



Board of Examiners
For Speech-Language
Pathology & Audiology
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Meeting Minutes

May 22, 2009

Portland State Office Building Conference Room 445 Portland OR

PRESENT:

Ashley Northam, SLP, Chair
Alison Metcalf, Audiologist, Vice-Chair
(arrived 11:00 a.m.)
Carol Clupny, SLP (by telephone)
Evan "Butch" Evans, Audiologist
Charles Murphy, Public Member
Elisa Williams, Public Member
(arrived 10:10 a.m.)
Mark Wax, MD, Otolaryngologist

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

CALL TO ORDER

The meeting was called to order at 10:08 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

March 13, 2009: The Board reviewed the draft minutes for March 13, 2009.

Action: Wax moved to approve the minutes as presented. Murphy seconded. The minutes were approved by unanimous vote of those present.

April 6, 2009: The Board reviewed the draft minutes for the special telephone meeting on April 6, 2009.

Action: Wax moved to approve the minutes as presented. Evans seconded. The minutes were approved by unanimous vote of those present.

PUBLIC COMMENTS

There were no public attendees.

CHAIR'S REPORT

Chair Northam reported that she had attended the public hearing on the Board's proposed rules, and that two people testified, and we received other written comments. Northam also stated that the Board sub-committee recently completed its SLPA supervision review, which was informative.

DIRECTOR'S REPORT

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

- Budget status – Leybold stated the Board is on track for revenue and will be over in services and supplies expenses by approximately \$8,000, and under in the personal services expenses by about \$15,000. Leybold clarified that the report was based on March figures since April data had not yet arrived, and there may be attorney fees still un-invoiced.
- Staffing – Leybold stated that she recently issued a personal services contract with Mindy

Tucker for investigator services to the Board. Leybold stated that Tucker is on contract with TSPC and the Massage Board and has experience as a police officer. Leybold also reported that she extended Nancy Dunn's contract with the board as a clinical consultant.

- Carol Clupny commented that she was contacted by the Eastern Oregon Special Ed Directors about Leybold's presentation to the ODE Special Ed Directors Meeting. Clupny stated that the group has a significant concern about a group of individuals that went through a licensing program in Eastern Oregon. Some of these professionals have migrated to other locations in the state. The directors are concerned that they would lose some of these SLPs if a shift happens from TSPC to BSPA for SLP licensing. Northam stated that these SLPs would most likely be included in the "grandparenting" provisions previously accepted in concept by the Board.
- Leybold updated the Board on discussions between BSPA and TSPC regarding the potential of all SLP licensing transferring to BSPA. Leybold presented the concepts that this Board had approved to a meeting of the Special Ed Directors at ODE (Northam was invited but could not attend due to illness). The Directors, while polite, were opposed to the concept. Clupny noted that Special Ed Directors have a fall conference that could be another chance to present. Leybold agreed to follow up on this, and hopefully present jointly with TSPC.
- Northam asked if the Governor's bill passed to provide BSPA the authority to perform criminal history checks. Leybold stated that HB 2118 had passed the House Health Committee but still needs to go to the floor of the House and then to the Senate. It seems on track to pass.
- HB 3232 – Leybold stated that she and Evans testified in support of this bill. Leybold stated the bill has passed out of the House Health Committee and is on track. Leybold noted that Dover was helpful in suggesting clarifying language for the bill.

PROPOSED RULE CHANGES

Leybold reviewed the Rulemaking Hearing Officer's report with the board (included as Supplement B). SLPs Robyn Bean and Melanie Peters were the two attendees at the hearing; both testified. Leybold and Northam attended the hearing on behalf of the Board; Leybold presided.

Leybold relayed Bean's concern that under the new rules, the SLP would have to demonstrate that they had spent 10% of their time supervising an SLPA for each client for each week /month. At the hearing, Leybold and Northam clarified the Board's intent to prevent a particular client from receiving NO directly supervised services in a given period. Bean also commented that although she was not excited about having to pay more for her license, she acknowledged that the Board understands the budget better than she does.

Leybold stated that Peters was concerned that some current practicum students could lose credit for supervision hours already earned under non-Oregon licensed CCC holders. At the hearing, Leybold clarified that hours earned prior to the effective date of the rule would count. Peters also suggested that districts that hire a lot of new grads should be allowed to use conditional SLPs to supervise SLPAs. The Board re-affirmed that this would contradict the Board's intent to provide supervision for SLPAs through experienced SLPs. Peters also suggested making expiration dates for Permits the same as for other licenses (biennial renewal), and urged "over-communication" of final rule changes.

