



Board of Examiners
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Meeting Minutes

October 30, 2009

Portland State Office Building Conference Room 445 Portland OR

PRESENT:

Ashley Northam, SLP, Chair
Alison Metcalf, Audiologist, Vice-Chair
Carol Clupny, SLP (via telephone)
Evan “Butch” Evans, Audiologist
Elisa Williams, Public Member
(arrived 10:20 a.m.)

Sandy Leybold, Executive Director
Tim Anderson, Administrative Assistant
Johanna Riemenschneider, AAG
(arrived 10:20 a.m.)

EXCUSED:

Charles Murphy, Public Member
Mark Wax, MD, Otolaryngologist

CALL TO ORDER

The meeting was called to order at 10:03 a.m.

WELCOME/APPROVE AGENDA

The agenda had previously been revised to accommodate a longer Executive Session. There were no other suggested changes to the agenda as circulated.

APPROVE MINUTES

September 11, 2009: The Board reviewed the draft minutes of the September 11 telephone meeting.

Action: Evans moved to approve the minutes as circulated. Metcalf seconded. The motion passed by unanimous voice vote of those present.

PUBLIC COMMENTS

Catherine Heaton, from the Oregon Department of Education, introduced herself and attended the public meeting, but had no comments.

CHAIR’S REPORT

Chair Northam reported that she and Sandy Leybold would be presenting our previously approved draft transition plan with the TSPC Commission at their meeting next week. They will also be meeting with TSPC and OSHA management to discuss timeframes and stakeholders to involve in the process.

Northam also noted that she and Carol Clupny presented at the OSHA meeting regarding Board issues. One issue that emerged related to how to characterize a “teacher of record” when a BSPA-licensed SLP is working with a special education classroom. Another issue that came up was the articulation between the TSPC teacher license and the administrator license. If someone wants to move into administration, they need to hold a TSPC license prior to that. We need to add this to our list of transition issues to address.

EXECUTIVE DIRECTOR’S REPORT

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

- Budget – No budget variance is yet available. Expenses are more than our revenues, but this is expected since the renewal period will bring most of our licensing revenue. All known bills for last year are paid.

- Smart Form – The SLPA supervision log has been published with good feedback on the form and the process we used to obtain input before filing it.
- Transition Issues regarding BSPA and OHLA Rules – Leybold noted that Evans, Metcalf, and our Clinical Consultant Nancy Dunn will be working on this issue to make recommendations to the Board as the hearing aid dispensing transition as of January 1, 2010. They will develop a draft statement to communicate with audiologists before January. Metcalf suggested republishing our rules in a very specific way. Anderson suggested using an on-line Question & Answer format as well. If needed, this sub-committee should develop some draft language that can be considered when we next do rule changes. Also, the sub-committee should identify a “review group” of about 6-8 audiologists who can look at any changes before we would propose them. Dunn noted that Leybold has been asked to present on Board issues at the OAA meeting on February 6, 2010 in Salem, and this issue will be addressed then.

Williams and Riemenschneider joined the meeting during this discussion.

EXECUTIVE SESSION

The Board entered executive session at 10:30 AM, to consider information obtained as part of investigations of licensee or applicant conduct as provided in ORS 192.660(2)(k), consider information or records that are exempt by law from public inspection as provided in ORS 192.660(2)(f), to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed as provided in ORS 192.660(2)(h), and to consider employee performance matters as provided in ORS 192.660(2)(b). Riemenschneider was invited to attend to provide legal advice; Leybold, Anderson, and Dunn were invited to remain since they are involved in Board investigations.

MOTIONS RELATED TO INVESTIGATIONS

2009-14

Joni Anderson, an SLP licensed by TSPC, referred to herself as an SLP and offered speech tests on the website for her Circle of Friends Advocacy service for special needs parents and families. When contacted by the Board last spring, Anderson immediately removed these references from her website. Dunn and Leybold interviewed her and reviewed two case files. Anderson stated that she had only listed speech services thinking that she might be asked to provide a second opinion by a school district, which would be covered under her TSPC license. Anderson stated, and there was no evidence to the contrary, that she had never provided SLP evaluations through her advocacy business, and it is no longer part of her business plan. Recommendation to close with no action.

Metcalf moved to close the case with no Board action. Williams seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote of those present.

Dunn and Riemenschneider left the meeting at this time.

