Bachelor's and Master's degree students in our varied universities (hereby referred to as 'Interns'), and our alternatively licensed SLP practitioners in our schools (hereby referred to as 'UTDO Under The Direction Of SLPs').

NSHA adopts and endorses the position of our national association, the American Speech-Language-Hearing Association (ASHA) that recognizes the title "Speech-Language Pathologist (SLP)" to refer to ONLY our CCC-SLP and CF-SLP professionals, but also acknowledges the unique circumstances in Nevada in which school districts use the title "SLP" universally to refer to any practitioner who meets the qualification of 'Teacher of the Speech-Language Impaired' by the Nevada Department of Education¹. As the last state in the United States to fully allow for these 'lesser licensed' educational SLP practitioners, it is critical to state here that NSHA recognizes and supports any and all actions that move our state to current and nationally certified licensure requirements for all practitioners.

However, NSHA also recognizes and respects the extensive training efforts and mentoring supports that our school districts have provided to their SLP workforce, creating a competent, proficient, and well supervised UTDO SLP subgroup that provides federally mandated services to our students, and lessens the burden of our longstanding critical staffing shortages in schools. In many of our school districts, the UTDO SLPs make up more than half of the department staff. During brick and mortar instruction, non-emergency times, these UTDO SLPs practice with full authority and title responsibility delivering competent, quality services to our students as governed by IDEA.

NSHA considers the federal guidelines from Centers for Medicaid and Medicare services (CMS) regarding the provision of speech-language pathology services as a recognized Medicaid

covered service, but that CMS ultimately defers to the individual states to delineate the scope and payment of services.

In consideration of the Nevada Medicaid Services Manual (MSM) Chapter 2800 language², NSHA accepts the definition and guidance for the UTDO SLP provider services to be eligible for Medicaid reimbursement, following MSM regulations and guidance regarding certified expert supervision and contact from a CCC-SLP. With guidance and specific recommendations from ASHA³ regarding pace and frequency of supervisory observations, constant communications and relationship between Supervisor and Supervisee, and frequent documentation review and collaboration, CCC-SLPs feel comfortable in this UTDO supervisory relationship, and are able to efficiently and effectively assign their signature 'approval' to services rendered, making them ultimately eligible for Medicaid reimbursement. During brick and mortar instruction, Medicaid reimbursement for these services delivered by UTDO SLPs is secured through regular and recurrent face to face interactions with both the UTDO SLP (the Supervisee) and the Medicaid-eligible student, with the CCC-SLP (Medicaid Supervisor) assuming the professional, legal, and ethical responsibility of these services through prescribed observation, review, feedback, collaboration, documentation, and digital signature/approval of appropriate services for billing⁴.

During our recent and current public health crisis, these services have been delivered almost exclusively through telepractice in our Nevada schools since March 2020, where Supervisor-Supervisee interactions have also been limited to telecommunications. NSHA recognizes the Public Health Emergency and relaxation of certain regulations, but also notes that Nevada has no acknowledgement or allowance for telesupervision of SLPs, thereby removing the only effective and safe tool for Supervisor-Supervisee oversight. Furthermore, NSHA reviews that telepractice/telehealth services are outlined in MSM 3400⁵, but with no acknowledgment of the UTDO or lesser licensed provider in said document. NSHA looks to the language of NRS 637B.244⁶ which defines telepractice as provided by a licensed SLP, requiring technological expertise, equivalency to face to face services, appropriateness of telepractice services for the intended client/student, and accountable documentation of the event.

The language of these policies creates a regulatory gap, leaving the allowances for the practices of the UTDO SLP during the Public Health Emergency, and the potential reimbursement through previous MSM 2800 precedents, unclear. This omission and gap has created a unique crisis in Nevada, in which services delivered through telepractice by UTDO SLPs are federally compliant for IDEA, but do not meet the standard of Medicaid reimbursement under current regulations.

NSHA is cognizant of the enormous fiscal implication of this gap in reimbursement. More than half a dozen Nevada school districts seek Medicaid reimbursement for their SLP services, and all report UTDO SLP staffing. ASHA suggests that more than 80% of school based Medicaid claims are from speech therapy services. Data from the NV Coalition (Nevada Coalition to Address Personnel Shortages in Special Education and Related Services), indicate from our two largest districts alone, Clark and Washoe, that 218 UTDO SLP staff and 8 UTDO SLP staff,

respectively, were employed during the 20-21 school year. Data from Nevada Institute for Children's Research and Policy (2017) indicate that both of these districts identify nearly 30% of enrolled students to have Medicaid⁷. The implication that a full year of non-reimbursable claims due to UTDO SLP supervision restrictions during COVID amounts to significant loss of reimbursement for school districts, estimated in the hundreds of thousands, if not millions of dollars, statewide based on this data.

A policy position that does not support the use of telesupervision for speech therapy services will continue to significantly negatively impact the opportunity for the Districts to move forward in accessing available federal funds that support our vulnerable populations. Distance Education continues in many school districts as many parents opt to keep their children in virtual instruction. NSHA recognizes the demands and burdens placed upon school districts during COVID and the heavy reliance upon funding for implementation of both virtual and face to face health and instructional practices and supports.

NSHA takes the position that while the training and expertise of the UTDO SLP may place certain limitations on the depth of the instructional exchange delivered through telepractice during Distance Education mandated by the Public Health Emergency, we also recognize and respect the integrity, perspective and relationship of designated Medicaid Supervisors with their UTDO Supervisees. We ultimately support that the decision to approve UTDO delivered telepractice services must remain under the authority of the designated Medicaid Supervisor during the Public Health Emergency.

This can only be maintained through an emergency allowance for telesupervision.

References:

1. [Nevada Department of Education, Teacher of SLI endorsement qualifications](#)
2. [Nevada Medicaid \(DHCFP\) Chapter 2800](#)
3. [ASHA Practice Policy regarding School-based Medicaid](#)
4. [ASHA Position Statement regarding School-based Medicaid and "Under the Direction Of"](#)
5. [Nevada Medicaid \(DHCFP\) Chapter 3400](#)
6. [NRS 637B \(Nevada requirements for SLP Telepractice\)](#)
7. https://caanv.org/wp-content/uploads/2018/07/Fact-Sheet-_Medicaid-and-School-Districts-in-Nevada.pdf

Additional resources:

[State of Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board](#)
[ASHA Code of Ethics](#)
[US Department of Education Protecting Student Privacy \(FERPA\)](#)
[US Department of Health and Human Services \(HIPAA\)](#)
[ASHA Telepractice Requirements for SLP \(Nevada\)](#)
[ASHA State by State Telepractice Guidance](#)
[US Dept of Ed COVID resources for schools](#)
[NV Dept of Ed COVID 19 and Students with Disabilities](#)

[US Dept of Health and Human Services. Telehealth Discretion during COVID \(platforms\)](#)
[NV Division of Health Care Financing and Policy \(HIPAA relaxation\)](#)