



Board of Examiners
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Meeting Minutes August 5, 2016 Portland State Office Building Conference Room 445 Portland, Oregon

PRESENT: Jennie Price, Speech-Language Pathologist, Chair
Gail Swanstrom, Audiologist, Vice-Chair
Anna Sanger Reed, Public Member
Victoria Edwards, Speech-Language Pathologist
Erin Haag, Executive Director
Tyler Anderson, AAG (left 11:27 a.m.)
David Linn, Administrative Assistant

BY PHONE: Jean Verheyden, M.D., Otolaryngologist

EXCUSED: Elynor McPeak, Public Member
Dustin Ooley, Audiologist

CALL TO ORDER

The meeting was called to order at 9:19 a.m. by Chair Price, after a roll call quorum was established.

MINUTES OF May 13, 2016 MEETING

A few grammatical corrections were made and then Swanstrom moved to approve the May 13, 2016 meeting minutes as corrected. Verheyden seconded. The motion passed unanimously.

ELECTION OF OFFICES

Anna Sanger Reed moved that Jennie Price be elected as Board Chair and that Gail Swanstrom be elected as Vice Chair. The motion was seconded by Victoria Edwards and passed unanimously.

PUBLIC COMMENTS:

Linda D'Onforio, SLP, sent comments regarding Oregon's professional development rules via email as she was unable to attend the meeting to deliver her concerns in person. The email also included a newsletter article that D'Onforio wrote for the Oregon Speech & Hearing Association (OSHA) newsletter. The Board read and received the correspondence and placed them in the public record.

ACKNOWLEDGEMENTS:

Executive Director Haag and Chair Price acknowledged Public Board member, Anna Sanger Reed, for her participation on a peer-review team that audits the operations of Oregon's health profession regulatory boards. She is the only public member on the team that looks at records, policies, procedures, and actual board practice. The group creates a report that includes a review of best practices. Sanger Reed stated that they recently audited the Oregon Medical Board, and that it was valuable to learn how other boards operate, and to share ways all of the boards can streamline their operations. They audit about one board each year.

EXECUTIVE SESSION

Chair Price called the Executive Session to order at 9:27 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 11:20 a.m. and the Board returned to public session.

MOTIONS FOLLOWING EXECUTIVE SESSION

2013-38/2014-57

Swanstrom moved to close with no action.

Aye: Edwards, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

2016-14

Sanger Reed moved to issue civil penalty of \$500. Verheyden seconded.

Aye: Edwards, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

2016-43

Verheyden moved to close with no action. Swanstrom seconded.

Aye: Edwards, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

2016-27

Swanstrom moved to close with no action. Price seconded.

Aye: Edwards, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

2016-28

Verheyden moved to close with no action. Price seconded.

Aye: Edwards, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

2016-34

Swanstrom moved to close with no action. Sanger Reed seconded.

Aye: Edwards, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

2016-37

Verheyden moved to close with no action. Swanstrom seconded.

Aye: Edwards, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

2016-38

Sanger Reed moved to close with no action. Price seconded.

Aye: Edwards, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

2016-39

Swanstrom moved to close with no action. Verheyden seconded.

Aye: Edwards, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

Licenses issued from May 5, 2016 through July 27, 2016

Verheyden moved to ratify the issuance of these licenses. Swanstrom seconded.

Aye: Edwards, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

CHAIR'S REPORT

Chair Price introduced the Board's two new members, Victoria Edwards and Dustin Ooley. Edwards enjoys doing community service and appreciates being a member of this board. She works at Kaiser Permanente and has also served on the Board of Oregon Speech and Hearing Association (OSHA) & the Oregon Speech Pathology Academy (OSPA). She interned at OHSU, did her fellowship at the VA and then spent time as a traveling SLP. She has worked in both education and healthcare, including hospital, home health, inpatient and outpatient settings. Ooley was unable to attend the meeting due to a planned vacation. He is was previously a public school teacher. He now works as a pediatric audiologist with Columbia Regional. Sanger Reed mentioned that the next time we have an opening for a public member we should consider a parent of a student who has utilized services of a licensee. Ensuring that we have members from rural areas is also important in addition to other demographic considerations.

