

News For Oregon Licensees

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News from the Executive Director

By Erin K. Haag

Board members and staff wish to express our appreciation for all of the hard work, flexibility, patience and dedication of audiologists, speech-language pathologists, and speech-language pathology assistants in Oregon during this pandemic. Licensees have risen to the challenge of suddenly needing to provide services through the medium of telepractice. They have expressed their concerns about equity, and wholeheartedly worked to reach families and provide services remotely. Families and licensees have been displaced after losing their homes to fire, and one educational service district building in southern Oregon that was in the community since 1907 burned to the ground. Licensees are often the key point of contact between the family and school, and students look forward to those interactions.

The Board has provided support by holding three Zoom public forums and working with the Oregon Department of Education to creating and posting advisories. With the implementation of a new online licensing system in December, the Board has been working toward a paperless system and is now accepting most documents online. We are aligned with ASHA's requirements for clinical fellows and will allow them to receive tele-supervision per ASHA's

Rules Update—Temporary Rules Passed—Final Rules Proposed

The Board [adopted Temporary Rules](#) regarding Governor's Executive orders at its August meeting:

OAR 335-005-0010

(p) During a declared emergency, unprofessional conduct includes failing to comply with any applicable provision of a Governor's Executive Orders or any provision of this rule. This includes, but is not limited to:

- (A) Operating a business required by an Executive Order to be closed;
- (B) Providing services at a business required by an Executive Order to be closed;
- (C) Failing to comply with Oregon Health Authority (OHA) guidance implementing an Executive Order, including but not limited to:
 - (i) Failing to satisfy required criteria in OHA guidance prior to resuming elective and non-emergent procedures;
 - (ii) Failing to implement a measured approach when resuming elective and non-emergent procedures in accordance with OHA guidance;
- (D) Failing to comply with any Oregon State agency guidance implementing an Executive Order;

The Board is proposing new rules regarding military spouses, professional education, and Board member compensation - Public Hearing to be Held November 23rd via Zoom (See page 3 for details)

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guidelines or until the pandemic resolves. Temporary rules were passed requiring licensees to follow Governor's Executive Orders, which provide a solid foundation for licensees when working with their students/patients/clients. As part of our ongoing work, the Board is also proposing rules to reduce the minimum number of professional development hours required. The staff also proposed several other changes which hopefully will make it easier for licensees to fulfill the professional development requirements.

The Board is made up of seven individuals: two SLPs, two Audiologists, two members of the public, and one Otolaryngologist (ENT – position currently vacant). This year's Chair is Victoria Edwards, CCC-SLP who works for Kaiser Permanente. Our Vice Chair is Dr. Dustin Ooley, Educational Audiologist with Columbia Regional ESD. Member Amy Martin, CCC-SLP works with students at Intermountain Regional ESD. One of our public members is Clarence Williams, who hails from the Eugene area who works in social services and is active with the Oregon Black Education Foundation. We wish to welcome our two new members to the Board. Jane Woodward of Salem is our new public member. Jane is a licensed funeral director, and previously served as a member and Chair of the Oregon Mortuary and Cemetery Board. Our new audiologist is Dr. Carrie Lakin Slough, Lead Audiologist, Department of Otolaryngology, Head and Neck Surgery, Oregon Health Sciences University. The Board's work is supported by three full time staff members: In addition to myself (5 years) we have David Linn, Administrative Assistant/Licensing Manager, who has been with the Board for 8 years, and Leslea Smith, Investigator who joined the board in 2019.

Planning for 2021 legislative session which begins in February is well underway. The Board is proposing one legislative concept – to add a speech-language pathology assistant (SLPA) position to the Board. The Board has not had a fee increase since 2013, and while we've conservatively managed the budget, we've known that an increase would be needed in the next biennium. License renewals are conducted every other December (odd years), and we are proposing fee increases that would take place in on July 1st. We have already taken the step of reducing our proposed 2021-23 budget by more than 10% (\$117,000) by cutting professional services and travel. However, due to lack of fee increases over the last ten years as well as regular inflation, the Board will need a fee increase in order to provide proper cash flow through the next biennium. Any fee increases will have to be approved by the legislature along with the overall budget at their next regular session (expected to take place in February, 2021).

If you have questions about these or other issues, please contact me via email: Erin.Haag@state.or.us. Be safe out there, and thanks again for your patience as we work through uncharted territory.

Frequently Asked Questions

COVID-19

Q. Have any rules been suspended due to the Coronavirus epidemic?

A. No. However, the Board is expediting licensure by accepting most documents online instead of on paper as we work toward a paperless office. The Board will also accept delayed fingerprint background checks if they are unable to obtain them due to COVID (must make special request to the Executive Director). On August 7, 2020, the Board adopted temporary rules requiring licensees to abide by Governor's Executive Orders.

