



Board of Examiners
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Meeting Minutes November 17, 2017 Portland State Office Building Conference Room 445 Portland, Oregon

PRESENT: Gail Swanstrom, Audiologist, Chair
Dustin Ooley, Audiologist
Jean Verheyden, M.D., Otolaryngologist
Elynor McPeak, Public Member
Anna Sanger Reed, Public Member

Erin Haag, Executive Director
David Linn, Administrative Assistant

EXCUSED: Victoria Edwards, Speech-Language Pathologist,
Vice-Chair
John Evans, Speech-Language Pathologist

CALL TO ORDER

The meeting was called to order at 9:04 a.m. by Chair Swanstrom, after a roll call quorum was established.

MINUTES OF August 11th, 2017 MEETING

Verheyden moved to approve the August 11, 2017 minutes. Sanger Reed seconded. The motion passed unanimously.

PUBLIC COMMENTS:

There were no public comments.

EXECUTIVE DIRECTOR'S REPORT:

Telepractice Draft Rules Update: Haag gave the Board an update on comments coming in regarding telepractice. Haag suggested holding more advisory meetings to include people from different clinical settings. The issue regarding the use of SLPAs in telepractice has come up with some expressing the potential for administrators to pressure licensees to act outside their scope of practice. Verheyden expressed concerns about SLPAs being used in telepractice and noted that while some boards allow SLPs to telepractice, SLPAs typically cannot. Haag explained the steps in the rule making process. McPeak expressed a desire for the Board to focus on medical necessity and safety and not be concerned with threats about restraint of trade. Finch briefly explained some cases in other states where licensing boards had their rules invalidated for restraint of trade. Verheyden said that dysphagia and swallowing are too severe in the type of modality and the threat of injury or death to be done by telepractice. She was adamant that a trained professional must be on hand or the patient could die. Sanger Reed noted the difficulty in striking a line when professionals claim that their professional and ethical standards are sufficient. McPeak noted the difficulty in drawing a line between people getting lesser service vs no service at all.

EXECUTIVE SESSION

Chair Swanstrom called the Executive Session to order at 9:26 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 at 12:46 p.m. after a short break.

MOTIONS FOLLOWING EXECUTIVE SESSION

2017-54: Verheyden moved to close with no action. Swanstrom seconded. The motion carried unanimously.

2017-66: Ooley moved to close with no action. Verheyden seconded. The motion carried unanimously.

2017-70: Sanger Reed moved to close with no action. McPeak seconded. The motion carried unanimously.

2017-67: McPeak moved to close with no action. Verheyden seconded. The motion carried unanimously.

2017-74: Verheyden moved to issue license. Swanstrom seconded. The motion carried unanimously.

2017-28: Swanstrom moved to close with no action. Verheyden seconded. The motion carried unanimously.

2017-29: McPeak moved to close with action. Ooley seconded. The motion carried unanimously.

2017-30: Ooley moved to close with action. Verheyden seconded. The motion carried unanimously.

2017-33: Verheyden moved to close with no action. McPeak seconded. The motion carried unanimously.

2017-34: Swanstrom moved to close with action. Sanger Reed seconded. The motion carried unanimously.

Aged cases: Swanstrom moved to continue investigating all cases not yet presented to the Board to provide extra time for investigation as allowed by statute. Verheyden seconded the motion, which carried unanimously.

CHAIR'S REPORT:

DOJ Tinnitus Decision – Swanstrom and Haag went to Salem to meet with the DOJ regarding process to for them to develop an opinion on the tinnitus rulemaking issue. Tinnitus issue. Several board members expressed their strong concerns about the public safety issues.

EXECUTIVE DIRECTOR'S REPORT:

AAA Letter: There was a letter requesting the Board to recognize AAA accreditation board. Ooley explained that ACAE is seen as top of the line in audiology profession. Board consensus was for staff to flesh out the concept and discuss it with the Governor's Office and the professional associations to see if there is agreement to submit a legislative concept for the 19-21 session.

Renewals: There was a slight delay in getting renewals due to the availability of our I.T. consultant, but the Board office has begun processing them. A full report will be shared at the February meeting.

OSHA Conference: Haag and Linn attended the yearly OSHA conference in Salem. There was a great deal of outreach to professionals who stopped by the BSPA table. Linn was invited up to speak about licensing during one of the panel discussions.

Loan Forgiveness Program: As people are transitioning away from TSPC licenses there has arisen an issue where they are no longer considered teachers in terms of qualifying for student loan forgiveness. Haag will continue to research and update the Board.

Oregon Dept. of Education Meeting: Haag met with the Director of ODE about reaching out to educated school administrators and superintendents.

Financial & Budget Report: Haag says the Board is on track for budget targets. A legislative budget note requires the Board to appear before a committee in the February session to describe the Board's need for a part time staff investigator. The Board must also report on the I.T. needs as our long-time provider is moving on.

Compact Advisory Group: Haag was invited to DC to serve on the national compact advisory group. The event was put on by the Council on State Governments (CSG). Two models of licensing compacts were discussed including a medical model and one more like reciprocal agreements. Haag outlined some of the potential benefits and risks. The Governor's office has advised the Board that it has taken no position, and BSPA is to remain neutral at this time.

Oregon Mortuary & Cemetery Board (OMCB): Haag has been asked to serve as interim director for the OMCB until May while their Board recruits a new Director. Haag will receive a temporary 5% increase in salary and each board will save money through this staff sharing arrangement. Swanstrom moved to approve, Ooley seconded and the motion passed unanimously.

ADJOURNMENT

The Board meeting adjourned at 1:32 PM. The next Board meeting will be held at 9 a.m., Friday, February 9th, 2018.