The Board reviewed comments (comments included as Supplement A) received about the proposed rule changes from the comment period ending 5/21/09 at 5:00 PM. Leybold stated that the Board received 15 written comments, of which 9 supported the rule changes and 6 opposed them and/or raised concerns. Of the support letters, 3 refer specifically to the fee increases and acknowledge that the Board needs to implement an increase in order to continue operations. One support letter from an audiologist points out that if proposed legislation passes, audiologists will no longer have to pay fees to the Oregon Health Licensing Agency for hearing aid dispensing, and will therefore experience an overall decrease in licensing fees. Three support letters specifically support the clarifications to the SLPA supervision rules and/or the special exception rule for rural areas, and one references support for the decrease in required Professional Development hours for renewal. Three letters speak to

concerns about recent announcements regarding suspending or consolidating operations of health related licensing boards and relay support for continuing a state board specifically devoted to licensing speech and hearing professionals. Of the opposing comments, 4 spoke to general concerns about the affordability of increased fees in these economic times, while 2 questioned the role and function of the Board and therefore do not support an increase.

Leybold asked the Board if they wished to proceed with permanent rulemaking with the rules as submitted or if they wanted to revise and start the process again. Leybold noted that if the Board changes these proposed rules anymore than correcting typos, the rules need to be proposed again through the formal hearing and public comment process. Northam stated that the Board should vote on the rule change.

Wax asked about the comparative licensing fees listed in the last opposing comment. Northam stated that to her knowledge, there was not a big difference in the proposed fees. Anderson provided the fee survey previously researched and reviewed by the Board. Wax stated that the Board exists to protect the people of the state of Oregon, not to serve the interests of the SLP and Audiologist professions. Wax stated that in his opinion most opposing comments stemmed from confusion about the mission of the Board. Northam stated that there is a lot of confusion in the field about BSPA and OSHA: one being the licensing Board to protect the public, and the other being a professional association to advocate for the professions.

Wax stated that he felt that the Board discussed the comments dutifully and that, while he understood no one wanted to pay more money, the rates were sound and the Board should continue. Leybold noted that both the OAA and OSHA supported the changes.

Wax asked about the semantics of credentials in Oregon; he asked if people with a Doctorate of Audiology could refer to themselves as Audiologists and if people with a Master's Degree in Speech-Language Pathology could refer to themselves as Speech-Language Pathologists, regardless of licensing. Leybold replied that statute prohibits someone not licensed from this Board from calling themselves a Speech-Language Pathologist or an Audiologist.

Leybold stated that there is some discussion in the Attorney General's office regarding the payment model for AAG services. Until or unless the model changes, the Board is obligated to pay an hourly rate to the AAG office for legal services.

Clupny stated she felt it was inappropriate for conditional licensees to supervise SLPAs. Northam agreed.

Action:

Evans moved to accept the proposed rules for permanent rulemaking as shown in the notice of proposed rulemaking. Wax seconded.

Yea: Evans, Wax, Williams, Murphy, Clupny, Northam

Nay: None.

The motion carried by unanimous vote of those present.

Evans asked that the record show that Board made consideration of all letters and public comment received in the rulemaking. Northam noted this. Anderson stated that the Board's email address was misspelled in the recent OSHA Communicator (newsletter) and that at least one commenter tried to email to it. Anderson stated that the actual formal notice sent from the Board had correct, working contact information on it.

SLPA AUDIT RESULTS

Northam reviewed the SLPA Audit report submitted by Anderson on the sub-committee's review of SLPA supervision audit responses. Northam stated that Board should consider a "smart-form" that will guide the SLPA and SLP completing the supervision logs. Northam stated that the two district representatives at the hearing were in agreement about the usefulness of such a form.

Clupny stated she was a bit surprised, given informal comments received, that the SLPAs were generally being supervised more than required. Williams asked if the results are going to be shared

with OSHA. Northam replied that the Board would publish some general findings to all licensees and school districts as an educational measure, as well as provide individual feedback to audit participants.

Clupny was concerned that in several logs, it appeared that the supervisor was keeping the log, and that the word should be disseminated that it is the SLPA's job. Leybold suggested testing the log form with a few key people in the field before it is launched. Clupny suggested that SLPAs sign a statement on the form that they have x number of hours of clinical interaction. Northam, Clupny and Anderson agreed to work together on the form.

Since the audit is part of the Board's Key Performance Measures, the Board agreed to repeat the audit each year, but with a smaller sample size.

SWALLOWING STUDIES POLICY

Leybold stated that the Board has had two inquiries about whether there should be a radiologist present when a SLP does a barium swallow study. Northam reported that she found an ASHA position statement and obtained a consensus from people in different states about the topic. The consensus was that there should be a radiologist present. Leybold stated that this seemed to be a frequent question and suggested that the Board should clearly adopt or not adopt the ASHA position statement.

