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Make Sure You Don't Aid Unlicensed Practice

Jennie Price, MS, CCC-SLP
Board Chair



The Board has reviewed WAY too many cases over the last several months that involve unlicensed practice. Professional licensure is an important way for the public and other professionals to know that the speech and hearing specialists they work with have met educational, professional, ethical, and other standards. When a person practices without a license, it undermines this basic quality assurance mechanism that was established by the Legislature with the involvement of the Board and the professions.

What are some of the ways that individuals are practicing without a license?

- New graduates or mid-career professionals moving into the state start work without first obtaining an Oregon license. *Even if one holds their CCCs or has applied for licensure in Oregon, it is illegal to work without holding a license.*
- Individuals mistakenly believe (or are mistakenly told by their employers) that they can work for a period of time (perhaps not seeing clients) before they need their license. *If you hold a job title of SLP, SLPA or audiologist, regardless of your client contact, you must be licensed. There is no exception for "orientation" or "preparation" time.*
- SLPs licensed by TSPC work for private practices, summer camps, staffing agencies, or other employers that require a Board license. *The TSPC exemption is only valid for SLPs who are employed solely by Oregon school districts, ESDs or charter schools. If you work for a staffing agency and are assigned to a school, you must hold a Board license. If you work outside of these settings, you need a Board license, not a TSPC license.*

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Make Sure You Don't Aid Unlicensed Practice

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- University faculty members or other individuals (regional manager for a hearing aid company, clinical consultants, etc.) are employed in jobs requiring SLP or audiology skills, current knowledge and experience, without obtaining a Board license. They also call themselves SLPs or audiologists. *A previous exemption for university employees was eliminated in 2011, so they are held to the same licensing requirements as other individuals.*
- Former Board licensees let their licenses expire, then keep working after January 30th of an even-numbered year. Sometimes these folks have knowingly delayed applying for renewal because they didn't complete their necessary PD. *This creates a concern about current competence as well as compliance with Board rules and licensing law. It is illegal to practice with an expired license.*
- Occasionally, a person does not seek licensure because they do not meet Board requirements. TSPC has historically had different standards for licensing SLPs as teachers than the Board. This has created confusion and a situation whereby a person still in their master's program can be hired in the schools under a TSPC license, and asked to manage a full caseload while still an SLP graduate student. Discussions between BSPA and TSPC continue with the aim of bringing these standards into alignment.

Remember, individuals do NOT need to be seeing clients in order to be practicing without a license. The Board statute prohibits practicing OR "purporting to be" SLPs, SLPAs, or audiologists without holding a license. If the job requires a person to be an audiologist, SLP, or SLPA, and/or the person calls themselves one of those protected titles, then they must hold a license.

What are my responsibilities as a licensee for another person's unlicensed practice?

In the Board's rules, the definition of unprofessional conduct includes assisting or permitting anyone to practice SLP or audiology without a license. SLPs who are supervising clinical fellows, SLPAs, or other SLPs have a responsibility to make sure that their supervisees are appropriately licensed. Not only is this a professional and ethical standard, but is it an important way to model the importance of licensure. If you have any questions about what kind of license your supervisees need, contact the Board office.



If you are involved in interviewing or hiring SLPs, SLPAs, or audiologists, exercise your professional responsibility, and don't just assume that the HR Department is well-versed in Board licensing needs. Double-check the job descriptions and job listings—make sure that they clearly state that Oregon licensure is required for each SLP, SLPA or audiologist position. We have seen position descriptions that say "must obtain licensure within the first year of employment", or where Oregon licensure is listed as a "desired characteristic" rather than a "minimum requirement". These are clearly not consistent with our licensing laws. Even "must be *eligible* for Board licensure" is misleading. It is true that someone might apply for a job while only eligible for licensure, but it needs to be clear that the job requirement is to hold a valid Oregon license. Applicants should be asked if their Oregon license is valid, pending, or if they have not yet applied. If you select a person who does not hold an Oregon license, your offer letter should state that it is contingent on receiving Oregon licensure *before* employment begins. Make it clear in the letter that the start date must be *after* the license is in place.

The Board's responsibility is to continue to protect the public. Remember **do not** work without a valid, current license that covers the scope of your professional duties. Don't let your supervisees work without being appropriately licensed. And if you have questions or concerns about unlicensed practice, please contact the Board office ASAP for guidance. These measures will keep Oregonians safe, and will ensure that licensure is the quality standard that it is meant to be.

Licensing of Audiology Assistants —To Be or Not to Be?

