

SPRING 2013 EDITION

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THE VOICE

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

Budget Highlights



**Evan Evans, MS, Audiologist
Board Chair**

It's that time again, when the Legislature is reviewing the Board's proposed budget, as part of the Governor's Balanced Budget. Legislators will determine the staffing, fees, and other key aspects of Board operations for July 1, 2013 through June 30, 2015.

The Board continues to be short-staffed, with only a 0.6 FTE Executive Director, and 0.8 FTE Administrative Assistant. This staff level has been in place since 2005. Since then, the number of licensees has grown 36%, and investigative cases have grown 400% (see chart on page 2). These cases involve complaints regarding professional competence and ethical practice, and compliance/audit issues (including unlicensed practice, SLPA supervision and professional development). More applicants are also reporting prior convictions (mainly DUIIs) that require investigation and Board adjudication before a license can be issued. And increasing management time must be devoted to issues such as information security, business continuity, and human resources. In the 2013-15 budget, the Board is requesting to make the Executive Director and Administrative Assistant positions full-time, and hire a part-time (0.5 FTE) investigator to handle this workload.

With increased staff, the Board also intends to implement a fingerprint-based, national criminal background check for all new applicants. The authority to do these checks was granted in the 2009 Legislative Session, but it has not been implemented for lack of funding. Increased professional mobility makes a national check imperative to protect the public safety, and it is required by many employers. Applicants will pay a separate fee (passed through to the Oregon State Police) for this background check, but licensing fees will support the investigation and review of results by our staff and Board.

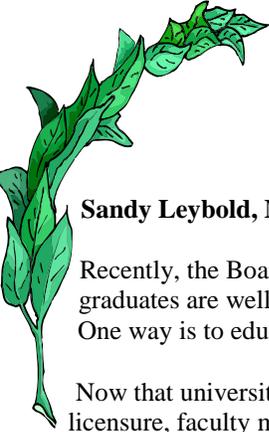
Since the Board receives no tax dollars—it is entirely supported by licensing and other fees—a fee increase is required. Last August, the Board approved a proposed fee schedule that would bring the regular SLP and audiologist license fee up to \$250 every two years, and the SLPA certificate fee to \$75 every two years.

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Outreach to Universities ... And Beyond

Sandy Leybold, MPH, Executive Director

Recently, the Board has been discussing how to make sure new graduates are well-informed about Oregon licensing requirements. One way is to educate them while they are still in school.

Now that university employees are no longer exempt from Board licensure, faculty members themselves are much more aware of licensing requirements. Over the last several months, I have reached out to program heads and others at University of Oregon, Portland State, OHSU, and Pacific University to make sure that they know our licensing requirements. Faculty advisors at the SLP, SLPA and audiology programs play an important role, and program websites typically link to the Board website to answer students' questions about licensing.

We are willing to engage in direct outreach to students, too. Last month, SLP Board Member Wendy Gunter and I presented information about licensing and other Board functions to Amy Constanza-Smith's class of second-year SLP graduate students at PSU. During the final "pop quiz", Wendy gave mini-prizes to the students who first answered the questions correctly, which made for a lot of fun on a Friday afternoon!

If you have suggestions for other venues or ways to get our message out, please call 971-673-0087 or email Sandy.Leybold@state.or.us.

Budget Highlights (continued)

Conditional SLP (one-year) license fees would remain at \$50. Delinquent fees and application fees would also rise. This fee schedule was approved at a public Board meeting noticed to all licensees, and was endorsed by OSHA and OAA on behalf of their members. If approved, we expect these fees to allow BSPA to operate for 4-6 years before another increase is needed.

Similar staffing increases and somewhat higher fee increases were requested in the 2011-13 budget, but were not approved by the Legislature. As licensing and case volume has continued to grow, we have developed a backlog in investigations and other critical tasks.

While none of us like fee increases, Board members know all too well that we need adequate resources to do our work to protect the public. The Board's charge (per ORS 681.220) is 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.

2013 SLPA Supervision Audit Underway

By now, many of you know that the Board's annual audit of SLPA supervision is underway, with responses due on March 28th. If you have *not* received an audit letter yet, then you were *not* selected for this year's audit.

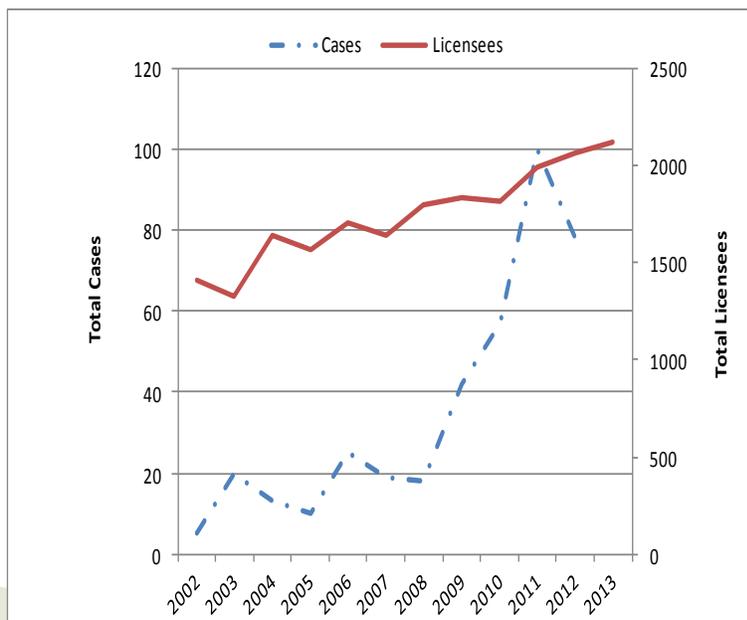
This audit is conducted in accordance with Key Performance Measures established by the Board and approved by the Oregon Legislature. SLPA supervision requirements are outlined in Oregon Administrative Rules (OAR) Chapter 335, Division 95, accessible under Rules/Statutes at www.bspa.state.or.us.