Wax stated that the modified barium swallow is a radiological procedure, so it needs a radiologist's input. If the radiologist chooses to delegate it, they can do that, but it's a designated medical procedure. Wax stated it would come under the guidelines for radiology procedures. Wax noted that an SLP would not have access to the equipment without a radiologist being involved.

The Board decided that it would follow ASHA guidelines to have a radiologist present.

PEDIATRIC AUDIOLOGY STANDARDS

Leybold reported that she had met with Heather Durham at OHSU and the state coordinator of Early Hearing Detection & Intervention (EHDI) regarding pediatric audiology standards. Durham has been working with a peer group of audiologists to devise local/regional standards. Leybold said she has not found national standards in her research. Metcalf and Evans confirmed that no national standards are finalized yet. Leybold had suggested to Durham that she present the proposed local/regional standards when they are completed, and that the Board might want to adopt them as policy. Metcalf agreed with this approach. Leybold will follow up with Durham, and put this on the agenda when ready for presentation.

EXECUTIVE SESSION

The Board entered executive session at 11:33 AM, and resumed regular session at 1:45 p.m.

MOTIONS FROM EXECUTIVE SESSION

2007-17

Williams moved to close the case and take no further action. Wax seconded.

Yea: Evans, Northam, Wax, Murphy, Clupny, Williams, Metcalf

Nay: None

Motion passed by unanimous vote.

2008-04

Williams moved to close and take no further action. Evans seconded.

Yea: Evans, Northam, Wax, Murphy, Clupny, Williams, Metcalf

Nay: None

Motion passed by unanimous vote.

2009-06, 2009-11, 2009-16

Metcalf moved that the permit holders be issued a notice of proposed reprimand and civil penalty of \$300 for violations of ORS 681.360(5), OAR 335-095-0040(1), and OAR 335-095-0051 for

supervising SLPAs without a permit to supervise SLPAs issued by this Board. In addition, the permit holders failed to complete an application and pay the required fee on an annual basis to maintain a valid permit after its expiration on July 31, 2008, in violation of OAR 335-095-0055(3). The agency may also impose costs of this action. Williams seconded.
Yea: Evans, Northam, Wax, Murphy, Clupny, Williams, Metcalf, Evans
Nay: None
Motion passed by unanimous vote.

2009-09

Metcalf moved that the unlicensed individual be issued a notice of reprimand with a civil penalty of \$300 for violation ORS 681.250(2), practicing speech-language pathology without a valid license from this board. The agency may also impose costs of this action. Murphy seconded.
Yea: Northam, Wax, Murphy, Clupny, Williams, Metcalf, Evans
Nay: None
Motion passed by unanimous vote.

{Note: this motion was amended at the 9-02-09 meeting}

2009-10

Williams moved to send an advisory letter of concern and close this case with no further action. Evans seconded.
Yea: Northam, Wax, Murphy, Clupny, Williams, Metcalf, Evans
Nay: None
Motion passed by unanimous vote.

2009-08

Williams moved to close the case and take no further action. Wax seconded.
Yea: Northam, Wax, Murphy, Clupny, Williams, Metcalf, Evans
Nay: None
Motion passed by unanimous vote.

RATIFY LICENSES ISSUED

Evans moved to ratify licenses issued between March 5, 2009 and May 15, 2009. Williams seconded.
Yea: Northam, Wax, Murphy, Clupny, Williams, Metcalf, Evans
Nay: None
Motion passed by unanimous vote.

SET NEXT MEETING DATE

The Board set their next meeting on Friday, August 14, 2009, from 10 a.m. to 3:00 p.m.

ADJOURN

The meeting adjourned at 2:23 PM.

Supplement A

Summary of Written Comments in Response to Proposed Rule Amendments

We received 15 written comments in total, of which 9 support the Board's rule changes and needs and 6 oppose the rule changes and/or raise concerns.

Of the **support letters**, 3 refer specifically to the fee increases and acknowledge that the Board needs to implement an increase in order to continue operations. 1 letter from audiologists point out that if proposed legislation passes, audiologists will no longer have to pay fees to the Oregon Health Licensing Agency for hearing aid dispensing, and will therefore experience an overall decrease in licensing fees. 3 support letters specifically support the clarifications to the SLPA supervision rules and/or the special exception rule for rural areas, and 1 references support for the decrease in required Professional Development hours for renewal. 3 letters speak to concerns about recent announcements regarding suspending or consolidating operations of health related licensing boards and relay support for continuing a state board specifically devoted to licensing speech and hearing professionals.

The **negative (con) letters** all represent a reaction to the proposed fee increase. 4 speak to general concerns about affordability in these economic times, while 2 question the role and function of the Board and therefore do not support an increase.

Pro Comments

From: Robert Waltenburg [mailto:waltenburg@grantesd.k12.or.us]

Sent: Tuesday, May 19, 2009 3:36 PM

To: Sandy Leybold

Subject: Public Comment on Proposed rule changes....