Q. The student IEP calls for one on one or group services, but our school is not in session and the student is unable to participate in telepractice sessions. What do we do?

A. This is a question for the Oregon Department of Education and your school district. It is likely that the IEP team will need to revise the plan. The Board worked with ODE on a guidance statement, [here](#). See the ODE website for additional COVID-related guidance.

TELEPRACTICE

Q. What is telepractice?

A. Telepractice is simply another vehicle through which to provide services.

[Definition per rule:](#)

Rules Proposed

(Continued from page 1)

Proposed rules have been filed with the Secretary of State and can be viewed here (<https://www.oregon.gov/bspa/Pages/Proposed-Rules.aspx>). The rules create a new temporary license for military spouses in order to be in compliance with ORS 142 (HB 3030 – 2019). They also set board compensation at \$50 per day, which has not been raised from \$30 in decades.

The board also proposes to make changes to liberalize professional development requirements. Current rules call for SLPs and audiologists to obtain 30 hours for every renewal period of two years, or 15 hours per year. ASHA only requires 10 hours per year which often causes confusion. The new rules would require the same number of hours per year as ASHA. The new rules add a one hour requirement per renewal period for coursework in cultural competency per HB2011 - 2019.

The rules incorporate suggestions from the Board's licensing staff that will make it easier for licensees to get credit for courses offered by accepting without special approval courses offered by school districts, universities, hospitals to non-employees as well as employees. It also expands when applications for special approval can be reviewed by only applying the 30 day deadline to the three months prior to the renewal deadline. These rules will greatly expand the activities acceptable without board approval and when board approval is required it will be less likely to be rejected.

Another rule provides clarity for licensees whose license expires and then wish to reactivate it within the next 2 years. The current rule required the reactivating licensee to have the PD that would have been required at the previous renewal deadline, even if they didn't intend to renew. This caused a fee for those practitioners and this new rule just clarifies the minimum PD required prior to reactivation of the license.

Cultural Competency PD

In 2019 the Oregon Legislature passed [HB 2011](#) mandating cultural competence continuing education for various licensed professions. The Board has proposed adding one hour of professional development related to cultural competency per renewal.

The Oregon Health Authority Office of Equity and Inclusion maintains a list of approved activities you can find here: <https://www.oregon.gov/oha/OEI/Pages/CCCE.aspx>

As before, as long as it is an acceptable activity from an accepted sponsor, you can count it towards license renewal. If you have any doubts if an activity is acceptable without special approval please check with our office.

SLPA rules were effective January 1, 2020

Rules relating to the utilization of SLPAs were updated in 2019. ([See them here](#)).

All SLPA/SLP combinations should now have prepared a supervision plan and maintain monthly supervision logs that include at least one hour of supervision as defined in the new rules.

The SLP must be sure to treat or co-treat with their supporting SLPA each patient/client/student that the SLPA is working with at least every 60 days.

Patients/clients/students must be provided with informed consent if they are to receive services from an SLPA (this was always the case in statute, now is repeated in rule).

Supervisors must have at least 2 hours of professional education in the supervision of SLPAs.

For all of the details, please read the rules. If you have questions contact the board office via email.

Response to COVID-19

The Board began posting COVID-19 resources on March 24th, 2020 in order to support licensees, school districts, clinics and hospitals. The office has been working virtually since early March and can hold telephone calls and Zoom meetings on request.

The Board has held Zoom town hall meetings in order to answer questions and identify quickly emerging issues and wishes to thank for following individuals for helping the board host a May 19th meeting:– AnaLia Oliva, MA CCC-SLP, NeuroEducator, Special Student Services Coordinator, Northwest Regional ESD, Janet Wagner, CCC-SLP, President, Oregon Speech-Language Hearing Association (OSHA); Wendy Gunter, CCC-SLP, OSHA State Advocacy Leader and ASHA Liaison; and Melissa Link Cole, CCC-SLP, OSHA School-based SLP representative. The Board has also provided regular updates to ASHA for their COVID-19 resources pages.

Email flashes regarding COVID-19 were sent to licensees regarding the Governor’s Executive Orders on March 24th and March 26th. On April 6th we sent an expanded list of resources.

This link provides the latest joint guidance from the Board and the Oregon Department of Education (ODE) <https://www.oregon.gov/ode/educator-resources/standards/Documents/Student%20Privacy%20Considerations%20and%20Distance%20Learning%20for%20All.pdf>

These resources are available on the Board website at www.oregon.gov/bspa.