The Board of Examiners (BSPA) and the Oregon Academy of Audiology (OAA) have collaborated to develop a survey of all Oregon audiologists to find out how you are currently using assistants and your thoughts about the possibility of licensing audiology assistants in Oregon. The survey was posted on Survey Monkey during April 2014.

Audiologist and former OAA President and former Board Chair Nancy Dunn was instrumental in drafting the survey. Questions distinguished between appropriate duties for Hearing Aid Specialists (already licensed through OHLA), and other types of assistants. Of particular importance was looking at different responses from audiologists who already work with assistants vs. those who do not.

Both the Board and OAA were very pleased with the response rate, and will be working together to evaluate the data. Currently, eight other states license Audiology Assistants, and Oregon wants to do its part to protect the public as more duties are delegated to staff members.

If audiology assistants are to be licensed, this would require a change to the Board's licensing statute, and would likely not take place at least until the 2017 Legislative Session. Both OAA and the Board will continue to involve licensees and the public in policy discussions about this issue.

Notes from the 2014 Renewals & PD Audit

Between November 1, 2013 and January 30, 2014 the Board office received over 1900 renewal applications. The vast majority were received and processed without any problems. However there were several issues that caused renewals to be late or incomplete.

- **Incorrect Contact Information**—Over 200 renewal notices were returned by the post office as undeliverable due to licensees not updating their addresses. The letters we send to licensees are not forwarded to new addresses. Even after renewal applications were received online (and licensees were asked to verify/update their addresses), more than 10 renewed licenses were returned due to incorrect addresses! There is an online address change form on our website or just send us an email at speechaud.board@state.or.us.
- **Inactive requests**—Many licensees were confused about the process for changing to inactive status. An inactive request form is not a renewal application. Licensees wishing to change to inactive status must contact the Board office, complete an inactive status form, and then after the licensee is notified that the status is changed, the licensee can go online to renew into inactive status. The renewal instructions regarding inactive requests will be updated to clarify this process for the next renewal cycle.

Causes of Incomplete Renewals—

- A few renewals were incomplete because licensees reported ASHA CEUs instead of Professional Development Hours. Board staff have no way of determining if a person meant to report 5 hours (0.5 ASHA CEUs) or 50 hours (5 ASHA CEUs). These PD reports must be resubmitted and manually processed, using considerable time and resources. PD must be reported in hours, not CEUs, to prevent an incomplete renewal and delinquent fee.
- Several first time renewals did not report the correct amount of PD required. PD hour requirements are pro-rated for initial renewal, but it is the responsibility of the licensee to know what day they were first licensed and the amount of PD required.
- One person said, "I thought you would round up from 29.75 to 30.00". PD hours are not rounded up or down. One PD hour equals 60 minutes of activity.
- Several people were confused between their PD submitted with initial license or because of the option (no longer available) to submit 10 hours in 12 months on their initial application - "I thought it was how many I had submitted previously". The commitment to supply 10

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Leybold Honored for Contributions as Executive Director

Board Executive Director Sandy Leybold was pleasantly surprised to be recognized at the annual meeting of the National Council of State Boards of Speech-Language Pathology & Audiology (NCSB) in San Antonio, TX. This is a professional group of Board members and executive directors from all around the country who network to stay abreast of common issues from state to state.

Sandy received a Special Recognition Award "for her outstanding contributions and services in the pursuit of consumer protection and regulation of the professions of audiology and speech-language pathology in the state of Oregon". She was nominated by the members of the Board in recognition of "her dedication, loyalty, motivation and caring" in carrying out her duties as Executive Director of BSPA. Jennie Price, SLP, Board Chair, notes that "the Board is honored to have an Executive Director that is as dedicated and knowledgeable as Sandy".

Sandy has served for six years as Executive Director, and has worked with three Board Chairs during that time. She responds, "I appreciate the support and positive feedback from the Board leaders and members that I receive regularly. I look forward to continuing to improve the agency's operations, and enhancing our ability to protect the public."



“New” Rules and Regulations

These are the Oregon Administrative Rules (OAR’s) that have been revised or added by the Board since last fall.

