



Board of Examiners  
For Speech-Language  
Pathology & Audiology  
(971) 673-0220  
(971) 673-0226 fax  
800 NE Oregon St  
Ste 407  
Portland OR 97232  
[www.bspa.state.or.us](http://www.bspa.state.or.us)

# Meeting Minutes

## September 5, 2008

### Portland State Office Building Conference Room 445 Portland, Oregon

#### **PRESENT:**

Ashley Northam, SLP, Chair	Sandy Leybold, Executive Director
Alison Metcalf, Audiologist, Vice Chair	Benjamin Boyd, Administrative Assistant
Carol Clupny, SLP Member	Jeff Dover, AAG (arrived 11:30 a.m.)
Evan (Butch) Evans, Audiologist Member	Nancy Dunn, Audiologist, Consultant (arrived 11:30 a.m.)
Charles Murphy, Public Member	
Mark Wax, MD, Otolaryngologist (arrived 10:25 a.m.)	

**Excused Absence:** Elisa Williams, Public Member

#### **CALL TO ORDER**

The meeting was called to order at 10:00 a.m. by Chair Northam.

#### **WELCOME/APPROVE AGENDA**

Chair Northam welcomed the new Board members and those present introduced themselves to each other. Chair Northam asked for any additional agenda items. None were suggested.

#### **APPROVE MINUTES OF AUGUST 1, 2008 TELEPHONE MEETING**

**Action:** Clupny moved and Metcalf seconded a motion to approve the minutes previously circulated via email. The motion passed through unanimous vote (5-0) of those present.

#### **PUBLIC INPUT**

Chair Northam noted that no members of the public were present.

#### **CHAIR'S REPORT**

Chair Northam circulated a listing of current continuing education requirements for SLPs as compiled by the National Council of State Boards of Examiners for Speech-Language Pathology & Audiology (NCSB). Oregon and Montana have the highest requirements at 40 hours per biennium, Wyoming requires 20 hours per year. These states are followed by Indiana at 36 hours per biennium. A majority of states (18) require 20 hours per biennium.

The ASHA standard is 30 hours per 3-year cycle. The Oregon Teacher Standards and Practices Commission (TSPC) requires 125 hours over a 5-year period, or 25 hours per year. However, the TSPC Board has no speech pathologists, and the continuing education requirements can be met through general education-related sessions. Metcalf noted that audiologists are required to meet the BSPA 40 hour per biennium requirement as well as requirements for hearing aid fitting through the Health Licensing Agency (HLA).

Chair Northam suggested that this Board review the thinking that went into the development of our PD requirements in 2002, and revisit this issue formally in a future Board meeting.

#### **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Sandy Leybold distributed a summary of Agency accomplishments in July and August. Items included:

- Filed temporary rule 8/13/08, effective through 02/08/09.
- Engaged Mid-Valley Speech & Hearing/Nancy Dunn as Consultant to provide professional

- input into investigation work.
- Reviewed initial draft of 2009-11 budget with Shared Client Services and Budget and Management. Revisions are underway to reflect accurate salary levels, effects of e-commerce and rising costs of investigations.
- Established peer relationships with EDs of Suite 407 and HRLBs to coordinate and streamline administrative work.
- Subpoenaed and redacted records, engaged volunteer peer reviewer, and consulted with Dunn and Dover regarding ongoing investigations.
- Updated Board Orientation Manual.

#### Upcoming Issues

- Revenue increase will be needed during next biennium. Fee survey underway. Expect financial report and fee proposal in November.
- On-line payment process to be completed for 2010 renewals
- Final budget proposal to go to Governor's office and Legislature this fall
- Newsletter targeted for mid-September
- Northam and Leybold planning to attend NCSB (National Council of State Boards) meeting

### **REVIEW PETITIONS FOR SPECIAL APPROVAL FOR SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS**

The Board had received two requests for special exceptions to SLPA supervision requirements as provided in the temporary rule promulgated on August 13, 2008. The petition from Harney Educational Service District (ESD) was received by the Board on August 25, 2008, and the petition from Grant County ESD was received on September 4, 2008. Each request was for approval of the ESD's plan for SLPA supervision using fewer hours of Direct Supervision and more hours of Indirect Supervision, as allowed under OAR 335-095-0050 (5).