If audited, SLPAs must submit a copy of their clinical log forms documenting clinical interaction and supervision hours for two selected months. OAR 335-095-0050 (4)(b) states: "Documentation must be available for audit requests from the Board." School district personnel are also asked to provide information so that SLP-SLPA supervision assignments can be verified and qualifications confirmed.

Board staff created a "smart form" in Excel to track clinical interaction and supervision hours. It conveniently explains required elements and calculates supervision percentages on a monthly basis for each SLPA-SLP assignment. See Forms at www.bspa.state.or.us.

Any SLPAs (even if not audited) who have not reported your current SLP supervisor to the Board should immediately submit a SLPA Supervision Change form (also on available on the Forms page). Remember, Board rules require SLPAs to report any change in supervision within 30 days of the change.

A viable Board, in which members of the hearing and speech professions and the general public are active participants, is the best route to carry out this mission. The budget we have proposed, including the necessary staff and fees, will allow our Board to effectively do our work.





New Administrative Assistant: David Linn

David Linn was hired as our new administrative assistant on December 1st. He came to BSPA after three years as the Administrative Assistant for the Oregon Board of Naturopathic Medicine.



David holds a BA in History and Political Science from PSU and is currently enrolled in their Masters of Public Administration program.

He is the former President of the Montavilla Neighborhood Association and also served as President for SEIU Local 333. David enjoys gardening, playing basketball, and politics (in that order), and is a lifelong Portland resident.

Professional Development & Other Rules Change May 1st

After many months of review, the Board approved final changes to the professional development (PD) and other rules at its February 2013 meeting. The draft rules were open for public and licensee review and comment ending in January.

The new rules go into effect on May 1, 2013. While the number of hours required for current licensees does *not* change, there are some changes to what activities are accepted with and without special approval.

A Special Edition of *The Voice*, which describes the changes in detail, will be emailed to all licensees in the next few days.

Watch your inbox for this important information!!

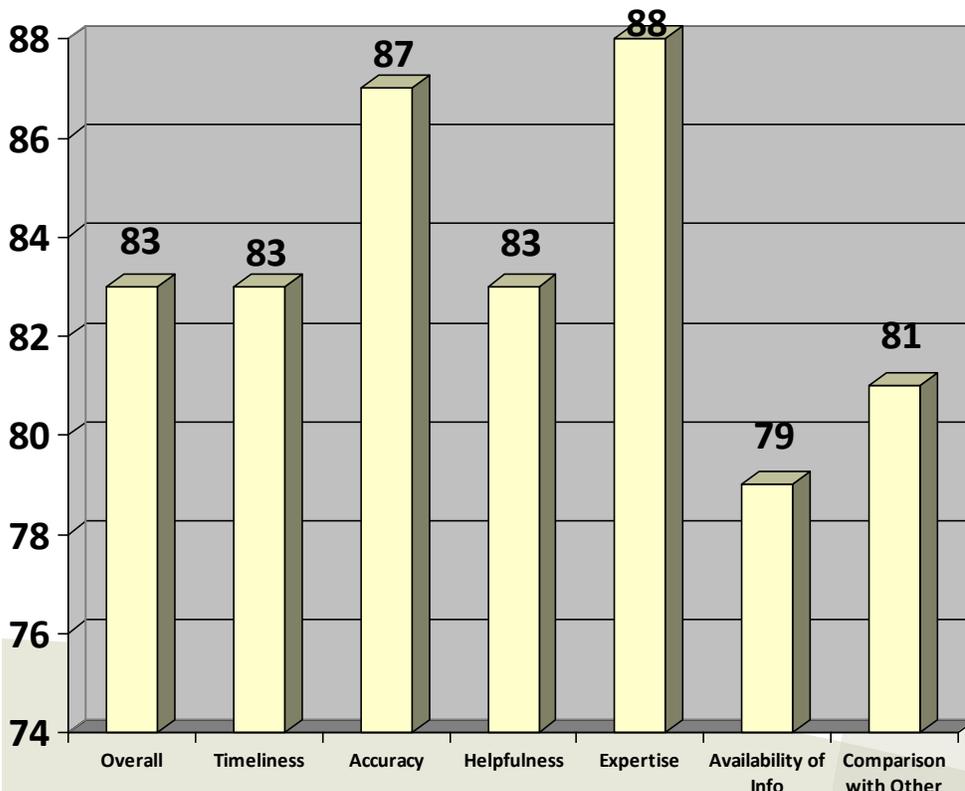
2012 Customer Survey Results

The Board endeavors to provide excellent customer service to citizens, licensees, and stakeholders.

The Board measures customer service on an ongoing basis, with each outgoing email containing a link to our customer service survey, and a link on our website. Each October, we also email all licensees to invite them to rate us. Data and comments are reviewed annually, and help the Board identify areas for improvement. Data are also reported to the Legislature and Governor's Office as part of our Key Performance Measures (KPM) process.

The chart below shows the percentage of excellent and very good ratings for July 2011-June 2012. These results are very similar ($\pm 2\%$) to the previous year.

In 2012, several staff changes occurred after the resignation of long-time Administrative Assistant Tim Anderson in April. This has meant training new staff on existing procedures and incorporating new suggestions from staff and licensees. Some recent improvements that you may have noticed:



training new staff on existing procedures and incorporating new suggestions from staff and licensees. