



Board of Examiners
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Meeting Minutes

March 13, 2009

Portland State Office Building Conference Room 705c Portland OR

PRESENT:

Ashley Northam, SLP, Chair
Alison Metcalf, Audiologist, Vice-Chair
Carol Clupny, SLP
Evan "Butch" Evans, Audiologist
Elisa Williams, Public Member
Mark Wax, MD, Otolaryngologist

Sandy Leybold, Executive Director
Tim Anderson, Administrative Assistant
Jeff Dover, AAG

Excused:

Charles Murphy, Public Member

CALL TO ORDER

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

WELCOME/APPROVE AGENDA

Chair Northam welcomed the other Board members and asked for members for any suggested changes to the agenda as circulated. No changes were made.

APPROVE MINUTES

January 28, 2009: The Board reviewed the draft minutes for January 28, 2009. Williams moved to approve the minutes as presented. Clupny seconded. The minutes were approved by unanimous vote.

PUBLIC COMMENTS

Melanie Peters, Special Education Director for Hillsboro SD

Ms. Peters raised a concern about Board notification of rule changes to the public and licensees. Ms. Peters stated that Hillsboro SD was in compliance with SLPA supervision requirements regarding direct and indirect SLPA supervision requirements prior to changes made in April 2008, which included the increase in the permit fee from \$60 to \$80. Ms. Peters found that changes were referenced in the newsletter that were to be effective "upon filing", but said there was no follow-up to say these were finalized. She is concerned that because of this lack of notification, Hillsboro may now be out of compliance. Ms. Peters would like the Board to send a notification when the rules become effective.

Sarah Eckternkamp / Wendy Chapman for Oregon Academy of Audiology

Ms. Eckternkamp and Ms. Chapman asked for the Board's support for the bill they are proposing to remove the requirement for audiologists to hold a hearing aid dispensing license from OHLA. Ms. Chapman stated that OHLA statistics show 390 active hearing aid dispensers, 145 of whom are audiologists. In 2004, there were 3 complaints against Audiologist HLA licensees, 2 of which were unfounded. In 2005 there were 2 complaints against Audiologist HLA licensees, both of which were unfounded. In 2006 there were no complaints against Audiologist HLA licensees. In 2007 there was 1 complaint, and in 2008 there were 4 complaints against Audiologist HLA licensees; 3 were found to be unfounded and 1 was resolved. Ms. Chapman believes that these few complaints against audiologists should not present a real burden to this Board in taking over that aspect of audiology licensure. The visitors agreed to keep the Board apprised of the bill's number and progress.

CHAIR'S REPORT

Chair Northam reported that she had nothing to report, but she appreciated the paper packets provided in preparation for this meeting.

DIRECTOR'S REPORT

Leybold distributed a written report and spoke to the following highlights:

- Budget status – final legislative work session scheduled Tuesday of spring break. The agency's accountants made a mistake in reporting our actual current budget as part of the budget submission, so that \$5000 difference will be added to the proposed budget.
- SLPA supervision audit is underway.
- Key Performance Measures – Leybold proposed to replace the KPM 1 – number of school district with SLPAs with a new measure relating to compliance with the SLPA supervision audit. Ms. Leybold stated that she would like to add "initial audit" to KPM 3 and stated that she is proposing to lower the target on this to 80%.
- Clupny moved to approve changes to the KPMs. Metcalf seconded. Motion passed by unanimous vote. (*see Appendix A for the KPM edits*)

PROPOSED RULE CHANGES

The following concepts were discussed to provide direction to the Executive Director regarding how to draft new proposed statutes and rules for later approval by the Board:

Draft TSPC Licensee Transition Plan

Northam stated that she and Clupny developed a proposal regarding how TSPC licensees could transition to BSPA licensure if in future TSPC ceases licensing SLPs. Northam reported that she, Leybold, Vicky Chamberlain and stakeholders for TSPC are due to meet soon. By consensus, the Board approved this framework in concept so that it can be shared in these meetings. Leybold noted that this proposal would require changes to both BSPA and TSPC statutes, so that it could not occur before the 2011 Legislative Session.

Professional Development Requirements for New/Reactivated. Licenses

Leybold stated that the rules do not require mid-career SLPs or Audiologists applying for initial Oregon licensure to show that they are current in Professional Development. Leybold also stated that expired licensees that have been in that status for over 4 years can come in as a new licensee and thus do not need PD. Evans proposed that if the applicant cannot show PD prior to licensure/reactivation, they could be in a "conditional" status for a year while getting the PD. Metcalf agreed. Northam stated that she liked the option idea. The Board consensus was to create an option for the applicant to either demonstrate PD based on the rules prior to licensure, or receive a license immediately under the condition that they submit ten hours within the first year.

Professional Development Requirements for Renewal

The Board consensus was to lower the number of PD hours required for SLPs and Audiologists to 30 hours every two years (which is closer to ASHA requirements), and lower the requirement to 15 hours for SLPAs. Oregon is one of the states with the highest current PD requirement, and it is not clear that we need to require this much to protect the public. This amendment will reduce the costs of required PD to our licensees.

