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**Meeting Minutes**  
**April 5, 2019**  
**Portland State Office Building**  
**Conference Room 445**  
**Portland, Oregon**

**PRESENT:** Gail Swanstrom, Audiologist, Chair  
Victoria Edwards, Speech-Language  
Pathologist, Vice-Chair  
Amy Martin, Speech-Language  
Pathologist  
Dustin Ooley, Audiologist  
Clarence Williams, Public Member  
Anna Sanger Reed, Public Member  
Erin Haag, Executive Director  
David Linn, Administrative  
Assistant  
George Finch, Contract  
Investigator  
Janet Wagner, SLP, Clinical  
Advisor  
Tyler Anderson, AAG  
(arrived during executive session)

**EXCUSED:** N/A

**CALL TO ORDER**

The meeting was called to order at 8:38 a.m. by Chair Swanstrom, after a roll call quorum was established.

**PREVIOUS MEETING MINUTES:** Martin moved to approve the January 11, 2019 minutes. Sanger Reed seconded. The motion passed unanimously.

**EXECUTIVE DIRECTOR'S REPORT:**

**Budget and Legislative Report** – Director Haag reported that HB 5022, the Board's budget bill, has been passed by both houses and awaits the Governor's signature. It includes funding for a full time investigator, a new database and I.T. support, and an accountant/fiscal analyst to be shared by BSPA and five other Boards. The Oregon Speech-Language Hearing Association Board provided a letter of support for this budget. Finch said that hiring an investigator for a health regulatory agency can be difficult due to the nuance required, and said he is willing to help with screening and training the staff investigator. Haag said that staff are tracking a few bills including one that would require all licensees to take continuing education on the topic of cultural competency every other renewal cycle, and another that would require them to take a course on suicide prevention. The Board is also watching bills that would require expedited licensing for military spouses and people who wanted to work in a new eastern Oregon economic development zone. There are also two bills that would require school administrators to report to

the Teacher Standards and Practices Commission any potential abuse cases. Haag has pointed out to those working on the bills that they should also require administrators to report potential abuse to BSPA and the other health licensing boards whose employees are not licensed by TSPC. Without that safeguard, the school district could fire someone who committed abuse but they could walk across the street and work at a nearby nursing home or hospital and the Board would never know or have the opportunity to investigate.

### **PUBLIC COMMENTS:**

Gila Cohen-Shaw, SLP, was present via telephone and commented on the telepractice draft rules. She said that she has worked as an SLP for 20 years and as a telepractitioner for 7 years and feels that evaluations can be of the same quality when completed via telepractice as they are in person. She is concerned about reaching rural communities.

**Telepractice Rule Making** – Haag reported that the Board held a public hearing March 15<sup>th</sup> regarding the rules and there were no attendees. However, the Board has received a number of written comments as well as public comments made at this meeting as well as the January meeting. Edwards said she has reflected on those comments and would be willing to support removing the requirement for in-person initial evaluations as long as there is adequate disclosure to patients/students/clients, including a possible form or language that should be used on disclosure forms. The practitioner would also need to document that they determined the patient is appropriate for a telepractice evaluation and/or treatment, and that the evaluation tools used are appropriate for use via telepractice. Sanger Reed suggested that the form or required disclosure include how the public could complain and include the Board's contact information. Williams said each person is an individual and the public needs the opportunity to understand how to contact the Board and what to expect if they do so and make it clear that the client has a choice if they wish to be treated via telepractice. There was discussion as to whether the patient/client/student should sign off on a form or whether it is adequate to note an oral acknowledgement by the patient/student/client in their record. Haag will prepare final edits for approval by the Board at their next meeting.

**SLPA Rule Making** – Chair Swanstrom invited Ashley Northam to update the Board on the progress of the SLPA Rules Advisory Committee. Northam is working on a final draft for Board consideration that will incorporate committee input. Northam said the committee consensus is that the consultative model they are proposing protects the public and ensures quality of care across settings. The idea is for the SLP to “work at the top of their profession.” SLPs will be required to formally assess the competencies of their SLPAs and then write supervision plans that will be maintained on file for Board review. Regular meetings of the SLPA/SLP will be required, and the SLPA/SLP will be required to maintain a log of these meetings and consultations. Both of them must make sure it is available for four years (not just the SLPA anymore). The current rules state that there must be direct supervision during treatment of each patient/student/client 10% of the time every 30 days. The committee is proposing that instead the SLP will determine how much supervision is needed based on the needs of each patient and the skillset of the individual SLPA. One purpose of the existing rule is to ensure that the SLP, who is in charge of the patient's treatment plan, actually sees and treats each patient on a regular basis. As such, there is a proposed new rule that requires the SLP to treat/co-treat each and every student/patient/client at least every 60 days which must be documented.

(See minutes of January Board meeting for additional details of the proposed rules). Haag stated that the supervision plan should be in place within the first 30 days of the two working together. Sanger Reed asked if an SLPA is working pretty independently under this scenario if a complaint would just be on the SLPA or if it would always default to the SLP? It was clarified that cases would be opened on both practitioners since the patients are ultimately the responsibility of the SLP. Board members indicated that it was important to empower and support the SLP who is in charge of the patient/student/client care. If the SLP believes that the SLPA needs more direct supervision either in general or for certain types of patients, then the SLP is in charge of making that decision based on their professional judgement. The difference is that under the current rules, the amount of direct supervision required is a set amount rather than left to the discretion of the SLP on a case by case basis.