**Action:** Clupny moved, and Wax seconded, a motion to approve the petition of Harney ESD. It was approved through unanimous vote (6-0) of those present.

Chair Northam declared a conflict of interest with regard to Grant County ESD's petition, since she is part of a professional group that will contract with the ESD to provide a portion of the SLPA supervision. Northam left the meeting room and Vice Chair Metcalf took over as presiding officer for the discussion of this motion at 10:58 a.m. Clupny led a discussion about the ESD's petition, and the Board members reached consensus that this petition also met the Board's intention to provide temporary relief for staffing issues while allowing students to receive needed services.

**Action:** Metcalf moved, and Murphy seconded, a motion to approve the petition of Grant County ESD. It was approved through unanimous vote (5-0) of those present.

Clupny reported that the regional ESD in Wallowa is also putting together a petition, which the Board will review as soon as possible upon receipt.

### **REVIEW OF KEY PERFORMANCE MEASURES**

Executive Director Leybold presented an update of the Board's performance on key measures that had been identified in previous biennia. A summary of these measures will be included in the Board's final agency budget submission.

#### #1—Oregon School Districts With A Certified Speech-Language Pathology Assistant

This measure was initiated in 2003, following the Board's adoption of rules outlining requirements for certification of SLPAs. After an initial period of rapid growth, the number of districts using SLPAs has grown from 51 in 2004 to 59 in August 2008. The total number of districts is 198.

The Board discussed barriers to use of SLPAs. Sometimes uncertified Educational Assistants are used by school districts since Human Resources directors are more familiar with TSPC, which has no certification of assistants. Districts prefer to use SLPs when it is possible to budget and recruit successfully for them, since SLPs can diagnose conditions as well as treat students. Northam suggested several ways of raising awareness of SLPAs and their certification, such as OSHA

newsletter, COSA (Confederation of School Administrators) meetings or newsletters, Oregon School Personnel Association (HR professionals). Northam and Leybold will follow up to disseminate appropriate information.

Ultimately, however, this measure is not something that BSPA can control. Wax suggested that a different denominator be used, such as the number of districts that use SLPAs. Portland Public Schools, for example, has chosen not to use SLPAs. Further work will be done to make this measure more valid, or perhaps replace it with another measure.

#### #2—Compliant Professional Development Reported

This measure has been tracked since 2000; however, this measure is subject to interpretation, and with the change in agency staff, it appears that the 2006 and later data is not consistent with data reported earlier.

Data reported for 2006 and 2008 (55% and 83%) represent the number of licensees who passed the initial audit without any issues or warnings. Those receiving warnings were granted additional time to provide appropriate documentation, which occurred in 90% and 99% of the cases, respectively. In 2008, the 2 licensees who were unable to document compliance with professional development requirements were approved for inactive license status. Thus in the end, 100% of active licensees audited meet continuing education requirements.

This measure is tracked by other agencies, and Leybold suggested monitoring this measure in conjunction with other agencies to make sure that we are comparing “apples to apples”.

#### #3—Customer Service

Results of the customer service survey showed ratings of “good” or “excellent” for 92% and 97% of the respondents in 2006 and 2007, respectively. Only 69% rated the agency comparably through August 2008. Although there have been staff changes in 2008, there are also only 15 respondents. The Board agreed to publicize the survey through our upcoming Fall Newsletter as well as through a separate email to licensees. If we have more data, the ratings will be more valid. This method was used in 2006, when 328 licensees responded.

#### #4—Board Governance Best Practices

In 2006, the Department of Administrative Services (DAS) identified 15 best practices for Oregon Boards and Commissions that have governance oversight (such as licensing boards), have their own budgets, and hire the agency’s executive director. BSPA is one of approximately 45 such Boards. These best practices were combined into a performance measure during the 2007 Legislature Joint Ways and Means process, and included in the listing of final Key Performance Measures for 2007-2009.

