



Board of Examiners
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Meeting Minutes
July 12, 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
Leslea Smith, Staff Investigator
Tyler Anderson, AAG
(arrived at 9 a.m.)

EXCUSED: N/A

CALL TO ORDER

The meeting was called to order at 8:35 a.m. by Chair Swanstrom, after a roll call quorum was established.

PREVIOUS MEETING MINUTES: Edwards pointed out some typos on the April 5, 2019 minutes. Ooley moved to approve the May 10th minutes as distributed and the April 5th minutes as corrected. Martin seconded the motion and it passed unanimously.

CHAIR'S REPORT:

Swanstrom must address a personal matter October 25th and asked the Board to consider rescheduling the meeting. After a discussion, there was a consensus to move that meeting to Friday November 8th.

EXECUTIVE DIRECTOR'S REPORT:

Director Haag introduced the Board's new full time investigator, Leslea Smith. Smith practiced law for many years with legal aid in both Washington and Klamath Counties.

The May 31, 2019 budget and finance report was distributed. The Board is in healthy financial condition and will end the biennium at June 30, 2019 with a fund balance of approximately \$566,568, up from the June 30, 2017 balance of \$466,063. Revenue is projected to be over the 2017-19 budget of \$488,964 by as much as \$200,000, and expenses are expected to be down by

\$225,000 from the 2017-19 budget of \$756,010. Some of this savings was due to Haag serving as the Interim Executive Director for the Oregon Mortuary and Cemetery Board (OMCB) for several months so her salary was split equally between the two agencies. Haag also delayed hiring of an investigator. The Board experiences a net increase in the number of licensees by about 7% per year and this trend is expected to continue. As such Haag expects that the Board will not have to increase licensing fees in the near term.

The budget for next biennium is \$993,337 and passed under House Bill 5022 early in the 2019 session. Haag thanked OSHA for their letter of support. Haag read the five “key performance measures (KPM) that were approved along with the budget. There is a new KPM for timely submission of investigations to the Board in order that BSPA’s KPMs be consistent with other health professional licensing Boards.

The legislature passed a new bill, HB 2011, requiring licensees to take a cultural competency course every other renewal. Haag will provide more information on the specifics including the effective date and reporting requirements in the newsletter and at future Board meetings. Haag reported that the shared accountant left the organizations in September 2018, and the EDs then commissioned an audit of accounting and related procedures. It was not a forensic financial audit. The 6 agencies have yet to finalize group procedures so Haag is writing some for BSPA and will provide that document along with the audit at or before the next meeting.

Affirmative Action Statement – Haag circulated a draft affirmative action statement that has been edited by the Governor’s Office for Equity and Inclusion. Chair Swanstrom called for a motion to approve the statement. Edwards moved that the Board ratify the Affirmative Action Statement as distributed. The motion was seconded by Swanstrom and passed unanimously.

Haag reported that she is working with the Governor’s office to recruit an ENT physician and has received feedback from at least one ENT that it is difficult for them to take a day off during the week to participate. He suggested Saturday meetings. After a discussion the Board agreed to take this information under advisement.

Telepractice Rule Making and Public Comments– The Board reviewed the telepractice rules that were passed at a previous Board meeting along with one update: removal of the requirement for in-person initial evaluations due to FTC concerns. The Board also struck from #9 “the right to request a re-evaluation.”

The Board accepted comments in support of these changes from Megan McGill, assistant professor at PSU and Jeff Cohn, clinical associate professor at PSU. Board members asked if we knew how many licensees are doing telepractice and Haag reported approximately 5-10%. That information is in the work force data obtained during the last renewal and Haag will report back with the exact number.

Sanger Reed moved that the Board pass the rules as revised. The motion was seconded by Martin and carried unanimously. Swanstrom moved that the Board accept the fiscal income statement for the telepractice rules as distributed. The motion was seconded by Williams and carried unanimously.

SLPA Rule Making – Chair Swanstrom invited Director Haag and Ashley Northam to give a report on the reasoning behind the rules that have been proposed by the Advisory Committee. Haag distributed a 5 page report and background information.

Gila Cohen-Shaw, SLP, provided public comments via telephone. She lives in Maine and works for Presence Learning providing services via telepractice for Medford and other Oregon school districts. She is concerned that some employers may take the “every 60 days” to be a cap on the amount of time the SLP is allowed to treat the client when many of them need to see the SLP herself more often than that. AAG Anderson said that the Board does not regulate non-licensees, but at the same time administrators do not regulate best practices for the profession and the Board is setting a minimum standard. Sanger Reed pointed out that this particular rule will not solve the broader issue of administrators attempting to overrule licensees’ professional judgement. Smith reported that she and Haag recently attended a meeting with ODE staff who plan to work with BSPA staff to help administrators understand that if licensed staff have a need it should be a two-way conversation. For issues related to IEPs, ODE is the place for a resolution.