New BSPA Licensee Portal

Through the new online portal licensees can:

- Update any of their contact information
- Submit name changes
- Upload professional development at anytime prior to renewal
- Print a copy of the license
- Request official verifications be sent to another state

It is very important to keep your email updated as it is the main way we will notify you of renewals, rule changes, meeting notices, and general announcements.

** If you have trouble receiving a temporary password, check your spam or junk folder prior to contacting our office for assistance.*

Annual SLPA Audit

The Oregon Legislature requires that the Board conduct an audit of SLPAs and their supervision every year.

Generally the audit is conducted in the spring, but it did not take place due to the COVID-19 pandemic. SLPA rules changed effective January 1, 2020. In December, the Board moved to a new online licensing system and may not have all supervisory relationships on file.

An audit will take place during November with an eye toward ensuring that all supervisory records are correct in the new licensing system. By now, all SLPAs and the SLPs that they support should have written the annual supervision plan, and should be maintaining monthly logs.

If you are audited, the Board will ask for copies of the plan and the logs from September and October, 2020.

A reminder about events licensees are required to report to the Board office:

- Changes in work or home address, email, and phone number or name used professionally must be reported within 30 days.
- Changes in supervision, whether you are an SLPA or a CF holding a Conditional SLP license, must be reported within 30 days.
- 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
- Any adverse action taken against a license by any state or federal agency or professional association.
- Any reasonable belief that another individual is violating the Board’s Professional and Ethical Standards.
- Any suspected Child Abuse (ORS 419b) Communicable Disease (ORS 433 & OAR 333-018) or Elder Abuse (ORS 124)

Frequently Asked Questions (Cont'd)

(Continued from page 2)

OAR 335-005-0010(3) “Telepractice” is the application of telecommunications technology to delivery of professional services at a distance for assessment, intervention, and/or consultation. “Telepractice” means, but is not limited to, telehealth, telespeech, teleSLP, telehear, telerehab, teletherapy, teleswallow, teleaudiology when used separately or together.

Q. I’m having trouble obtaining written consent to provide services via telepractice from patients or their parents.

A. According to the rules, the consent may be verbal, written, or recorded. You may obtain verbal consent, just make sure that you note that consent in the patient/client/student record.

Q. I have a valid Oregon TSPC license with endorsement for speech impaired or communication disorders. Am I allowed to provide services to my students using telepractice?

A. Yes, you are allowed to provide services within Board rules including via telepractice, as long as you are only providing them while an employee of a public school or education service district. If you are employed by a contract agency or a private school, you must have the Board license to provide any services in Oregon, whether via telepractice or on-site.

SPEECH-LANGUAGE PATHOLOGY ASSISTANT (SLPA) UTILIZATION

Q. I understand that the rules regarding SLPAs changed effective January 1, 2020. What kind of treatment records are SLPAs and their SLP supervisor required to maintain?

A. The rules for patient/client/student recordkeeping have not changed. The general recordkeeping rules are [here](#) and additional specifics about SLPA recordkeeping can be found [here](#). SOAP notes or the equivalent are to be maintained for clinical interactions, and if the SLPA provides the treatment, the SLPA’s notes must be co-signed by the SLP.

Q. Are we still supposed to maintain the old supervision log that showed each direct and indirect clinical interaction by the SLPA and initialed by the SLP?

A. No, you are now required to maintain a monthly log of the consultative supervision time that occurs between the SLP and SLPA, which is a minimum of 60 minutes per month. If the annual supervision plan also calls for the supervisor to provide direct supervision of clinical interactions for certain patients/clients/students then those direct sessions should also be placed on the supervision log. Please study the requirements listed in the new rules [here](#). The rules also describe the annual supervision plan that must be prepared annually/within the first two weeks of working together, and kept on file should the Board request it. Sample forms are available on the Board website at www.oregon.gov/bspa.

Q. What other types of records are we required to maintain?

A. The SLP assigns cases to the SLPA and dictates the treatment plan. For each patient/client/student the SLPA is providing services to, the SLP is required to themselves treat or co-treat them every 60 days. As such, the SLP may find it handy to maintain a caseload log to ensure those direct sessions by the SLP are occurring. During investigations the Board will ask for proof that the SLP is regularly (at least every 60 days) seeing those on their caseload that are being supported by an SLPA.

Q. Are SLPAs allowed to provide AAT or related services without the supervision of an SLP?

A. No. Whether services are provided directly, or through consultation, the SLPA must be supervised by the SLP and the scope of practice of the SLPA remains the same, [see rules](#).