Effective November 13, 2013, the Board made several temporary rules permanent:

- Implemented the **fee schedule changes** approved by the 2013 legislature as part of the 2013-15 budget for the Board. The license fee for SLPs and Audiologists was raised to \$210. The SLPA license fee was raised to \$65. The temporary rule was filed June 28, 2013.
- Clarified the circumstances and requirements for **temporary licenses**, removing the requirement that degree conferral be more than 30 days away. Temporary rule filed September 12, 2013.
- Clarified that **applicants** who are still within twelve months of completing their supervised clinical experience are not required to submit professional development (PD) with their initial license application. Temporary rule filed May 17, 2014.
- Clarified that the **fees** listed in OAR 335-060-0010(1) may be charged to all applicants and licensees. Temporary rule filed May 17, 2014.
- Removed the delinquent fee for submitting late applications for **special approval of PD activities**. The Board no longer reviews activities more than 30 days after the event. Temporary rule filed May 17, 2014.
- Added “failure to report all required hours of SLPA supervision upon audit” as something for which a **delinquent fee** would apply. Temporary rule filed May 17, 2014.
- Clarified the **definition of acceptable PD activities**, eliminating redundant wording. Temporary rule May 17, 2013.
- Reinstated the **pro-rating of PD requirements** for licensees initial renewal. Temporary filed May 17, 2013.
- Revised and clarified **clinical fieldwork requirements for SLPA certification**. SLPA applicants must now document both **100 hours of directly-supervised clinical interaction** and **8 hours of indirect supervision** (consultation/evaluation time). Temporary rule September 12, 2013.
- Created a **new temporary license** for SLPA candidates completing their clinical fieldwork outside of an academic program. This “**Provisional SLPA**” certificate is valid for 180 days and is non-renewable. Temporary rule September 12, 2013. (*Continued on page 7*)



2014 Speech-Language Pathology Assistant (SLPA) Supervision Audit Results

Thank you to the SLPAs and school district personnel who responded to the 2014 Audit. This year, the Board audited 12 school districts, as well as 18 individual SLPAs who do not work for districts, for a total of 54 SLPAs (20.5% of those licensed). Since each SLPA supplied logs for two months, and many SLPAs support multiple caseloads, a total of 168 logs were reviewed. Overall, 72.6% of the logs were compliant. Errors were found as follows:

- Inadequate supervision (less than 10% direct or 20% indirect hours) in 9 instances or 5.4% of submitted logs;
- Documentation errors (missing signatures, multiple months on one log, etc.) in 17 logs, or 10.1%;
- Supervision changes not reported within 30 days in 20 logs, or 11.9%; and
- Supervisors not meeting the qualifications in rule in 0 logs.

The most frequent errors in documenting SLPA supervision continue to be submitting late supervision change notices and recording multiple months on a single log, which is often the cause of inadequate supervision because the totals are not being calculated per month per case load.

Board statutes and rules are intended to ensure that students receive appropriate services from well-qualified and supervised staff. SLPAs and their supervisors are responsible for knowing the Oregon Administrative Rules regarding SLPA supervision. These can be accessed through the Rules/Statutes tab on the Board’s website at www.oregon.gov/bspa.

The Board’s statute holds both Board- and TSPC-licensed SLPs accountable for supervising SLPAs according to Board rules. Board licensees are subject to delinquent fees or disciplinary action for non-compliance. TSPC licensed SLPs are subject to civil penalties issued by the Board. And TSPC-licensed administrators could be subject to discipline under TSPC standards for non-compliance with Board rules in making staffing decisions and providing SLP services, per OAR 584-020-0025(3).

This year, after reviewing the results of the audit and the specific deficiencies, the Board decided not to impose fees or take any disciplinary action. However, the Board may request documentation of SLPA supervision from licensees at any time. Continued education regarding supervision requirements will take place through Board newsletters and other communications. Annual audits will continue, and non-compliant districts or licensees can be expected to be re-audited to confirm compliance with supervision requirements.

Board Member Recognition: A Big “Thank You” to Our Outgoing Board Members

Three dedicated Board members are completing their service this June. Board service is a volunteer role that requires dedication, attention to detail, professional and personal integrity, collaboration, and even courage. The Board and staff honor our outgoing members and offer our heartfelt gratitude for their service.



Audiologist **Evan (“Butch”) Evans**, just completed a six-year stint on the Board, including two years as Chair. Butch has been a dedicated Board member, rarely missing a meeting. His dedication to public protection and his knowledge and experience as an audiologist have been great assets to the Board. Lyndsay Duffus, the other audiologist Board member and current

Vice-Chair, says, “when I started on the Board, Butch was my audiology colleague and he showed me the ropes. Due to his great leadership, I will be able to help our newest audiologist member when they arrive. I owe him so much and will miss him greatly!” Jennie Price, SLP, our current Chair, remarks that Butch was “thoughtful and collaborative as Board Chair, always mindful in the role of the Board no matter how difficult the situation.” Other members also remarked on his calm demeanor, dependability and leadership skills. Butch continues to be active professionally, with a new focus in his practice on tinnitus evaluation and treatment. He also continues to teach at Western Oregon University.