Good morning, Sandy –

I am writing this statement in support of rule changes proposed by the Oregon Board of Examiners for Speech-Language Pathology & Audiology. I am particularly interested in the amendment creating a permanent rule affecting the supervision of Speech-Language Pathology Assistants. It is refreshing to see that the Board of Examiners understands the use of new mediums for supervision such as live video streams and two-way interactions over long distances. Providing services in our remote, frontier area is difficult at best, but the use of these proven technologies creates opportunities for our students that otherwise may not receive much needed services.

Another amended rule that assists those children in remote areas is OAR 335-095 0050 (5). The amendment makes allowances for those issues that are unique to remote, frontier life. Allowing supervision of up to four SLPA's by a licensed SLP, creating a permanent rule allowing a "2-in-5" exemption to the number of supervised SLPA's a licensed Speech-Language Pathologist may oversee, and allowing up to 75% of direct supervision hours via proven distance technologies allows a flexibility that is necessary for our region.

As the superintendent of a frontier learning outpost, I wholeheartedly support the amended rules proposed by the Oregon Board of Examiners for Speech-Language Pathology & Audiology.

Thank you for your tireless work on behalf of the children of Oregon. It is much appreciated by

all. Robert Waltenburg, Superintendent

Grant County ESD
541-575-4076

From: Christine Wallender [mailto:Christine.Wallender@umesd.k12.or.us]
Sent: Tuesday, May 19, 2009 12:51 PM
To: Sandy Leybold
Subject: support of the Board

I am writing **in support** of the Board increasing fees to help pay for peers to oversee SLPs and audiologists. It is important for those professionals such as myself, to be supervised by others in the field of speech language pathology and audiology who are familiar with the practice, so we continue to provide the highest level of service.

From: Ed Jensen [mailto:ejensen@r18esd.org]
Sent: Tuesday, May 19, 2009 12:06 PM
To: SpeechAud Board
Subject: RE: Rulemaking Docs
Importance: High

To Who It May Concern:

Normally I do not respond to rule making hearings outside the field of education. However, in this case I would like to respectfully submit a couple of responses:

Amended Rule 335-095-0030 section (5) - Wallowa ESD has been the grateful recipient of a waiver granted by the Board for the supervision of SLPA's due to extreme staffing shortages. The waiver was very helpful in carrying out the day-to-day operations of serving students with speech challenges in an educational setting. I would hope it would be made permanent because the foreseeable future does not bode well for having a plethora of SLPA's in remote parts of the state like Wallowa County.

Amended Rule 335-095-0030 – I am a little concerned the supervision requirements for a licensed SLPA is increased to 30% if they are hired by a “new” employer. It makes perfect sense for 30% to take place for newly licensed SLPA or those that are reinstating their license. The licensed SLPA has to maintain a level of requirements and just switching jobs should not penalize them. If they are a “bad apple” current job evaluations should reflect that and if due diligence is performed by the “new” employer they won't be hired.

I have read the other rule change summary's, and being a troglodyte when it comes to SLPA licensure, they certainly appear to me as appropriate rules to adopt. Also, the clarification and “updates” to 335-095-0010 and 3335-095-0060 will be helpful to people like me.

Respectfully Submitted
Edward M. Jensen
Wallowa ESD Superintendent

From: The Boyds [mailto:rawlingsboyd@msn.com]
Sent: Tuesday, May 05, 2009 7:46 PM
To: SpeechAud Board
Subject: online newsletters

Please send my newsletter online from now on. Also, I am totally in support of reducing our PD hours. I think 30 hours is more in line with other states and with ASHA.

Kudos to the board.
Joan Rawlings-Boyd
(541)-345-3946
75 W 22nd Ave
Eugene, OR 97405
License #10811

From: Doug McKenzie [mailto:McKenzieD@eaglepnt.k12.or.us]
Sent: Tuesday, May 19, 2009 5:20 PM
To: Sandy Leybold
Subject: response

Hello Sandy

I got your phone message and I would be happy to comment on the temporary rule for the use of SLPA's.

I strongly support the rule change becoming permanent. The ability to apply this temporary rule to our situation of an SLP taking extended leave in the middle of the year was crucial. The shortage of speech/language providers in the state is a real problem. This rule will provide relief and a way to meet service obligations that cannot be ignored. Our district also found itself on the brink of an employee strike. The use of SLPA's may have been critical had this situation become a reality. I would also like to commend you and your department for your effort to meet our needs by facilitating approval for our district to apply the rule. Please let me know if I can be of more help.