Northam is Chair of the Chemeketa Community College SLPA program and has served on ASHA’s SLPA committee and worked 15 years on this issue. She currently serves on ASHA’s committee to develop an SLPA examination for an upcoming national competency certification program for SLPAs. Feedback in Oregon is that SLPAs want more time with the SLP for collaboration and review of cases and strategies. Northam reported that the educational requirements are all over the place based on state law. ASHA’s new program will ultimately open up billing of services provided by SLPAs, particularly when there is a national standard. Eventually ASHA will accredit programs opening pathways to insurance billing. The proposed rules align more closely with occupational and physical therapy in Oregon. Northam and Haag like the requirement that the SLP treat the client at least every 60 days. California has no such requirement, so this new rule is a middle ground that protects the public and ensures care is always being coordinated by the SLP. At this same time, Northam said that these proposed rules value and respect the experience and skills of SLPAs, and will catch them up with OTAs and PTA rules that have been in existence for a long time. The model is flexible because the supervision plans must be tailored to each individual SLPA’s competencies and should work in all settings.

Sanger Reed asked if the Board were to receive a complaint about the quality of services being provided by an SLPA, would the Board open cases on both the SLPA and their supervisor? The answer is yes because the SLP is responsible for the clients on their caseload and for the SLPAs they supervise who assist in providing services to the caseload. Edwards likes the fact that both parties are equally responsible for the supervision plan and feels it is a good check and balance.

Edwards asked whether under the rule that requires the SLP to treat or co-treat every 60 days if it requires the SLP to be with the client in person as opposed to telepractice. The answer is no, the treatment may be provided by the SLP via telepractice as long as the sessions are comparable.

Haag said that the Board will provide sample forms for SLPA skills assessment and supervision plans, but the actual language of what is required is in the rules and the sample forms will be optional. The Board will put together presentations and professional development credit opportunities on its website. She is working with Northam and others to present the new rules at OSHA and the Council for School Administrators (COSA) this fall.

The Board reviewed the text of the rules and made some revisions:

- *Added back into the language that SLPAs may provide feeding for nutritional purposes;
- *Added language to clarify that we accept post-baccalaureate certificate programs such as the one that will be offered by Portland State;
- * In the “consultative supervision” section, added “excluding e-mail, texting and other non-dynamic communication modes” to make it clear that the rule requires this meeting to take place in person or over the internet in real time, not via correspondence.
- * Section requiring SLP to treat each patient every 60 days – clarified it is the “SLP’s” caseload.
- * Language to clarify Board will accept current educational requirements until July 1, 2021 after which a degree will be required.

Edwards moved to approve the SLPA rules and fiscal impact statement as amended. Sanger Reed seconded the motion and it passed unanimously.

The public session ended at 10:24 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 12:40 p.m. and the Board returned to public session.

MOTIONS FOLLOWING EXECUTIVE SESSION

2019-20: Sanger Reed moved to close with action. Swanstrom seconded. The motion carried unanimously.

2017-27: Swanstrom moved to close with no action. Sanger Reed seconded. The motion carried unanimously.

2019-09: Ooley moved to close with action. Edwards seconded and the motion carried unanimously.

2019-15: Swanstrom moved to close with no action. Williams seconded. The motion carried unanimously.

2019-31: Edwards moved to close with no action. Martin seconded. The motion carried unanimously.

2019-25: Williams moved to ratify. Swanstrom seconded. The motion carried unanimously.

2019-24: Martin moved to ratify. Ooley seconded and the motion carried unanimously.

2019-32: Ooley moved to ratify. Williams seconded the motion and it passed unanimously.

2019-33: Swanstrom moved to ratify. Ooley seconded the motion and it carried unanimously.

2019-26: Martin moved to close with no action. The motion was seconded by Williams and it passed unanimously.

2019-12: Swanstrom moved to close the case with action. Sanger Reed seconded the motion and it passed unanimously.

2019-28: Ooley moved to close the case with no action. Edwards seconded and the motion carried unanimously.

2016-48: Sanger Reed moved to close the case with no action. Swanstrom seconded the motion. The vote passed by roll call vote. Yea: Swanstrom, Ooley, Edwards, Sanger Reed and Williams. Recused (not voting): Martin

2019-37: Ooley moved to close the case with no action. Martin seconded the motion and it passed unanimously.

2019-34: Swanstrom moved that the case be closed with action. The motion was seconded by Edwards and passed unanimously.

Swanstrom made a motion to ratify the licenses issued from March 30 through June 30, 2019. The motion was seconded by Edwards and passed unanimously.

Open Cases: Ooley moved to extend the Board's open cases. Martin seconded. The motion carried unanimously.

Other Business:

Edwards asked if the Board could put forth legislation that would limit caseload in both educational and healthcare settings. Haag said that the Board would want to work with OSHA and other interested organizations. Either OSHA could find a sponsor, or the Board could submit a bill as a legislative concept and ask for the Governor's approval. Haag will contact Genoa Ingram at OSHA to find out if they are working on the matter. She said there are several states that limit caseload. Martin said in Nevada, SLPs must notify their supervisors if the caseload goes beyond 50 and must obtain an exemption to have more than 50. Ooley said that the Portland Public Schools Union was working to develop caseload language to better define caseload with a goal to ensure that caseloads are managed properly from the outset.

Edwards asked if the Board's stipend could be increased. Haag said that some Boards pay more than the minimum \$30 per meeting and also pay for the day that Board members spend preparing for the meeting. She will look into the steps to increase the stipend and report at the next meeting.

The Board consensus was to have a two-day meeting that includes strategic planning outside of Portland next spring.

ADJOURNMENT

The Board meeting adjourned at 12:57 p.m. The next Board meeting will be held at 8:30 a.m., Friday, November 8, 2019.