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

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THE VOICE

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What We Do and Why We Do It



Evan Evans
Audiologist, Board Chair

The Board's mission is to protect the public through licensing and regulating the practice of speech-language pathology and audiology. The five professionals and two public members appointed by the Governor to the Board take our mission and role very seriously. Our statute (ORS 681.220) states the need for this regulation to:

- (1) Safeguard the public health, safety and welfare;
- (2) Protect the public from being misled by incompetent, unscrupulous and unauthorized persons;
- (3) Protect the public from unprofessional conduct by qualified speech-language pathologists and audiologists; and
- (4) Help ensure the availability of the highest possible quality speech-language pathology and audiology services to people of this state who have communication disabilities.

As professionals, we accept the responsibilities of being licensed, insured, bonded, fingerprinted, peer reviewed, or even disciplined—whatever is required to protect the public we strive to serve. The SLPs and audiologists who serve on the Board bring our clinical perspectives to the table, and we must always look to act in the best interests of the public as we evaluate individual consumer complaints and disciplinary cases.

Over the last few years, the Board has addressed several complaints related to professional competence (including dysphagia treatment by SLPs and pediatric audiology) and unlicensed practice (failure to obtain an initial license, or to renew or reactivate a license). Disciplinary action has also been taken for unprofessional conduct, such as failure to maintain appropriate boundaries with a client, failure to disclose disciplinary or criminal history on an application, misrepresenting credentials, falsifying records, violating SLPA supervision rules, and failure to meet documentation standards.

Our Board is charged to enforce our licensing statute (sometimes called a "practice act") that is set by the Legislature. The Board also has the responsibility to write and enforce rules that implement the laws laid out in our statute. *(continued on page 3)*

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SLPA Supervision Audit Results — 2012

Sandy Leybold, MPH, Executive Director

In spring 2012, the Board conducted its fourth annual audit of SLPA supervision. Audits allow the Board to determine if supervising SLPs meet the qualifications for SLPA supervision, and if supervisor changes were reported on a timely basis. Selected school districts were asked to submit a list of their SLPAs and the SLPs supervising them. A total of 27 SLPAs (about 11% of licensees) were required to submit clinical logs for two specific months. Because many SLPAs support more than one SLP, a total of 147 logs were reviewed. Logs were evaluated for necessary SLP and SLPA entries and signatures, and most importantly, whether the number of hours of direct and indirect supervision met Board requirements.

Any SLP supervising an SLPA (regardless of whether the SLP is licensed by TSPC and/or BSPA) must follow Board rules for supervision. If staffing patterns are determined to be out of compliance with Board rules, **school administrators may be also be subject to discipline by TSPC** under the terms of their Administrator licenses. A recent rule change also clarified that the supervision requirements need to be met during each calendar month.

After reviewing the results at its May meeting, the Board decided not to issue any disciplinary action for violations found on the audit. Three school districts submitted audit materials that were 100% com-

pliant. No SLPA was found to have inadequate number of hours of supervision. Six logs contained documentation errors (signature missing). Six logs showed supervisor arrangements that were not timely reported to the Board. There were no instances of unqualified supervisors. The Board will continue to monitor this important quality assurance function, and take any appropriate action.



The Board was encouraged by the audit results. Board Vice-Chair Jennie Price and previous Chair Ashley Northam presented a workshop on SLPA supervision at the 2011 OSHA meeting, which helped clarify Board requirements. SLPs and SLPAs are now better educated about Board requirements, and more easily able to meet standards. Please email or call the Board office with questions about SLPA supervision.

Send Us Your Current E-mail Address (we'll keep it private!)

When you move or change your job, Board rules require that you send us your new work and/or home contact information **within 30 days of the change**. Although current Board rules don't specifically require you to update your email address (we're working on that!), it is best for you and for us if you do.

We use email as our primary method of communicating with licensees. Newsletters, periodic "newsflashes", meeting notices, and reminders about license renewal deadlines are emailed. We only send about 5-6 broadcast emails a year, so we won't fill your inbox. **Please add speechaud.board@state.or.us to your contacts so that our messages don't get filed in your spam or junk folder!**

We now have over 2,000 active and inactive licensees, and email is the quickest and easiest way for us to reach you or respond to your inquiries. Email also allows us to track our communications, so that we (and you) can be clearer about answers to your questions, and can verify when these communications occurred.

We do send newsletters in hard copy to licensees without email addresses, and we send one hard-copy renewal notice to all licensees, but we do not mail hard copies of newsflashes and numerous reminders about licensing deadlines. **Without an email address, you will miss important Board communications!**

If you are concerned about sharing a personal email address with the Board, send us a work email address instead (as long as you look at the inbox regularly). Also, ORS 676.405(2) allows the Board to withhold licensees' personal email address, home address, and personal phone number, except when it is requested for a public health

or state health planning purpose. So you can be confident that your email address will only be used for Board business. It will not be sold or released for commercial purposes.



We do not want to fill your inbox with unwanted or unnecessary messages, or violate your trust in this regard!

What We Do and Why ... (Continued from page 2)

When Board statutes or rules are violated, the Board evaluates the facts in each case individually. Depending upon the severity of the infraction, the Board may issue a reprimand, suspend or revoke a license, or put a licensee on probation (which may include a license limitation) until certain terms have been met. In addition, the Board may impose a civil penalty of up to \$5,000 per instance on licensees or non-licensees who violate our statutes.

Certain minor infractions are addressed in a non-disciplinary manner through delinquent fees, which are intended to cover the administrative costs of correcting these rule violations. These delinquent fees are not publicly reported. For example, delinquent fees are charged for late or incomplete renewal applications. However, continuing practice with an expired or inactive license is unlicensed practice, which is subject to disciplinary action.

High standards for professional education to enter the field and to stay abreast of recent professional developments are a key to quality of care. Regulation of the speech and hearing professions helps to ensure that public health and safety are protected, with the professionals strongly involved.



Customer Service Survey Underway

Sandy Leybold, MPH, Executive Director

Every October, we send a prompt to our licensees to rate us on our customer service. The survey has six areas for the taker to rate from Excellent to Poor: Timeliness, Accuracy, Helpfulness, Expertise, Availability of Information, and Comparison with Other Licensing Agencies.

We sent out a Newsflash asking licensees to complete a quick survey, and in just a few days have received many positive (and a few less-than-positive) responses.

We appreciate your positive ratings, especially since both agency staff work part-time schedules and are juggling many duties. And we encourage your suggestions for how we can improve, too.

If you haven't yet responded, please do so by October 31st. Click [here](#) to be linked to the survey page.

Thank you again for your feedback!



Why We Publish Board Actions

Sandy Leybold, MPH, Executive Director

We sometimes are asked by licensees why Board actions are public and why we publish recent Board actions on our website and in this newsletter.

The Board is a state agency that must abide by Oregon public meetings and public records laws. While we are required to keep confidential any complaint and the investigation of that complaint, once the Board determines that disciplinary action is required, this action must be taken by the Board in public session. The final order outlining the Board action is a public document, and can be requested by anyone who calls or emails the office. [When the Board takes action, the original complaint and investigation file remains confidential. And if an investigation of a complaint is closed without the Board taking action, then all records related to that case remain confidential.]

The Board is also required by federal law to report final disciplinary actions to the National Practitioner Data Bank/Health Integrity and Protection Data Base (NPDB/HIPDB), where they can be accessed by other licensing boards, hospitals, health plans, state and federal agencies, and professional societies, but *not* the general public.

A summary of Board disciplinary actions taken since the last newsletter is published in each edition of *The Voice*. It is also posted on the Board website (under the "Recent Board Actions" tab), where it is maintained for two years, or as long as the probation or license limitation is in effect. The purpose is to inform licensees and the public about Board actions, in keeping with our mission of public protection and our role as a public agency.

It can be helpful for licensees to see the cases the Board has addressed, and the types of actions taken for specific violations. Sometimes individuals will submit complaints about concerns that are similar to ones in cases in which the Board has already taken action. Also, it can be helpful to be reminded of statutes and rules that all licensees must follow.

Test Your Knowledge of Your Reporting Requirements

Sandy Leybold, MPH, Executive Director

Board rules and state law require licensees to report certain information to the Board within specific time frames. Do you know your responsibilities for reporting? Take this quick quiz!