Doug

Doug McKenzie
Director of Special Services
School District 9, Eagle Point
P.O. Box 548
Eagle Point, OR 97524
(541) 830-6196 - Fax: (541) 830-6550
Email: mckenzieD@eaglepnt.k12.or.us

The Oregon Academy of Audiology would like to offer support of the new fee structure presented by the Board of Examiners for Speech Pathology and Audiology in the latest newsletter. Provided HB 3232 passes this session, no longer requiring audiologists to be licensed under the Oregon Health Licensing Agency, the fee increase is considered reasonable and necessary as the BSPA will have to take on some additional services. The audiologists would accept the fee change as it will be offset by the fact that we would no longer need to pay for a dispensing license.

Sincerely,

Sarah Echternkamp, AuD
Audiologist
President of Oregon Academy of Audiology

From: Laura Hire [mailto:Laura.Hire@umesd.k12.or.us]
Sent: Monday, May 18, 2009 7:47 PM
To: Sandy Leybold
Subject: combining licencing boards

To whom it may concern,

This is my first year as an Speech Language Pathologists Assistant. It has been a successful year due to the great supervision I received from licensed Speech Language Pathologists. These SLP's base their decisions and expertise for supervising me on information that they receive from a quality board trained in the field of Speech and Language therapy. Combining this highly efficient licensing board with other boards that do not share the same expertise in speech and language does not make sense. I and others in my field rely on the efficiency of the decisions made by the licensing board in order to more effectively do our jobs as SLPA's.

Laura Hire

Speech Language Assistant

Umatilla-Morrow ESD

email: laura.hire@umesd.k12.or.us

From: Jennie Price [mailto:Jennie.Price@umesd.k12.or.us]

Sent: Wednesday, May 20, 2009 8:32 AM

To: Sandy Leybold

Subject: Supporting the board

Hi Sandy,

As a Speech Language Pathologist working for the Umatilla Morrow ESD, I am concerned that the regulatory agency for our professions would be watered down if TSPC were allowed to assume the position of the Oregon Licensing Board. The current Board members are highly qualified individuals that hold a national certification through the American Speech Language Hearing Association. These individuals meet approximately 4-6 times per year for approximately 5 hours per session (working through lunch) to deal with consumer complaints regarding such issues on hearing aid dispensers and the direct supervision of support personnel's (SLPA)-- to name a few. It would be disheartening to find another professional with limited experience and understanding of the speech language and hearing field to make those decisions on how a SLP, SLPA, or Audiologist are doing their job. It is a no win situation for either the professionals or the children as they too will be affected by the decisions made from inexperienced professionals from the field.

The Governor needs to take into consideration that some day his grandchildren may need speech, language or hearing services and how would that make him feel knowing a massage therapist was making the decisions about the Speech Language Pathologist's performance?

I hope that the Governor takes the time to understand the necessity of having the Oregon Speech Language Hearing Board and finds that this is NOT a way to save money.

Thank you for your time,
Jennie Price
Speech Language Pathologist
Umatilla Morrow ESD

Con Letters

To: The Board Members of BSPA
From: Cindy Picton, M.S., CCC-SLP
Subject: Public Comment of Fee Increases

I would like to comment on the proposed fee increases proposed by the Board of Examiners for Speech-Language Pathology and Audiology. I feel the percentage of increase being requested is way out of line — 69% for SLPs, 200% for SLPAs, and 300% for defaults. Many of us in the education community have taken on increased insurance costs (with higher deductibles), loss of COLA increases, loss of step increases, and reduced school days which have impacted our personal budgets tremendously. SLPAs make very little money, and the increase in fees to them seems quite unfair.

More importantly, I have three licenses that I maintain (Teacher Standards and Practices Commission, American Speech-Language Hearing Association, and BSPA). All of these agencies have license fees, requirements for continuing education which requires documents to be filed and allow for investigation of unprofessional conduct. I'm not sure how many professions require this number of regulatory agencies to govern them. The costs to maintain these licenses, as well as the time it takes to provide documentation is becoming increasingly cumbersome in a time when caseloads are high and IDEA paperwork continues to increase.

I recently obtained my license through your organization as my new employer provided an SLPA for me, so I do not have a lot of history with your organization. In speaking with colleagues who have been licensed with you for a number of years, I have come to understand that over the years, your agency has become one whose primary function is to be a regulatory agency for the State for the protection of the public and less of one to serve the speech-language pathology community. I find it interesting that I am paying you to provide this service to the public with little or no benefit to me. If investigations are the greatest increase in costs, perhaps your agency should come under the Attorney General's office and be supported by the public.

The American Speech Language Hearing Association can certainly function as the agency to ensure that SLPs meet continuing education requirements, as well as provide investigative services if complaints were to arise. They also provide continuing education opportunities, scholarly journals, and are able to answer professional questions from their membership. In addition, the Oregon Teacher Standards and Practices Commission or the Attorney General's office can certainly investigate issues that pertain to Oregon regulations.