Williams said that the rules must also be viewed from an investigative viewpoint. He said that the documentation must include whether the SLPA was trained to work with certain types of patients and that they are following the treatment plan. Northam said that the SLPAs on the committee welcomed the consultative approach with required regular meetings. They believe it will be a more meaningful way to obtain feedback and direction than the current 10% direct supervision rules. They feel it gives them a specific opportunity to obtain consultation from the SLP to better help the patients. Under the current rules, SLPs have always been responsible for each student/patient/client, and it is hoped that the new rules will do even more to underscore the role of the SLP in making treatment decisions. Northam stated that if SLPs are practicing ethically, they will in fact perform direct supervision periodically to ensure that services are being provided appropriately by the SLPA. The SLP is in charge of triaging the individual cases to determine which cases might need more director supervision and the SLP will in all cases treat the patient every 60 days. Current statute states that if a patient is going to receive treatment by an SLPA there must be informed consent of the patient/parent which must be noted in the record. SLPs should be informing patients and parents who will be conducting treatment. Northam will draft an informed consent statement or form.

Northam will include a competency checklist with the draft rules. The Board discussed allowing SLPAs to conduct sessions via telepractice if approved in advance by the SLP. The determinations by the SLP would need to be made on a case by case basis, depending on whether a patient is appropriate for this modality and whether the SLPA has demonstrated ability to conduct sessions by telepractice. These decisions would need to be documented in the patient record. The Board discussed whether disclosure forms and logs would be on a Board-supplied form or whether the rules should simply specify what must be included in them.

Haag stated that once the new telepractice and SLPA rules are in place she will be preparing training sessions that will be available online and plans to take the show on the road to help licensees and administrators understand the new rules. The Board agreed to hold a special telephone meeting before June to review and hopefully pass final telepractice and SLPA rules for implementation by September 1, 2019.

**Board Public Records Policy:** Ooley moved to approve the public records policy as distributed. Williams seconded the motion and it carried unanimously.

The public session ended at 9:52 a.m.

### **EXECUTIVE SESSION**

Chair Swanstrom called the Executive Session to order at 10:03 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 2:55 p.m. and the Board returned to public session.

### **MOTIONS FOLLOWING EXECUTIVE SESSION**

**2018-43:** Ooley moved to close with no action. Swanstrom seconded. The motion carried unanimously.

**2017-01:** Sanger Reed moved to close with no action. Swanstrom seconded. The motion carried unanimously.

**2018-40:** Williams moved to close with no action. Ooley seconded. The motion carried unanimously.

**2018-41:** Williams moved to close with no action. Ooley seconded. The motion carried unanimously.

**2018-42:** Williams moved to close with no action. Ooley seconded. The motion carried unanimously.

**2019-05:** Swanstrom moved to close with no action. Williams seconded. The motion carried unanimously.

**2018-25:** Ooley moved to close with no action. Martin seconded. Ooley, Martin, Sanger Reed, Edwards and Williams voted in favor of the motion. Swanstrom recused.

**2019-01:** Ooley moved to close with no action. Edwards seconded. The motion passed unanimously.

**2018-22:** Ooley moved to close with no action. Seconded by Swanstrom, the motion passed unanimously.

**2019-06:** Martin moved to ratify the license Seconded by Edwards, the motion passed unanimously.

**2019-07:** Williams moved to ratify the license. Seconded by Sanger Reed, the motion passed unanimously.

**2019-16:** Sanger Reed moved to ratify the license. Seconded by Swanstrom, the motion carried unanimously.

**2018-13:** Swanstrom moved to close the case with action. Seconded by Ooley, the motion passed unanimously.

**2019-03:** Sanger Reed moved to close the case with action. Seconded by Ooley, the motion passed unanimously.

**2018-18:** Ooley moved to close the case with action. Seconded by Martin, the motion carried unanimously.

**2019-02:** Sanger Reed moved to close the case with action. Seconded by Swanstrom, the motion carried unanimously.

**2019-11:** Sanger Reed moved to close the case with action. Seconded by Martin the motion carried unanimously.

**2018-31:** Edwards moved to close the case with no action. Ooley seconded the motion and it passed unanimously.

**2018-02:** Williams moved to close the case with no action. Edwards seconded the motion and it passed unanimously.

**2018-21:** Edwards moved to close the case with action. Swanstrom seconded the motion and it passed unanimously.

**2019-18:** Swanstrom moved to close the case with no action. Martin seconded the motion and it passed unanimously.

Edwards moved to ratify the issuance of the licenses between January 4 – March 29, 2019. Williams seconded. The motion carried unanimously.

**Open Cases** –Ooley moved to extend the Board’s open cases. Martin seconded. The motion carried unanimously.

## **ADJOURNMENT**

The Board meeting adjourned at 3:20 p.m. The next Board meeting will be held at 8:30 a.m., Friday, July 12, 2019.