Public member **Ralph Blanchard**, a resident of Dallas, Oregon, is also leaving the Board this month after completing his three-year term. A retired land surveyor, Ralph previously served on the Polk County Board of Commissioners, and worked closely with the Oregon State Board of Engineering Examiners. As his fellow Board members observe, Ralph was always willing to learn and did his research. He was highly respected for his practical and kind manner and his interest in representing the public’s interests. Lyndsay Duffus’ sums up his colleagues’ views when she says, “As we all know, finding public members is difficult, and we hit gold when we found Ralph. He has been such a bonus to our Board and always has very thoughtful comments and questions – he obviously takes his position on the Board seriously and it shows. We will miss him!” As he retires from Board service, Ralph plans to spend more time with his family and the family farm.



Mark Wax, MD, our otolaryngologist Board member, is also completing his Board service after six years as the Board’s designated otolaryngologist member. Dr. Wax has a very busy professional life as a professor of Otolaryngology and OHSU’s Director of the Residency Program. He also directs OHSU’s Microvascular Reconstruction Fellowship program. Dr. Wax brought his personal and professional integrity, precision and sense of



humor to his Board role. Jennie Price appreciates how “he kept meetings moving forward, never sweated the small stuff, and was always insightful”. Indeed, “insight” and “humor” are what all his Board colleagues say they will most miss about Dr. Wax’s time on the Board. Dr. Wax is returning to his busy professional life and his active personal interests in skiing, running, and hiking.

Again, thank you for your many hours of time, your dedication and your contributions to people of the State of Oregon!



Governor Kitzhaber Appoints and Reappoints Board Members to Fill Vacancies

Beginning July 1, 2014, three new members will join the Board, and two of our members are also reappointed for new terms.

New to the Board are:

- Audiologist Member Gail Swanstrom
- Public Member Anna Sanger Reed
- Otolaryngologist Member Jean Verheyden

Reappointed to the Board for a second term are SLP members Jennie Price and Wendy Gunter.

Watch for more information and photos in the next issue of *The Voice*.

2014 Renewal Notes and PD Audit Results (Continued from page 3)



RECENT BOARD ACTIONS

hours in the first 12 months of licensure has been eliminated. All initial licensees must meet PD requirements unless they are within 12 months of graduation or completion of their clinical experience. Licensees should always report the required amount of PD on their renewals. Regardless of whether you are asked by the Board to supply PD documentation at another time, you should still report the full, correct amount on your renewal application.

Regional Programs and ESD PD

- There was considerable confusion surrounding who is an acceptable PD provider without special approval from the Board. The PD rules allow programs offered through public school districts, ESDs, home healthcare companies, skilled nursing facilities, hospitals, or universities **for their employees**. For the activity to apply without special approval, it must be sponsored/ provided by a licensee's direct employer. It is not enough that an employer directed an employee to attend an activity. Several regional and/or state programs were misinterpreted by licensees as falling under their employer when the activity was actually sponsored by a third party. Some examples were:
 - Columbia Regional Program (MESD/PPS)
 - The Oregon Assistive Technology Program (DOE program)
 - Early Childhood CARES (U of O)

Special approval can be obtained by the sponsors of an activity or by any licensee that attends the activity. Once the sponsor or any licensee obtains special approval, that activity is "approved" and can be counted by any other licensees for their PD requirement. Activities must be submitted no more than 30 days after the event for special approval to be granted. All specially approved PD is listed on the Board's website.

In-Service Activities

- Documentation for in-service activities should include enough detail to show that the activity was related to speech pathology or audiology. It must also be signed by someone at your place of employment who can verify that the activity was attended by the licensee. In-service activities unrelated to speech pathology or audiology are not applicable for your license renewal requirements.



5/21/14

Strayer, Jacquelyn S.

SLPA # A0028

Outcome: Probation Lifted

At its meeting on May 2, 2014, the Board determined that licensee had met the terms of her probation to their satisfaction, and the probation was lifted.

5/7/14

Wilson, Leigh M.

Audiologist # 20546

Outcome: Consent Order: Reprimand and \$1000 Civil Penalty

Violation: A Consent Order was issued 5/7/14, reprimanding Licensee. Wilson was originally licensed by the Board in 1983, and was previously disciplined by the Board in 2009 for engaging or purporting to engage in the unlicensed practice of audiology. Wilson failed to apply to renew her license on a timely basis (by the December 31, 2013 deadline), in violation of ORS 681.320(1) and OAR 335-060-0030. Wilson failed to complete and document required professional development hours during 2012 and 2013, in violation of ORS 681.320(1) (a), OAR 335-070-0080(1) and OAR 335-070-0050(2). Wilson practiced or purported to be an audiologist without a valid Oregon license for approximately one month, in violation of ORS 681.250(2) from January 31, 2014 until her license was reactivated on February 27, 2014.

