



December 23, 2019

Renee Clark, Executive Director
Audiology and Speech-Language Pathology Advisory Committee
Division of Consumer Affairs
124 Halsey Street
PO Box 45002
Newark, NJ 07101

RE: PRN 2019-140, Telemedicine

Dear Director Clark:

On behalf of the American Speech-Language-Hearing Association, I write in support of the Audiology and Speech-Language Pathology Advisory Committee's proposed rules for telemedicine (PRN 2019-140), and to propose changes to rules that may need clarification to ensure they are implemented as intended.

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for more than 204,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students. Over 6,800 ASHA members reside in New Jersey.

As the leading national organization for the certification and advancement of audiologists and speech-language pathologists, ASHA supports the development and use of telemedicine or "telepractice." Research demonstrates the equivalence of telepractice to in-person service delivery for a wide range of diagnostic and treatment procedures for adults and children.¹ Studies have shown high levels of patient, clinician, and parent satisfaction supporting telepractice as an effective alternative to the in-person model for delivery of care.² Telepractice expands practitioners' availability to those in need—regardless of geographic location—saving time and resources for both the provider and the patient.

The proposed rules will help ASHA members in New Jersey better understand what constitutes as telepractice and how to use telecommunications tools and information technology appropriately when providing services. Although ASHA supports the rules proposed, we recommend changes to those rules that may require further clarification to be properly applied by practitioners.

13:44C-11.3 Standard of care

Under 13:44C-11.3(a), prior to initiating services a licensee is required to "determine whether providing those services through [telepractice] would be consistent with the standard of care applicable for those services when provided in-person." This provision is unclear as to whether an evaluation to determine the appropriateness of telepractice services can be conducted remotely. Requiring licensees to evaluate clients in-person before initiating services would significantly limit the number of providers available to treat clients via telepractice and is counter to established evidence demonstrating the equivalence of telepractice to in-person service delivery for a wide range of diagnostic procedures.³

ASHA recommends restating 13:44C-11.3(a) to clarify that determinations of the appropriateness of telepractice services can be obtained via electronic communications as defined by 13:44C-11.2.

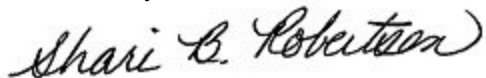
13:44C-11.8 Privacy and notice to patients

The proposed rules establish that licensees shall cease providing services via telepractice when they determine those services cannot be provided in a manner consistent with in-person standards of care. However, the rules are unclear as to the right of a patient to refuse services delivered via telepractice. The right of refusal is a standard aspect of existing state rules on the use of telepractice by audiologists and speech-language pathologists and is included in ASHA's code of ethics as a requirement to obtain informed consent for all services.⁴

ASHA recommends that 13:44C-11.8(e) be revised to clarify that the required notifications provided to the patient and guardian shall include the right to refuse telepractice services.

ASHA appreciates your consideration of our recommendations on the Committee's proposed rules for the use of telepractice by licensed audiologists and speech-language pathologists. If you or your staff have any questions, please contact Susan Adams, ASHA's director of state legislative and regulatory affairs, at sadams@asha.org.

Sincerely,



Shari B. Robertson, PhD, CCC-SLP
2019 ASHA President

¹ Grogan-Johnson, S., Alvares, R., Rowan, L., & Creaghead, N. (2010). A pilot study comparing the effectiveness of speech language therapy provided by telemedicine with conventional on-site therapy. *Journal of Telemedicine and Telecare*, 16, 134–139.

² Ibid.

³ Ibid.

⁴ American Speech-Language-Hearing Association. (2019). Code of ethics. Retrieved from <https://www.asha.org/Code-of-Ethics/>.