



Board of Examiners  
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## Meeting Minutes November 4, 2016 Portland State Office Building Conference Room 445 Portland, Oregon

**PRESENT:** Jennie Price, Speech-Language Pathologist, Chair  
Gail Swanstrom, Audiologist, Vice-Chair  
Jean Verheyden, M.D., Otolaryngologist  
Victoria Edwards, Speech-Language Pathologist  
Dustin Ooley, Audiologist  
Jean Verheyden, M.D., Otolaryngologist  
Erin Haag, Executive Director  
Tyler Anderson, AAG  
David Linn, Administrative Assistant  
George Finch (arrived 12:15 p.m.)  
John Terpening, Leg. Fiscal Officer

**EXCUSED:** Elynor McPeak, Public Member  
Anna Sanger Reed, Public Member

### CALL TO ORDER

The meeting was called to order at 9:05 a.m. by Chair Price, after a roll call quorum was established.

### MINUTES OF August 5, 2016 MEETING

Swanstrom moved to approve the August 5, 2016 minutes. Verheyden seconded. The motion passed unanimously.

### PUBLIC COMMENTS:

Scott Frink, Au.D. gave public comment regarding proposed rulemaking by the Oregon Health Licensing Authority's (OHLA) Advisory Council of Hearing Aids. The proposed rules would allow a Hearing Aid Specialists (HAS) to turn on the tinnitus masking features on certain types of hearing aids. In July 2015, the Oregon Health Licensing Office (OHLA) put out a notice stating that it is beyond the scope of practice for HAS to treat or manage tinnitus. Frink commented that the masking features turn the aid into a class 2 medical device which the FDA states cannot be administered by HAS and that HAS are rumored to be doing this already. The OHLA Advisory Council meeting is scheduled for Nov. 29<sup>th</sup>, 2016.

### EXECUTIVE SESSION

Chair Price called the Executive Session to order at 9:23 a.m. 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), and 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).

The executive session ended at 11:38 a.m. and the Board returned to public session.

### MOTIONS FOLLOWING EXECUTIVE SESSION

#### 2016-51

Verheyden moved to issue disciplinary action. Swanstrom seconded.

Aye: Price, Swanstrom, Verheyden, Ooley, Edwards

Nay: None  
Motion passed by unanimous roll call vote.

**2016-42**

Swanstrom moved to close with no action. Verheyden seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**2016-54**

Edwards moved to close with no action. Swanstrom seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**2016-57**

Swanstrom moved to close with no action. Verheyden seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley  
Nay: None  
Recused: Edwards  
Motion passed by unanimous roll call vote.

**2016-30, 2016-31, 2016-32**

Ooley moved to close with no action. Verheyden seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**2016-33**

Swanstrom moved to close with no action. Price seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**2016-44**

Swanstrom moved to close with no action. Verheyden seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**2016-52**

Verheyden moved to close with no action. Edwards seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**2016-55**

Ooley moved to close with no action. Swanstrom seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley  
Nay: None  
Recused: Edwards  
Motion passed by unanimous roll call vote.

**2016-36**

Ooley moved to close with no action. Edwards seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards

Nay: None  
Motion passed by unanimous roll call vote.

**2016-24**

Verheyden moved to issue disciplinary action. Swanstrom seconded.  
Aye: Price, Swanstrom, Verheyden, Edwards  
Nay: None  
Recused: Ooley  
Motion passed by unanimous roll call vote.

**2016-25**

Swanstrom moved to close with no action. Price seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**Licenses issued from July 28, 2016 through October 26, 2016**

Verheyden moved to ratify the issuance of these licenses. Swanstrom seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**EXECUTIVE DIRECTOR'S REPORT**

Director Haag updated the Board on the legislative process of the Agency submitting an "Agency Request Budget" which is then incorporated into the "Governor's Balanced Budget" which is submitted to the legislative assembly for passage. Haag will send out an updated financial report. Haag intends to move forward with hiring a part time investigator as approved in the previous budget. Haag distributed the Agency's Affirmative Action policy and asked Board members to consider geographical, ethnic, and gender diversity when speaking to colleagues around the state who may be interested in serving on the Board. The Governor's office has requested all agencies update their transparency and IT security policies. To this end, Board members might be issued state email address to ensure secure connections and prevent the use of private email accounts. Haag and Swanstrom attended the National Council of State Boards (NCSB) in Santa Fe October 20-22, 2016. One issue discussed was state compacts and Haag explained what those arrangement typically look like. Telepractice was also a topic of discussion and there was model rule language suggested by NCSB but also states such as Alaska and countries such as Australia. Edwards expressed interest in service on any potential telepractice sub-committee.

**EXECUTIVE SESSION**

Investigator Finch arrived and the Board re-entered into Executive Session. Chair Price called the Executive Session to order at 12:15 p.m. 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), and 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).

The executive session ended at 12:56 p.m. and the Board returned to public session.

**MOTIONS FOLLOWING EXECUTIVE SESSION**

**2015-05**

Ooley moved to close with no action. Swanstrom seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**2016-16**

Verheyden moved to close with no action. Ooley seconded.

Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**2016-41**

Edwards moved to close with no violation. Verheyden seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**2016-06**

Ooley moved to close with no violation. Edwards seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**2016-46**

Edwards moved to close with no violation. Verheyden seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**RULE MAKING WORKGROUPS**

Contacts at the Oregon Speech and Hearing Association have offered to assist the Board in reviewing the rules regarding SLPA supervision. The Board will be taking the lead in looking at possible rule language regarding telepractice. Price asked about the professional development rules and if the Board still intended to send out a survey asking how licensees would feel about eliminating the special approval process and simplify the rules to only accept ASHA approved professional development. Haag said that she had heard some negative feedback about this idea from some areas of the profession but will go forward with a survey in some form.

**PETITION FOR SLPA SUPERVISION EXEMPTION**

High Desert ESD submitted a petition for a special exemption from the SLPA rules pursuant to OAR 335-095-0050(5). Board consensus was to grant the request, but to include a letter outlining the restrictions, including the requirement that SLPAs who are new to the district must be supervised 30% of the time, they will be under mandatory SLPA audit in 2017, that if the SLP special education director took a caseload it would not be necessary, to underscore that the caseloads belong to that one SLP not the SLPAs, to let the board know how they will monitor the situation and the board will require a report if they choose to re-apply for the exemption next year.

Verheyden moved to approved the petition. Swanstrom seconded.  
Aye: Price, Swanstrom, Verheyden, Ooley, Edwards  
Nay: None  
Motion passed by unanimous roll call vote.

**ADJOURNMENT**

The Board meeting adjourned at 1:45 p.m. The next Board meeting will be held at 9 a.m., Friday, February 10th, 2017.