5/6/14

Neely, Megan E.

SLP # 15008

Outcome: Consent Order: Reprimand and \$800 Civil Penalty

Violation: A Consent Order was issued 5/6/14, reprimanding Licensee. Neely was employed by Multnomah Education Service District (MESD) as an SLP in her clinical fellowship from on or about November 14, 2011 until October 12, 2012 without applying for or obtaining a conditional license. Neely practiced independently as an SLP at MESD from October 12, 2012 until she was ordered to cease practice by the Board on November 20, 2012. Neely practiced SLP and purported to be an SLP without a valid conditional license for approximately eleven months and without a valid regular license an additional 5 weeks. This conduct is in violation of ORS 681.250(2), ORS 681.270, ORS 681.325, OAR 335-005-0025(1) and OAR 335-080-0010.

4/10/14

Raile, Sara J.

SLP # 15021

Outcome: Consent Order: Reprimand

Violation: Consent Order was issued 4/10/14, reprimanding Licensee. On February 11, 2013, as a result of an investigation of allegations of professional misconduct on the part of Raile, TSPC issued a Stipulation of Facts and Final Order of Reprimand and Probation. Raile was actively licensed by the Board as a speech-language pathologist at the time this adverse action was taken by TSPC. Raile failed to inform the Board of this adverse action. This conduct is in violation of OAR 335-005-0010(2)(n).

A Reminder About Reporting Requirements

A reminder about events to report to the Board office:

- Any name used professionally. If you legally change your name you must submit a copy of whatever legal documentation used to change the name, within 30 days. We will update our records and mail you a new license.
- Work & Home Contact information—You must report your new address, email, phone number within 30 days.
- Any changes in supervision, whether you are an SLPA or hold a Conditional SLP license, must be reported within 30 days.



Help us save paper!
As of May 1, 2013, the
Board **REQUIRES**
licensees to submit a
current email address for
all Board correspondence.
Our website:

- Any licensee's conviction for a misdemeanor or felony and any arrest for a felony crime must be reported within 10 days after the conviction or arrest.
- Prohibited or unprofessional conduct on the part of yourself or another licensee must be reported within 10 working days (see the Fall 2011 issue of *The Voice* for details).

Thanks in advance for your cooperation!



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“New” Rules and Regulations (Continued from page 4)

Effective March 7, 2014 the Board filed a permanent rule that:

- Revised the qualifications of **supervisors for Audiology doctoral students**. No longer requires supervisor to hold either their ASHA CCCs or ABA certification; however, the supervisor must be Board-licensed.

The most recent rule change is part of a policy direction that has been a goal of the Board for several years. Effective May 5, 2014 the Board issued a temporary rule that:

- Allows for implementation of the Board's authority to conduct **background checks** of specified applicants and licensees. This authority was granted by statute by the 2013 Legislature. More details on this new program will be forthcoming as they are developed.



12/31/13

Iverson, Stormy M.

SLP # 15021

Outcome: Consent Order: Reprimand and \$500 Civil Penalty
Violation: A Consent Order was issued 12/31/13, reprimanding Licensee and imposing a \$500 civil penalty. Iverson applied for an SLP license from the Board on September 7, 2012, but her application was incomplete, and the license was not issued until December 12, 2012. Iverson was employed as an SLP and practiced speech-language pathology at the South Coast Education Service District without a valid Board license for more than two months, beginning on or about August 30, 2012, until Iverson was ordered to cease practice by the Board on or about November 6, 2012. This conduct is in violation of ORS 681.250 (2).

12/12/13

Lajko, Debra L.

Non-Licensee

Outcome: Consent Order: \$250 Civil Penalty
Violation: A Consent Order was issued 12/12/13, imposing a \$250 civil penalty. Lajko was employed by the Sisters (OR) School District as an SLPA without holding a valid Board-issued certificate (license) for more than three weeks beginning on or about August 29, 2012 until terminated by District for not having an Oregon license on or about September 21, 2012. This conduct is in violation of ORS 681.360.

8/20/13

Atoui, Lorraine

SLP # 12481

Outcome: Consent Order: Reprimand and \$200 Civil Penalty
Violation: A Consent Order was issued 8/20/13, reprimanding Licensee and imposing a \$200 civil penalty. Atoui employed an unlicensed SLP as a subcontractor in her private SLP practice for more than four months. This conduct is a violation of the Board's professional and ethical standards under ORS 681.330. OAR 335-005-0010(2)(g), specifically defines unprofessional conduct to include assisting or permitting any person to practice speech-language pathology without a valid license.