Leybold presented a summary of the self-assessment this Board performed during the June 19, 2008 meeting. While we assessed that we meet the best practice objectives in all areas. Methods of meeting these objectives need to be tailored to the BSPA’s needs and resources. With 1.4 FTE staff and 7 Board members who operate primarily as a “committee of the whole”, it is important that the Board and ED work together to create practical and cost-effective ways to conduct these best practices.

To improve future performance, Leybold made the following suggestions: continued self-assessment; seek opportunities for Board training; provide consistent staff assistance; call on support services in other areas of state government; establish a regular schedule for many Board activities; and possibly meet more frequently to accomplish the Board’s work.

### **LICENSES ISSUED**

Administrative Assistant Boyd presented a list of licenses issued according to Board rules and policies from April 1 to September 4, 2008.

Action: Wax moved, and Metcalf seconded, a motion to ratify the licensees issued. The motion passed by unanimous vote (6-0).

Leybold asked for the Board to take formal action on a request for extension of conditional license status for licensee Rain Daniel. Her request had been circulated electronically among Board members for review prior to the meeting.

Action: Metcalf moved, and Clupny seconded, a motion to approve a conditional license for Rain Daniel for an additional year. The motion passed by unanimous vote (6-0).

Leybold reported that the criminal/professional discipline affidavit on the license renewal form had been amended in accordance with the Board's direction at the June 19, 2008 meeting. She asked for clarification about whether the questions on the initial and conditional applications and the SLPA application should remain as is. Northam and other members said they could remain.

#### **BOARD ORIENTATION**

Leybold distributed new Board orientation materials for new and returning Board members. She highlighted the confidentiality policy and contact information. She also recommended the New Board Member Orientation offered by the Governor's Office. Evans, Northam and Leybold plan to attend. Leybold and Dover reminded Board members not to inadvertently create a public meeting by having a conversation with 3 other Board members in an outside setting, such as OSHA meeting. Also, email communication where four or more people are looped into the email strands can inadvertently create a public meeting.

#### **PROFESSIONAL DEVELOPMENT SESSION ON RECORD-KEEPING**

Nancy Dunn developed a proposal for a professional development session on the Board's record-keeping requirements, with input from Metcalf and Northam. The question is where and how to present this information to licensees. Suggestions discussed include: in-person at OSHA meeting; on-line, either through a Board operated process or co-sponsored by an educational facility. Possible formats include lecture/test, self-study/test, and a supplemental case study with sample records. The desire is to get the information out to a large group of licensees while keeping the logistics efficient. Dover pointed out that if peer review or records is part of the professional development, the Board should state that no disciplinary action will take place based upon the findings. Records would need to be redacted to remove both provider and patient names. Perhaps the session would be offered free by the Board, but there would be a charge for the peer-review based credits. Further work will be done to refine the proposal.

#### **RECOGNITION OF NANCY DUNN FOR HER YEARS OF BOARD SERVICE**

Board members had individually voluntarily contributed to a \$50 gift certificate, which was presented to Nancy along with a card with gratitude and recognition for her many years of service to the Board.

#### **TRAINING ON THE INVESTIGATIVE PROCESS**

Jeff Dover, Assistant Attorney General, presented an overview of the investigative process to help train new Board members.

#### **EXECUTIVE SESSION**

The Board entered Executive Session to discuss disciplinary cases and obtain legal advice, as allowed under ORS192.660(2)(k). The following actions were taken after the public session resumed:

Complaint 08-07: Metcalf moved and Wax seconded a motion to close this case. A letter should be written to the licensee advising them to keep accurate and timely records in the future. Passed unanimously.

Complaint 07-10: Clupny moved and Metcalf seconded a motion to close this case with no further action. Votes cast: Ayes – 4; Abstain – 1; No – 1.

#### **SET NEXT MEETING DATE**

The Board agreed to hold its next meeting on Friday, November 7, at 10:00 a.m, and to tentatively book Friday, January 9, 2009 as well.

**ADJOURNMENT** The meeting was adjourned at 2:15 p.m.