2008-09

Williams moved to close the case with no violation found. Evans seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote of those present.

2008-10

Metcalf moved to adopt as the Board’s final order the proposed order of the Administrative Law Judge to revoke the SLPA’s license, as long as no exceptions are filed by November 6th. Williams seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote.

2009-11
2009-06
2009-04
2009-16

Evans moved that in these cases, the Board reconsider its final order. Williams seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote of those present.

2009-11
2009-06
2009-04
2009-16

Evans moved that in these cases, the Board withdraws its final order and refunds any civil penalties paid. Metcalf seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote of those present.

2009-03
2009-05

Evans moved that in these cases, the Board sends correspondence that the prior Board action will not be considered discipline, and the Board will refund civil penalties paid. Williams seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote of those present.

2009-21
2009-22
2009-23
2009-24
2009-28
2009-29
2009-30
2009-31
2009-32
2009-33

Evans moved to close these cases with no Board action. Metcalf seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote of those present.

2009-20

Williams moved to revoke the license, with no ability to re-apply within 10 years. Evans seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote of those present.

2009-35

Evans moved to close the case with no violation found. Metcalf seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote of those present.

2009-13

Metcalf moved to propose a consent order. Williams seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote of those present.

2009-38

Williams moved to issue a \$2,500 civil penalty for violation of our title act. Evans seconded.

Metcalf announced that she would recuse herself from the vote due to a potential conflict.

Yea: Williams, Evans, Clupny, Northam

Nay: None

Abstain: Metcalf

Motion passed by majority vote of those present.

RATIFY LICENSES ISSUED

Evans moved to ratify licenses issued between August 6, 2009 and October 28, 2009. Williams seconded. Clupny had not seen the list prior to the vote.

Yea: Williams, Metcalf, Evans, Northam

Nay: None

Abstain: Clupny

Motion passed by majority vote of those present.

PROPOSED RULE CHANGES

The Board once again reviewed the draft changes to OAR335-070-0065(1), which changed the actual number of professional development hours required by dual SLP/AUD licensees to align them with the other PD rules, and OAR 335-095-0060(1)(b), which corrected a typographical error of “dysphasia” to “dysphagia”. The Board received no comments from the public or licensees regarding these proposed rule changes.

Action:

Metcalf moved to adopt the proposed rule changes as published. Evans seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote of those present.

KPM REPORT

Leybold reviewed the Summary KPM Report, based upon her submission of data for the 2009 KPM Report at the end of September. The number of school districts employing SLPAs has been steady, with no obvious improvement. Last year, the Board voted to change this criterion in the next biennium to be the number of districts in compliance with the SLPA Supervision Audit. Customer Service performance is lower than target, but there is a limited sample size (20-25 responses in the last two years), and the target is likely high. Leybold noted that the staff just sent out an email solicitation for all licensees to participate in the survey.

Evans moved to approve the report. Metcalf seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote of those present.

BSPA GOALS

Leybold presented two documents, one based on the August Board discussion, and one with the goals grouped by category. The “BSPA Goals—Draft September 7, 2009” incorporates all goals previously identified, plus adds a few more. It asterisks the goals that are primarily the focus of staff, rather than Board. Metcalf complimented Leybold on the format. Anderson suggested using the revised format for agenda items. Clupny suggested using it for Executive Director Reports as well.

Noting the Board’s goal of developing a schedule of fines, Evans suggested that we also develop guidelines regarding what types of discipline might relate to what infractions. Leybold agreed that we should track the Board’s actions in this way, but cautioned that the Board needs to be flexible in looking at the mitigating circumstances and aggravating factors in each case. We would not want to make this a hard and fast rubric, nor publish it, for these reasons. Evans thinks of it in terms of degrees of seriousness of different offenses. This Board asked to see what factors other Boards use.

Metcalf moved to approve the goals as presented in the September 7, 2009 draft document. Evans seconded.

Yea: Williams, Metcalf, Evans, Clupny, Northam

Nay: None

Motion passed by unanimous vote of those present.

REVIEW NEXT MEETING DATES

The Board's next meetings are scheduled for December 11, 2009, February 26, 2010, April 23, 2010, and June 4, 2010, from 10 a.m. to 3:00 p.m. Leybold will circulate an email to schedule meetings for the remainder of 2010.

ADJOURNMENT

The meeting adjourned at 2:50 P.M.