EXECUTIVE DIRECTOR'S REPORT

Haag provided the Board with a financial report. The Board is ahead of projected revenues because of a significant increase in the number of licensees, and below projected expenditures due to the lack of filling the part time investigator position. Haag does not expect a need to increase fees because the ending fund balance is projected to be 6 to 10 months of operating expenses. (The legislature prefers 3 to 6 months of reserves). There is reluctance to fluctuate license fees because of the confusion and negative reactions from licensees when fees are raised. Haag explained how six health licensing boards who operate out of the Portland State Office Building are considered one agency, number "833," and as such share resources and are grouped together for budgeting and accounting purposes. Those agencies include BSPA, the Occupational Therapy Board, Veterinary Medicine Board, Naturopathic Medicine Board, Medical Imaging Board, and the Mortuary and Cemetery Board. In the past, the 833 group (also known as the Health Related Licensing Boards - HRLB) utilized the Department of Administrative Services (DAS) for accounting services. Because DAS planned to increase that expense by 25%, the Executive Directors of HRLB agreed to hire an in-house accountant to take care of accounting for the group. As such, one of the directors had to step in to act as the group's CFO to oversee that accountant, and the only person with the appropriate accounting background to serve in that role was Haag. HRLB directors are working out an agreement whereby BSPA may be reimbursed for Haag's CFO services. Haag will keep track of the time involved in this function to ensure BSPA work is being properly covered, and in order to help with her workload, Haag may hire the investigator before the end of the biennium and utilize George for the more complex cases. Sanger Reed asked if we should pay off our legal fees but we are actually paying them off over time with our flat fee agreement. Haag presented the Agency Request Budget (ARB) to be submitted to the Governor's office. She noted the Board's strategic priorities and accomplishments for this Biennium, including implementation of the fingerprint background checks and successful passage of universal licensure (removing the TSPC SLP exemption from Board licensure). Haag presented four strategic priorities for the next biennium for discussion and approval: updating/creating rules for telepractice, exploring the possibility of a new license category - audiology assistants, SLPA rule clarification and implementation of the new Oregon workforce data law.

RULE MAKING WORKGROUPS

There was a discussion about the need for workgroups and if the Board is the correct organization to drive the train on the priorities listed above. There was agreement that the board needs to create rules for telepractice and look at SLPA supervision but perhaps should not be the primary agency that introduces the concept of audiology assistants.

The Board discussed telepractice at length and determined that this should be the Board's number one priority for policy and rulemaking in the coming biennium. Sanger Reed said we should first look at public safety and the risk of

real threat, then balance that with the obvious need for services in rural areas of the state. Teletherapy in many ways is just another modality for delivering services, so any licensees currently practicing teletherapy need to follow current practice guidelines including determining whether a patient is truly a candidate for that service delivery modality. The Board discussed the difficulty of making such a determination without an in-person evaluation, and is concerned that some rural school districts are doing evaluations strictly through telepractice. Edwards said that Kaiser's policy is that all initial evaluations of the patient must be done in person. Telepractitioners have to be concerned about HIPAA, the type of electronic devices used and whether they are secure, ensuring the patient's environment is secure and appropriate for telepractice (i.e. is it private or are other family members able to hear the session), ensuring that the patient and/or their parent have signed informed consent forms for this modality, etc. The Board reiterated its past position that it requires the practitioner to hold an Oregon license if they are providing treatment to a patient in Oregon. Haag will seek input from the professional association leadership and gather more information from licensees through surveys and newsletter articles. Edwards asked that Haag summarize the issues in an email and she will raise them at the upcoming OSHA board meeting.

Edwards asked whether the Board sends copies of public discipline orders to ASHA. Haag said that ASHA has asked for copies of the orders and she recently sent them all orders issued in the last few years. All public orders must be entered into the National Health Practitioner Databank within 30 days of them being signed by the Board, so her new procedure is to automatically send ASHA a copy of the order on the same day she enters them into the databank. ASHA then decides whether to conduct their own investigations. Cases with no public discipline are not sent to ASHA and remain confidential. AAA has not asked for copies of orders but if they do, Haag will provide them with copies.

Edwards also asked if a license was required to teach at the university level. Price responded that licenses are indeed required for SLPs and audiologists who work at Oregon universities and are teaching courses, conducting research, and doing clinical work. In 2011, the exemption from licensure for university professors was removed from Oregon statutes. Oregon was one of the last four states to remove this exemption from the licensure requirement.

ADJOURNMENT

The Board meeting adjourned at 12:33 p.m. The next Board meeting will be held at 9 a.m., Friday, November 4th, 2016.