In closing, I'd like to say that I feel I cannot support an agency that is not an ally to our profession, but is rather one that has created excess paperwork and regulations that I do not have time for. I will be informing my district that I no longer wish to have an SLPA to support me in providing therapy services to the children in our district.

Respectfully,
Cindy Picton, M.S., CCC-SLP
Speech-Language Pathologist
201 Belmont Place
Grants Pass, OR 97527

May 20, 2009

To: The Board of Examiners for Speech-Language Pathology & Audiology
Re: Public Comment of Fee Increases

Since I've been a licensed SLP for 25 years, I've experienced the ever increasing fee hikes. I've understood that they have been necessary for the Board to insure that the profession has high standards and protects the public from substandard practices. However, the latest fee increases, specifically 69% for SLPs, 200% for SLPAs, and 300% for defaults has gotten me motivated to dig deeper into what would explain such action.

This is what I've come to realize. Over the years you've added so many rules and regulations that the agency is no longer a service to those of us who finance you, but has become an agency whose primary function is a regulatory of the State for the protections of the public with plans of even greater expansion.

You've made yourselves a bureaucracy that now needs investigators and attorneys. You mentioned in the Spring newsletter a \$10,000 cost for one investigation alone. Once you start paying for investigators and attorney's fees, there could be no end in sight. Such expenses could leave the Board insolvent or as you've stated having to hire even more people and then charge even higher fees. I get the

feeling that you must be desperate because the fee increases that you have proposed are so exorbitant.

It seems that if the public needs to be protected from SLPs, SLPAs, and Audiologists, then the public should pay for it. Perhaps the Board needs to move to becoming a completely funded entity that puts enforcement under the proper guidance for the use of investigators and attorneys as in the Attorney General's office.

In addition, a great many agencies, schools, governments, and businesses are seriously having to scrutinize how they do business in order to cut costs. Two thirds of your budget goes to salaries and benefits. Maybe you could rethink how you use your personnel. Instead of two part time employees, maybe one full time would be more cost effective. Customer service may have to suffer a bit in that it may mean that new applications may take more than a week to process or that those who need duplicate licenses may have to pay extra. I wouldn't call that being "nickel and dimed". I would call that "paying to play."

I know of excellent public school SLPs who are ready to say...I don't need this anymore...I don't want an SLPA anymore...I'm not going to pay these huge fees anymore...and I'm not going to subject myself to your regulations anymore. The irony of this is that you may even have less revenue to work with.

Something has gone terribly wrong here because this agency is no longer an ally to those who fund it. Instead, it has become a burden. This situation both angers me and saddens me for I realize all I've done here is vent my frustrations because in the end our voices mean nothing to the self promoting and self scrutinizing bureaucracy that you have created.

Sincerely,
Carol M. Havniar
Speech-Language Pathologist
License No. 10425

cc: Sen. Jason Atkinson
Rep. Dennis Richardson

From: 541freed@charter.net [mailto:541freed@charter.net]
Sent: Friday, April 17, 2009 3:34 PM
To: SpeechAud Board
Subject: Sandy Leybold, MPH

Please forward this to Ms. Leybold, MPH

I just received my email copy of the newsletter. I am an SLPA and am in total shock. I can't believe you actually raised our renewal from \$50 to \$150. We are assistants. Make very little money. Myself and my colleague who are both SLPA's only work 25 hours per week. How can you justify a \$100 increase? We only get to go to free workshops for PDU's as the dist. does not pay for our PDU's so the argument that it will save us by cutting 5 hours on PDU's is a joke. The economy is in the toilet, and barely scrape by the way it is and then we get this ridiculous raise in fees. Seriously did you even think about what a hardship it will be on anyone?

Cheryl Freed

From: tylerandmarian@comcast.net [mailto:tylerandmarian@comcast.net]
Sent: Friday, May 01, 2009 3:28 PM
To: SpeechAud Board
Subject: fee incease.

I have recently read the spring edition of the Voice. I was surprised to find a fee increase for licensure of 95 dollars. This is above a 50% increase over the last fee of 180 dollars. I am not against raising fees

to cover some costs, however, I would suggest raising it 25 to 30 dollars per 2 years until you have reached your 95 dollar increase. These are hard economic times for everyone. Therapists are foregoing pay raises for 1-2 years, they are asked to leave early if their caseload drops, and they are requested to take time off unpaid due to budget cuts or lack of income. As Speech Pathologists we are required to belong to both ASHA and Oregon state to maintain our licensure. The total fee for both organizations for 1 year will be 337 dollars. I believe that is more than Physical therapy or Occupational pays in a year. Why are our fees higher than our sister disciplines? We certainly do make a higher hourly rate or salary. Please take these points into consideration when thinking about raising the fees. A gradual increase would definitely be more affordable and to try to keep in line with our sister disciplines. Continuing [sic] ed and licensure reimbursement [sic] budgets are being severely [sic] cut to almost 0 dollars per year, so we must foot the entire bill for everything.

