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News for Oregon-licensed Speech-Language Pathologists, Audiologists, & SLPAs

SPRING 2010 EDITION

THE VOICE



What You Should Know About the PD Audit

Ashley Northam, M.S. CCC-SLP Board Chair



Approximately 10% of licenses were randomly selected for this year's Professional Development Audit.

Several others were on "mandatory" audit status due to past concerns.

In total, 168 licenses were required to submit their certificates of attendance for PD activities they completed during the last licensing period. This documentation was reviewed for compliance with the Board's PD rules, and the findings are under consideration for Board action.

The Board considers it a priority for all licensees to be current in their professional practice, and to demonstrate this by meeting the Board's requirements for PD. Here are some of the issues identified in the audit, and reminders about relevant Board rules:

- Licensees who completed fewer than the required number of hours (*The requirement is now 30 hours for SLPs and AUDs, and 15 hours for SLPAs, every two years*)
- Licensees who were late in renewing due to incomplete PD (*All regular Board licenses expire on January 30th of each even-numbered year, and there is*

*no "grace period". If you are practicing without a valid license for **any** reason, the Board will take action for unlicensed practice.*)

- Licensees who submitted PD documentation for activities not sponsored by an approved entity or not specially approved by the Board. (*OAR335-070-0030 defines what is pre-approved; OAR 335-070-0040 outlines the process for obtaining special approval. Requests for special approval made more than 30 days after the event are considered late, and are subject to the delinquent fee (\$200). No late requests for special Board approval will be considered after November 1st of odd-numbered years--the period immediately before renewals are due.*)
- Licensees who attended only one course or program, or who attended programs of a type not recognized by the Board. (*OAR 335-070-0020 defines generally what "counts" and what does not. Two rules most frequently missed were: "(4) At least fifty percent (50%) of the required professional development hours must be directly related to the clinical practice of speech pathology and audiology"; and "(5) Not more than fifty percent (50%) of the required professional development hours may be accrued in a single course or activity."*)

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- Licensees who did not respond to the audit. (OAR 335-070-0050(6) states: "Failure to comply shall constitute unprofessional conduct and may result in the (1) refusal to renew, (2) suspension, or disciplinary action including suspension, (3) revocation of the license, and/or (4) a civil penalty." Generally, the PD delinquent fee is \$200; the Board may also take disciplinary action if appropriate.)

Before you sign up for PD courses or programs in 2010 and 2011, please review our PD rules which can be accessed through the Statutes/Rules tab on the homepage of the Board's website, www.bspa.state.or.us. We have a set of Frequently Asked Questions about PD that can be accessed through the FAQs tab. Also, the Forms tab has a link to the forms required to request special approval for individual or group PD activities.

If you want to be sure that a program you plan to attend will "count", make sure it is on the approved list, or request special approval well in advance. The Board's administrative assistant, Tim Anderson, generally handles PD processes in the office. Please call Tim at 971-673-0220 or email speechaud.board@state.or.us with any questions.



Recent Board Actions

Click on the licensee name or go to the Recent Board Actions tab on our website for details.

Actions involving ongoing administrative hearings are not included.

3/10/10

O'Loughlin, Dennis Aud #22387

Outcome: Consent Order for Voluntary Limitation

3/4/10

Moore, Patty L. SLPA # A0075

Outcome: Final Order Revoking Certificate

12/16/09

Vogel-Bochart, Allison SLPA #A0320

Outcome: Consent Order: \$150 Civil Penalty

12/18/09

Wilson, Leigh M. Aud #20546

Outcome: Consent Order: \$2,500 Civil Penalty

11/23/09

Hatfield, Christina M. SLPA #A0121

Outcome: Final Order Revoking Certificate



BSPA-TSPC Update

Sandy Leybold, MPH
Executive Director

As readers of *The Voice* know, the Board and Commission have been conversing for two years about the similarities and differences in our licensing requirements and processes.

At the core of the issue is ORS 681, which grants the Board the authority to regulate the practice of speech-language pathology and audiology in Oregon. This statute generally requires anyone practicing SLP or audiology to hold a Board license. However, the statute provides an exception for "an employee of an education service district, a school district or a charter school" who "holds a valid and current teaching license with a communications disorder endorsement issued by the Teacher



Standards and Practices Commission." ORS 681.230(2). Teachers with special education or other endorsements are not covered by this exception, nor are SLPs working in other educational settings.