1. A licensee who is convicted of a misdemeanor or felony or who is arrested for a felony crime shall report the conviction or arrest to the licensee's board within ___ days after the conviction or arrest.
2. An SLPA now working with a new supervisor, or no longer being supervised by a specific SLP, must report a change in supervisory relationship within ___ days of the change.
3. A licensee who has changed jobs or moved must submit new contact information (work and home addresses and phone numbers) within ___ days of the change.
4. A licensee who has reason to believe that another licensee has engaged in unprofessional conduct (conduct unbecoming a licensee or detrimental to the best interests of the public, endangering a patient or client, and/or violated professional and ethical standards), or has engaged in prohibited conduct (a criminal act against a patient or client, or a criminal act that creates a risk of harm to a patient or client), must report that conduct to the Board without undue delay, but not later than ___ days after learning of the conduct.
5. The Board must be notified of any change in the supervisor of a conditional licensee (SLP clinical fellow) within ___ days.

(Continued on page 5)



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us to email it to you from
now on! Our website
www.oregon.gov/bspa*

Administrative Assistant Position Open

Our long-time Administrative Assistant, Tim Anderson, resigned at the end of April to take a new job in the Seattle area. Denise Skreen was hired in early June, bringing a strong background in customer relations, computer applications, and accounts payable, and a positive attitude and great organizational skills. Unfortunately, she has just announced that she is resigning for personal reasons, so the position is open again.

Please email Sandy.Leybold@state.or.us if you know of someone with similar strong skills who could support our licensing, audits, computer applications, administrative support and customer service needs!

Recent Board Actions

10/5/12

McCray, Dana T. Audiologist # 22004

Outcome: Final Order by Default: \$500 Civil Penalty

Violation: Licensee failed to apply for renewal of her license on a timely basis, in violation of ORS 681.320(1) and OAR 335-060-0030. Licensee worked as an "audiologist on-call" and represented herself as an audiologist in Oregon without a valid license from January 31, 2012 until April 2012, when her license was reactivated. Practicing or purporting to be an audiologist without a license is a violation of ORS 681.250(2), and representing oneself as an audiologist without holding a valid license is also a violation of OAR 335-005-0025(1).

10/5/12

Grant, Molly E.

SLP # 12018

Outcome: Final Order by Default: \$200 Civil Penalty

Violation: Licensee failed to apply for renewal of her license on a timely basis, in violation of ORS 681.320(1) and OAR 335-060-0030. Licensee worked as a speech-language pathologist and represented herself as an SLP in Oregon without a valid license for two days. Practicing or purporting to be an SLP without a license is a violation of ORS 681.250(2), and representing oneself as an SLP without holding a valid license is also a violation of OAR 335-005-0025(1).

4/18/12

Zeller, Linsey SLP # 13571

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

Violation: Zeller practiced without a conditional license from July 6, 2010 until the completion of her Clinical Fellowship on or about April 6, 2011. The Board received her application for conditional licensure on August 30, 2010. The application was incomplete and the license was not issued. After completing her Fellowship, Zeller did not submit an application for regular SLP licensure, and began providing SLP professional services independently and representing herself as a speech-language pathologist. She applied for and received her regular SLP license on November 7, 2011.

This conduct violated ORS 681.270(2) (failure to make application in a manner prescribed by the Board); OAR 335-080-0010(c) (conditional license application shall include the education and training of the conditional licensee); ORS 681.325 (conditional license permits an individual to practice speech-language pathology while completing the Board's licensing requirements); OAR 335-060-0020(2) (applicant required to follow up on the status of application); ORS 681.250(2) (no person shall practice speech-language pathology without a license); ORS 681.270 (person desiring to obtain a license from the Board shall make application to the Board); and OAR 335-005-0025(1) (individuals shall not misrepresent their credentials, competence, education, training, or experience).



Test Your Knowledge (continued)

Here are the answers to the quiz on page 4:

1. 10 days. See ORS 676.150(3), and OAR 335-005-0010(m). Send us a letter or email with your personal statement, and attach the relevant court documents.
2. 30 days. See OAR 335-005-0020(10). Go to the Forms tab on our website for the form.
3. 30 days. See OAR 335-005-0020(8). Email the Board office with your updated information. Remember to update your email address on file, too!
4. 10 working days. See ORS 676.150(2). Call the Board Executive Director or go to the Forms tab on our website for a Complaint Form to submit; follow-up with any further documentation requested.
5. Current rule states “immediately”. See OAR 335-080-0015(4). Go to the Forms tab and download the conditional SLP application form. Fill out the updated supervisor information, and mail or fax to the Board office.

Did You Know? ...A Few Licensing Facts

- Conditional licenses permit SLPs to complete their post-graduate clinical training (CF or CFY). A conditional licensee may *not* work independently under their conditional license. For instance, this means that they may not “moonlight” in an unsupervised job while also holding a CF position elsewhere.
- An audiologist, SLP or SLPA may not practice or represent themselves as such without holding a valid license. Thus, a person must hold a valid, active license if they hold a job titled as an SLP, provide SLP services, sign their name with SLP after it, call themselves an SLP in marketing materials, etc. The same is true for audiologists or SLPAs. In short, a license is needed BEFORE an individual begins work as an audiologist, SLP or SLPA in Oregon.
- Conditional licensees may not practice independently after completing their clinical fellowship until they receive their Board license, even if they already have their CCCs.
- CCCs are not the same as state licensure. While verification of CCCs from ASHA can streamline the issuance of an initial Oregon license, an individual may not legally practice just because they have their CCCs.
- Faculty members of universities are no longer exempt from Oregon license requirements (since the 2011 statute changes). Again, if the job requires an individual to be an SLP or audiologist, then the individual requires a license.

As always, if you have questions about these licensing laws or other rules, please contact the Board office.

Other Recent Board Actions

12/14/11

Strayer, Jacquelyn S. SLPA # A0028

Outcome: Final Order by Default: Reprimand and Probation

Violation: A Final Order issued a reprimand and placed Licensee on probation until August 1, 2012, provided Licensee meets specific requirements to demonstrate knowledge and skills related to supervision of SLPAs. Licensee did not ensure that her supervision by an SLP was documented on logs that contained all required information, and logs submitted contained information that was conflicting, duplicative, and confusing, in violation of ORS 681.370 and OAR 335-010-0070(3)(a). Licensee recorded an incorrect date of service on a Medicaid billing record, in violation of ORS 681.370 and OAR 335-010-0070(1). Licensee failed to record all dates upon which direct and indirect supervision took place and obtain her supervisor’s initials on each entry; Licensee did not sign the clinical logs for every month, and Licensee did not ensure that her SLP supervisor signed the logs each month. This conduct is a violation of ORS 681.370 and OAR 335-095-0050(4).

12/5/11

O’Loughlin, Dennis

Audiologist #22387

Outcome: Probation Lifted

Violation: Probation was lifted 12/5/11, with the condition that in the event licensee performs ABR evaluations on pediatric patients, he will submit the first 10 cases for peer review and forward those reviews to the Board.

11/14/11

Moore, Carol Ann

Applicant for Certification as

SLPA

Outcome: Consent Order: Application Denied

Violation: A Consent Order denied Moore’s application, and outlined conditions under which she may reapply on or after January 1, 2012. Applicant failed to disclose her full history of arrests and convictions, which constitutes unprofessional conduct and is a violation of OAR 335-005-010(2)(b) and OAR 335-005-010(2)(c).

11/7/11

Hanson, Christine E. SLP #10915

Outcome: Final Order by Default: Reprimand and Probation

Violation: A Final Order imposed a reprimand and placed Licensee on probation until August 1, 2012, provided Licensee meets specific requirements to demonstrate knowledge and skills in supervision of SLPAs. Licensee documented SLPA supervision on clinical logs that omitted certain required information and contained information that was conflicting, duplicative, and confusing, in violation of ORS 681.370 and OAR 335-010-0070(3)(a). Licensee recorded an incorrect date of service on a Medicaid billing record, in violation of ORS 681.370 and OAR 335-010-0070(1). Licensee failed to record and initial all dates upon which direct and indirect supervision took place, Licensee did not sign the clinical logs for every month, and Licensee did not ensure that her SLPA supervisee signed the logs each month. This conduct is a violation of ORS 681.370 and OAR 335-095-0050(4).

