

Expansion of Scope of Practice to Provide Assistance in Responding to COVID-19

Speech-Language Pathologists and Audiologists

On May 6, 2020, Governor Tom Wolf signed an [Order of the Governor of the Commonwealth of Pennsylvania to Enhance Protections for Health Care Professionals](#) (the “Executive Order”). Its purpose is to afford health care practitioners protection against liability for good faith actions taken in response to the call to supplement the health care provider workforce battling COVID-19.

During the course of the pandemic and the disaster declaration associated with it, the Wolf Administration has used its authority under the declaration to suspend a number of regulations and regulatory statutes. The effect of several of the suspensions is to expand the scope of practice and to relax the supervision requirements for numerous health care licensees, allowing these professionals to perform acts they would not otherwise be authorized to perform in the ordinary course of their practice.

More specifically, as set forth in the Executive Order, “temporary suspension[s] of portions of 63 P.S. §§ 1301-1313, 1501-1519, 1708(a), and 49 Pa. Code §§ 40.22, 40.32, 40.51-40.55, 40.161, 40.165, 40.166, 40.171- 40.173, 40.181, 42.22, 42.23, 45.2, 45.1, 45.14, 45.20” have been granted “to allow occupational therapists, physical therapists, speech-language pathologists and audiologists to perform skills that they are trained for – in settings and under circumstances that are outside their normal scope of practice, with less strict adherence to supervision requirements to provide a measure of relief in staffing shortages should they arise throughout the Commonwealth.” For **speech-language pathologists** and **audiologists**, the effect of these suspensions is as follows:

Speech-Language Pathologists may perform the following tasks for the duration of the emergency declaration: swallowing issues; suctioning patients; transferring and positioning patients; history taking and medical screening; monitoring vital signs; assisting with patient/provider communication; providing basic care in hospitals and long-term care facilities (e.g., assisted living residences, personal care homes, “nursing homes”) including activities of daily living such as bed changes, feedings, baths, and the like; tasks lawfully delegated by an M.D. or D.O.

Audiologists may perform the following tasks during the emergency: assisting with patient/provider communication; providing basic care in hospitals and long-term care facilities (e.g., assisted living residences, personal care homes, “nursing homes”) including activities of daily living such as bed changes, feedings, baths, and the like.

A licensee’s obligation to competently perform their duties consistent with their level of training, education and experience is a guiding principle that is both constant and unwavering. Neither the Executive Order nor the temporary suspensions alters that obligation. Moreover, when performing tasks to aid in the COVID-19 response that are outside of their normal scope of practice, licensees (and those working towards licensure) shall not undertake any activity for which they are not already licensed or authorized to perform without first obtaining the appropriate training and support to perform those tasks competently.

The Executive Order shall remain in effect for the duration of the disaster emergency.