If the Legislature determines that this exception should be eliminated, then all SLPs would be required to hold Board licensure.

Last August, the Commission voted to "get out of the business" of licensing SLPs. This

was a policy vote, intended to direct the two agencies to collaborate towards creating this change. The plan was for both agencies to work with professional associations, other state agencies, and other stakeholders to consider the change and predict its impact in light of our twin goals of public protection and availability of high-quality/competent services. We would then work with legislators to make any recommended statutory changes.

Since then, the Executive Directors of both agencies have received calls and letters from stakeholders voicing their concerns about current practices and preliminary proposals. Several SLPs have expressed support for a single Board license. Several other SLPs and school administrators have expressed preference for the *status quo*. There are

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Hearing Aid Dispensing by Audiologists

Sandy Leybold
Executive Director

As of January 1, 2010, Oregon licensed audiologists and physicians are no longer required to hold Hearing Aid Dispensing licenses from the Oregon Health Licensing Agency (OHLA) if they wish to dispense hearing aids to patients.

Audiologists must conform with Board rules regarding consumer protection for hearing aid patients. OAR 335-005-0030 and 335-005-0035 outline requirements for sales contracts, consumer complaint procedures, and refund policies. See www.oregon.gov/BSPA/rules.shtml. As with other Board rules, non-compliance may be grounds for disciplinary action.

BSPA has created two sample contracts for audiologists to reference. They are linked to our homepage at www.bspa.state.or.us. These are suggestions only; you may use whatever format includes the required elements. Purchase Agreements are part of the clinical record, and must be retained for seven (7) years by the dispensing audiologist.

BSPA's required elements are listed in OAR 335-005-0030 and summarized below.

Required Elements for HAD Purchase Agreement

1. Name and address of hearing aid user.
2. Date of sale.
3. Make, model, serial number of hearing aid(s).
4. Statement of condition of the hearing aid (new, reconditioned, used)
5. Terms of any guarantee or warranty
6. Statement of right to rescind the sale.
7. Length of trial period.
8. Procedure for extending the trial period.
9. Procedure for rescinding the sale.
10. Date by which the hearing aid(s) need to be returned to rescind the sale.
11. Business address of audiologist.
12. Name, license number, and signature of the audiologist.
13. The procedure for filing a complaint which includes the address and telephone number of the Board and the internet address for the location of complaint forms on the Board's website;
14. A statement acknowledging that the consumer has read and understands the information contained in the sales agreement, signed by the consumer and dated.

Q&As about HAD Refunds

- Q** Does a hearing aid evaluation fee charged before the aid is ordered required to be refunded if a patient cancels the order prior to delivery?
- A** No, if this is charged separately, the audiologist may get paid for their time.
- Q** What about fees for earmolds or fitting charged in advance of delivery?
- A** These may not be charged to the patient if they cancel the order before delivery.
- Q** How much of the fitting fee, earmold fees, and shipping charges can an audiologist retain if a patient cancels after delivery?
- A** Ten percent (10%) of the total patient fees, up to \$250 per hearing aid.
- Q** How/is this different from OHLA's rules?
- A** BSPA rules were intended to mirror OHLA's, which defines the purchase price as including "the cost of the hearing aid(s) and all related fees". See OAR 331-640-0030(5)(d).

("BSPA-TSPC Update Continued from page 2)

legitimate questions about impacts (partly because the preliminary concepts do not yet have details fleshed out), and there are strong opinions on both sides.

In February, the Commission rescinded its previous vote, signaling its desire to continue to license SLPs working in public educational settings. At the same time, the Commission acknowledged the value in bringing as much consistency as possible to policies and practices regarding SLP licensure by the two agencies. We agreed to jointly address the following issues:

1. Licensure standards
2. Professional development requirements (hours and content)
3. Qualifications and permits for SLPs to supervise SLPAs
4. Use of SLPAs
5. Use of substitutes for SLPs working in schools

TSPC and BSPA are committed to reaching out to individual SLPs and SLPAs, representatives of OSHA, and the programs training SLPs and SLPAs in Oregon. We will also continue to seek input from Oregon Education Association (OEA), Oregon School Personnel Association (OSPA), Oregon Department of Education (ODE), and other interested parties. Following this process, statutory changes may be suggested to the Legislature.