Thank you for your time

Sincerely,

Marian Petrash

I am writing to you today to strongly object to the proposed dramatic increase in our licensing fees. In an ordinary year these increases would be over done, but in this current year of an economic recession it is unthinkable.

In your publication, OSHA Communicator (which arrived in yesterday's mail), you state that, "... the Board looked at external data to come up with a fair and appropriate increase. A fee survey showed that several states charge more than Oregon." I refer you to my attachment where you will find a comparison of professional fees charged by the surrounding states: Washington, California, and Idaho. You will clearly see that the proposed increases will put Oregon ahead of every west coast state. I am not sure where the "several states" are that charge more.

If your proposal is passed we will be paying an average of \$125.00 more per year for SLP/AUD License Renewal, \$48.33 more for a Conditional License, \$128.33 more for an Application fee, and a whopping \$166.66 more for a Delinquent fee. In addition, I could find no other state that charges a fee to supervise SLPA's or CFY students. Your proposal would charge \$125.00 per year. Washington and California require registration to prove minimum eligibility requirements are met, but no fee is charged. Continuing Education hours in supervising is required (I believe it was in California), but these could be counted toward your regular renewal requirement.

In defense of your increase it was mentioned that the Board was reducing the number of required Continuing Education hours from 40 to 30 hours every two years. I truly appreciate this change. It is very expensive to attend workshops and classes if you are not employed by a school district which provides many CE opportunities. I always found the 40 hour requirement excessive since the national standard (ASHA) is 30 hours every two years. This change will bring Oregon in line with the national standard and slightly ahead of the surrounding states (they average 10.6 hrs of CE per year). I don't see this change as a justification for increasing other fees. I see this as an admission that 40 hours were too many.

Finally, it was stated that if the fees are not increased that the Board may "go out of business" and its functions would be assumed by another agency. This is happening to a lot of businesses right now-consolidation. Perhaps the merging of PT, OT, and Speech Boards would not be such a terrible thing. There is an economy of scale. So long as we could structure it so each specialty had its own

voluntary Board to address professional regulatory issues it might save all of us some money.

I realize the motivation behind the proposal to increase our fees is good; however, I strongly disagree with the timing and the excessive amount of the increase. I urge you to vote "no" on the proposed fee increase.

Regards,
Elizabeth Barrett, M.S. CFY-SLP
Speech-Language Pathologist

DATE: 5/21/2009

To: The members of the Board of Examiners for SLP and Audiology (BSPA)
From: Colleen O'Hollaren, M.S. CCC-SLP
RE: Proposed increase of Oregon's professional licensing fees

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out of business" and its functions would be assumed by another agency. This is happening to a lot of businesses right now-consolidation. Perhaps the merging of PT, OT, and Speech Boards would not be such a terrible thing. There is an economy of scale. So long as we could structure it so each specialty had its own voluntary Board to address professional regulatory issues it might save all of us some money.

I realize the motivation behind the proposal to increase our fees is good; however, I strongly disagree with the timing and the excessive amount of the increase. I urge you to vote "no" on the proposed fee increase.

Thank you for your consideration.

Colleen O'Hollaren, MS
 CCC-Speech-Language Pathologist

Service	Oregon Proposed	Idaho Fee	California Fee	Washington Fee
SLP/AUD License Renewal	\$275.00 (biennial)	\$100 (annual)	\$110.00 (biennial)	\$70.00 (annual)
SLPA Certification	\$150.00 (biennial)	None listed	\$75.00* (annually)	None listed
Permit to Supervise	\$125.00 (annual)	None listed	Registration required No fee listed	Registration required No fee listed
Conditional License (CFY)	\$125.00 (annual)	\$100.00	\$30.00	\$100.00
Delinquent Fee	\$200.00	\$25.00	\$25.00	\$50.00**
Application Fee	\$200.00	\$30.00	\$60.00***	\$125.00
Initial License	None listed	\$100.00	None listed	\$100.00
Continuing Education Requirement	30 hours (biennial)	10 hours (annual)	24 hours (biennial)	30 hours Every 3 years

*California's SLPA fees: Non-refundable registration fee=\$50.00; Annual Renewal fee=\$75.00

**Washington Expired License Reissuance=\$100.00

***California's Application fee includes: \$25 application fee \$35 processing fee

May 19, 2009

Sandy Leybold, MPH
Executive Director
Oregon Board of Examiners for Speech-Language Pathology & Audiology
800 NE Oregon St., Suite 407
Portland, OR 97232

Dear Sandy,

On behalf of the Board of Directors of the Oregon Speech-Language and Hearing Association (OSHA), I am submitting this letter in support of the rules changes proposed by the Oregon Board of Examiners for Speech-Language Pathology & Audiology. The Board of Examiner provides a valuable service that protects consumers and helps to ensure that Oregon speech-language pathologists and audiologists are competent and ethical. Because of the specialized nature of our disciplines, it is necessary to have oversight that is specific and includes peer audiologists and speech-language pathologists. This will not be possible if the current Board of Examiners is folded into a more generalized agency. Consumers would lose the protection that has been historically provided. The proposed fee increases will maintain this needed oversight.