Professional and Ethical Standards

The Board looked over a marked-up copy of changes to the ORS and OAR. The Board decided to strengthen the wording and review again at the next meeting. Jeff Dover will be consulted for suggested language.

Applicant Status

Ms. Leybold suggested that the Board completely remove ORS 681.280, as the statute is not really applicable anymore since licensure is almost instantaneous and the applicant status is confusing to

licensees and staff. The Board discussed this with criminal background checks in mind, and decided that it is acceptable to hold the license up while waiting for the background checks.

Verification of License Status in Other States

Leybold stated that the staff had not been requiring letters of good standing from other licensed states for applicants. The Board consensus was to require that the applicant get letters of good standing from each state where they were previously licensed.

EXECUTIVE SESSION

The Board entered executive session at 12:15 PM.

MOTIONS FROM EXECUTIVE SESSION

The Board returned from executive session at 2:05 PM.

2009-01: Williams moved to retroactively ~~suspensesuspend~~ the license for two weeks, assess a civil penalty of \$1000, and state that the Board may impose costs (in light of violation of ORS 681.250(2)). Clupny seconded. Motion passed by unanimous vote.

2009-05: Metcalf moved to send a letter of reprimand and impose a civil penalty of \$300 (~~rule in light of violation of ORS 681.250(2)~~). Williams seconded. Motion passed by unanimous vote.

2008-10: Evans moved to issue an emergency suspension for inappropriate relationship with ~~patient~~ (~~rule student~~s or minors involving the licensee's work setting, ~~in violation of OAR 335-005-0025(8) and (10)~~), and to revoke the license. Clupny seconded. Motion passed by unanimous vote.

2009-04: Williams moved to send a letter of reprimand and impose a civil penalty of \$300 (~~rule in light of violation of ORS 681.250(2)~~). Metcalf seconded. Motion passed by unanimous vote.

2009-03: Metcalf moved to send a letter of reprimand and impose a civil penalty of \$300 (~~rule in light of violation of ORS 681.250(2)~~). Clupny seconded. Motion passed by unanimous vote.

RATIFY LICENSES ISSUED

Evans moved to ratify the licenses issued from Jan 23, 2009 to March 4, 2009 as presented. Wax seconded. Motion carried by unanimous vote.

PETITION FOR SPECIAL APPROVAL FOR SUPERVISION OF SLPAs

The Board reviewed and ratified a petition for special approval for supervision of SLPAs from Jackson County that was received during the time the temporary rule was in force. Wax moved approval. Evans seconded. Motion carried by unanimous vote.

TECHNICAL COURSEWORK REQUIREMENTS POLICY

This document clarifies what types of courses qualify as technical coursework for SLPA licensing. Metcalf moved to accept the policy. Wax seconded. Motion carried by unanimous vote (see Appendix B).

SLPA PROGRAM APPROVAL POLICY / APPLICATION

Northam stated that under Division 95 of the OAR, the language references "board approved training programs". Northam stated that the draft policy would allow programs to apply for Board approval, so that graduates would be deemed automatically to meet BSPA's academic requirements for SLPA licensure. This will streamline the review of graduates' applications. Clupny moved to approve the

policy. Wax seconded. Motion carried by unanimous vote (see Appendix C).

PROPOSED RULE CHANGES (CONT'D)

Fee Increase Proposal

Leybold presented two scenarios that had been shared at the last Board meeting, which project current spending levels into the future by three biennia. Lora Carson, the accountant who supports the Board, projected expenses based on a 15% annual inflation factor. This does not include any new Board initiatives, such as criminal background checks, increasing disciplinary cases, continuing education programs, or any needed staffing increases. The Board reviewed the ending cash balances at the end of each of these biennia based on an overall fee increase of 40% and one for a 50% increase. One guideline recommended by the Office of Budget and Management is to plan to implement fee increases about every 5 years.

At the January meeting, Board members recommended higher levels to reflect the increased costs of doing business. As a result, Leybold presented two alternative fee schedules reflecting those higher licensing fees, with one proposed application fee of \$175 and one of \$200. It was agreed that delinquent fees should match the application fees, and costs of criminal background checks will be charged on a cost basis when that is implemented.

The Board reviewed the projections. Wax moved to accept the \$200 application fee scenario. (see Appendix D). Evans seconded. Motion carried by unanimous vote.

Hearing Aid Dispensing Licensure for Audiologists

Metcalf moved to have Leybold write a letter to the legislature in support of the bill to remove Audiologists from the hearing aid dealer license requirement. Wax seconded the motion. Motion carried by unanimous vote.

Reinstatement of the Temporary Rule

The proposed rules should also include making permanent the previous temporary rule creating an application process for school districts to be granted exceptions to certain SLPA supervision rules for up to two years out of each five years. This is based on severe SLP shortages, and relates mainly to rural areas.

SET NEXT MEETING DATE

The Board confirmed its next regular meeting date of May 22nd. A telephone meeting will need to be called before then to finalize the rule proposal.

ADJOURN

The meeting was adjourned at 2:25 p.m.