Until or unless the statute changes, SLPs will continue to legally work in public schools if they hold a valid and current TSPC license with a communications disorders endorsement. The Board remains

committed to our mission of protecting the public and ensuring the availability of high-quality services to all Oregonians.



SLPA Audit Underway

Sandy Leybold, MPH
Executive Director

SLPA Supervision Audit Underway

On April 9th, the Board issued its second annual audit of SLPA supervision, in accordance with Key Performance Measures established by the Board and approved by the Legislature. Twenty-two school districts and ESDs around the state have been asked to respond by May 7th. The Board will make sure that SLPA supervision by SLPs is in compliance with Oregon Administrative Rules, Chapter 335, Division 95.

If you are not being audited this year, it is still a good time to review these rules. They are accessible at http://arcweb.sos.state.or.us/rules/OARs_300/OAR_335/335_095.html and on the Statutes/Rules tab of our website. We also have posted the “Smart Form” for documenting SLPA supervision on our home page, as well as on the Forms tab. While not mandatory, the Smart Form makes it easy to document SLPA supervision and calculate the required hours. A set of Frequently Asked Questions about SLPA supervision has recently been updated, and is on the website under the FAQs tab.



Legislative Concepts & Rule Changes Coming Soon

In its February 26th and March 5th meetings, the Board considered a number of policy issues in our statute and rules. Preliminary concepts have been shared with OSHA and OAA, and we are awaiting their response. Any statutory changes the Board wishes to suggest must be submitted by mid-summer to the Legislative Council Office. These concepts are translated into bills that may then be introduced in the 2011 Legislative Session.



Rule changes can be approved and implemented by the Board under its existing statutory authority. A dedicated public hearing is held for interested parties to provide input before final approval and implementation.

After detailed wording is drafted and approved by the Board, licensees will be sent copies of the proposed revisions. You will also receive official notice of the Rules Hearing. If you would like a “preview”, the approved concepts are in the February and March Board minutes posted on our website.

Thanks for your Online Renewal

Sandy Leybold, MPH
Executive Director

This year the Board achieved a new milestone: converting 95% renewals to on-line submission. Many of you completed your renewal form online in 2008, but had to print out the document and mail it with a check. In 2010, we could accept on-line payments via credit card, which made electronic submission convenient for most licensees. Of course, those selected for PD audit still had to mail paper copies of their PD documentation and log.

While most electronic submissions went smoothly, we appreciate your patience over MLK Day weekend, when the software was not accepting PD log information. We were able to get it fixed within a business day, but we know there was a lot of weekend frustration. The good news is that despite staff illness during the peak period, we issued renewed licenses for all the electronic requests received by the close of business on Friday, January 29th. Each electronic renewal with complete information could be processed in about 2 minutes--a real time saver! Of course, we did have to follow up on missing information...

Our next objective is to automate payments for other fees such as mailing lists and late/delinquent fees.



Call Us, Email Us, If You Want to Reach Us

Sandy Leybold, MPH
Executive Director

The theme song from Disney’s “Kim Possible” is almost true for the Board office. All Health Related Licensing Boards in Suite 407 have tightened security measures because of the sensitive information and confidential phone conversations that are the core of our work. As a result, the suite is secured and anyone arriving at the door must phone the relevant agency staff to be admitted. Since we are just two people, with part-time work schedules, essential meetings, furlough days, and sick/vacation needs (and we occasionally take a break), you may come to the office and find no one here!

We aim to reply to email and voicemail inquiries within 24-48 hours. Sometimes we reply immediately, while some questions take



longer if we need to consult with Board members before responding. We can handle all routine matters via phone, fax, mail, or email.

If you want to meet face-to-face with Tim or Sandy, we’re happy to do so. Just call or email and set up a time in advance. That way we can be sure to greet you with a smile instead of a voicemail message!



Moving? New Job? New Email Address? Changed Your Supervisor? Think “30 Days”!