In addition to the proposed fee increase, there are several additional proposed changes. The requirements for supervision of speech-language pathology assistants (SLPAs) are clarified, providing additional supports for consumers and SLPAs. The OSHA Board fully supports these clarifications. We also find that the professional development requirements for new and reactivated licensure will help ensure that services provided across the State of Oregon are evidenced-based and high-quality. Finally, we understand the difficulty experienced by rural communities in recruiting and retaining qualified, licensed speech-language pathologists. While we feel that fully qualified and licensed speech-language pathologists must provide and appropriately oversee speech-language services within our schools, we appreciate the efforts made by the Board of Examiners to regulate the use of SLPAs in situations where, for a brief period, a fully qualified speech-language pathologist is not available.

Thank you for your consideration.

Sincerely,

Jennifer Larsen, Ph.D., CCC-SLP
Speech-Language Pathologist
President, Oregon Speech-Language & Hearing Association

Supplement B

Date: May 20, 2009
To: Oregon Board of Examiners for Speech-Language Pathology & Audiology
From: Sandy Leybold
Subject: Presiding Officer's Report on Rulemaking Hearing



Board of Examiners
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Pathology & Audiology
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Hearing Date: May 20, 2009
Hearing Location: Portland State Office
Building – Room 445
800 NE Oregon St
Portland, OR 97232
Title of Proposed Rules: OAR 335 Amendments

The rulemaking hearing on the proposed rules was convened at 10:08 a.m. Attendees were asked to sign registration forms if they wished to comment on the proposed rules and informed of the procedures for taking comments. They also were told that the hearing was recorded. Before receiving comment, I briefly summarized the proposed rules.

Two persons attended the hearing, and both provided oral testimony, which is summarized below. Neither submitted written materials.

Summary of Oral Comments

Robyn Bean, Northwest Regional Educational Service District (NWESD):
Proposed striking the new rule OAR 335-095-0050 (1)(f): "Supervision requirements must be met for all clients on the caseload who receive treatment from the speech-language pathology assistant". Ms. Bean recognized the Board's intent to emphasize that SLPAs do not have their own caseload and that each client needs to receive supervision from an SLP. However, she felt that this rule implied that a certain proportion of direct supervision hours needed to be attributed each week to each client, and believes it is unfeasible for supervision to take place this way or for the Board to monitor this. She suggested alternative wording such as "The supervising SLP must see each client periodically, but no less than once every ___ weeks".

Ms. Bean also commented on the proposed fee increase, saying that while she is not looking forward to writing larger checks as a licensee, she realizes that the Board understands its budget and its needs better than she does.

Melanie Peters, Hillsboro School District:

Raised a concern that, depending upon the implementation date for the revised wording in OAR 335-095-0030(c), some practicum students could lose hours that they have already earned under the supervision of an SLP who has their ASHA CCC's but not their Oregon SLP license. [Leybold clarified that hours earned under the previous rules would still be counted towards SLPA certification, and this resolved Ms. Peters' concern.]

Regarding OAR 335-095-0050(5), Ms. Peters suggested that an additional rationale for exception to certain SLPA rules be implemented for districts such as hers that hire many new graduates in their CFY (clinical first year) or their first year following their CFY. She believes that an exception should be made to allow SLPs with less than 2 years of experience to supervise SLPAs.

Ms. Peters also made comments not specifically tied to proposed rule language, but relating to compliance with BSPA rules:

1. Ms. Peters commented that it would be helpful to districts if all BSPA licenses and permits expired at the same time; that is, biennially on January 30th. She said it is difficult for districts to track Permits to Supervise SLPAs, which expire on July 31st each year.
2. Ms. Peters urged "overcommunication" of BSPA rules and policies. She suggested that an email be sent to special education directors and possibly district HR directors when changes are made, so that there is no doubt about the effective date of rule changes.

The hearing was adjourned at 10:36 a.m.. The public comment period for written comments to the Rules Coordinator will close at 5:00 p.m. on May 21, 2009.

Sandy Leybold
Sandy Leybold, Executive Director, BSPA & Hearing Officer

5/20/09
Date