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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

NYS DEPARTMENT OF HEALTH
DIVISION OF EXTERNAL AFFAIRS

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ATTORNEY GENERAL

APPEALS AND OPINIONS BUREAU

August 5, 2010

Richard F. Daines
Commissioner
Department of Health
Corning Tower
Empire State Plaza
Albany, NY 12237

Dear Commissioner Daines:

You have requested a determination that the New York State licensing standards for speech-language pathologists were equivalent to the certification requirements established by the American Speech-Language and Hearing Association (ASHA) for the period 2004-2009 and are equivalent from 2010 going forward. You have requested this determination because under the federal Medicaid regulation, 42 C.F.R. § 440.110(c)(2), if the two standards are equivalent, speech-language pathologists licensed by the State are qualified Medicaid providers regardless of whether they are also ASHA-certified.

This letter describes the basis for our conclusion that the New York State licensing standards for speech-language pathologists are equivalent to ASHA's certification requirements. Because responding to this inquiry requires expertise in the field of speech-language pathology, an expertise not held by this Office, we have consulted with the New York State Board for Speech-Language Pathology and Audiology (the Board), which is the entity recognized by the State of New York as holding this expertise. See N.Y. Education Law § 8205.

Both New York State and ASHA require a master's degree or its equivalent; specific course work in speech-language pathology; supervised clinical practice; a minimum score on a standardized subject examination, a score of at least 600 on the Praxis examination; and supervised professional experience.

With respect to the professional experience required, ASHA requires 36 weeks of full-time experience. From 2004-2009, New York State required an equivalent amount of experience, at least nine months. In 2009, the state requirement was amended and for the period from 2010 going forward the State now has an identical 36-week requirement.

New York State began requiring that its licensees complete a minimum of 30 hours of continuing competency activities during each triennial registration period before ASHA implemented its continuing education requirements in 2005. The State and ASHA requirements for continuing education are now identical.

The Board has confirmed that, although the New York State's licensing standards are not completely identical to ASHA's certification standards from 2004-2009 and 2010 going forward, they are substantially equivalent. This determination remains effective until current State licensing standards for speech-language pathologists or the current standards for the ASHA Certificate of Clinical Competence change.

Very truly yours,



KATHRYN SHEINGOLD
Assistant Solicitor General
In Charge of Opinions

cc: Donna Frescatore,
NYS Medicaid Director, DOH