Please send us your new contact information ASAP, but no later than 30 days after the change. Since we do so much of our work by email for efficiency, we ask for a valid email address as well as physical addresses. Not only does this help streamline our work, but it’s in our rules:

OAR 335-095-0020(8): “Licensees will provide current home and business addresses and telephone numbers within thirty (30) days of the effective date of change.” And OAR 335-095-0020(10): “Speech-Language Pathology Assistants shall report a change in supervisor within thirty (30) days of the effective date of change.”



Oops! I Got Pulled Over!

Sandy Leybold, MPH
Executive Director

If it's a parking ticket or a minor traffic violation, we don't need to know. But if you have a more serious brush with the law, you are required to let the Board know immediately. Included in the Board definition of unprofessional conduct is OAR 335-005-010(m): "Failing to immediately report to this Board a criminal conviction, indictment, Information of Misdemeanor, or any other charging instrument having been filed where the maximum penalty is incarceration." While written in "legalese", this rule roughly means "if you can go to jail for it, then report it to the Board". If you have any doubt about whether to report, consult your attorney or ask us at the Board office.

If you have been convicted of Driving Under the Influence of Intoxicants (DUII), the Board will open an investigation. To begin, we will ask for a copy of the court documents and a personal statement regarding the circumstances surrounding the incident. OAR 335-005-010(f) defines unprofessional conduct as including "Habitual or excessive use of intoxicants, drugs or controlled substances." The Board's mission is public protection, and OAR 335-005-015(13) states that in order to protect the welfare of clients, "Individuals whose professional services are adversely affected by substance abuse or other health-related conditions shall seek professional assistance and, where appropriate, withdraw from the affected areas of practice." Investigations of these and other matters are kept confidential. Only if the Board takes disciplinary action against a license is the outcome made public.



How many of us are there?	
Licensee Count-April 2010	
SLP	1144
AUD	221
SLP/AUD	10
SLPA	217
Total Active	1592
Expired 1/30/2010	220
Inactive Licenses	102
Conditional SLPs	42

Conditional Licensees: Policy Clarification

Sandy Leybold, MPH
Executive Director

Board licensure requires the completion of a master's degree "or its equivalent". Without specific rules about equivalency, and to facilitate recent graduates getting into the workforce as soon as possible, it has been the practice of the Board in special circumstances to issue a conditional SLP license to an individual who has completed all their degree requirements but has not yet received their actual diploma. This practice evolved to support graduates who had completed their master's program in March, for instance, but the university only confers degrees in June. In these rare circumstances, the Board accepted a letter from the program director attesting that the applicant had completed all the requirements for the degree.

The Board is developing a rule to clarify the concept of "equivalency" to the master's degree requirement, and intends to eliminate this definition of equivalency. In the meantime, the Board will accept documentation from the *registrar's office* of a university attesting that all degree requirements (coursework, practicum, and required thesis or capstone project) are complete and that there are no other impediments to granting the degree. This only applies to conditional (one-year) licenses; the degree must be conferred before we issue a full license.

Please note this change if you intend to employ a new SLP graduate in the future. It remains a best practice to wait until the applicant for a job has received their degree before expecting them to begin employment.



Is Your License Renewed?

Over **200 licenses** that expired on January 30, 2010 have not been renewed. Some licensees have moved out of state, left the workforce, or held dual licensure with TSPC and decided not to renew Board licensure. But, just in case, make sure you and your coworkers have valid licenses.

SLPs may legally practice without a Board license if they are employed by an education service district, a school district or a charter school, and hold a valid and current teaching license with a communications disorder endorsement issued by the Teacher Standards and Practices Commission.

Other exceptions to Board licensure currently exist for federal and university employees, although the Board is working with the Legislature to clarify these exceptions in the 2011 Legislative Session.

Anyone providing services described in the SLPA scope of services (see OAR 335-095-0060) must be licensed by the Board, and any SLP supervising an SLPA must be Board licensed or receive permission to supervise from the Board. Importantly, a supervising SLP must have completed at least two years of professional SLP work prior to supervising an SLPA. See the article on Permits to Supervise for further details.

If you have any questions about whether you need a Board license to practice legally, or if you need to reactivate your expired license, please contact us immediately at speechaud.board@state.or.us. If you believe someone is practicing without a valid license, this should be reported to the Board. We will investigate and take any appropriate action.



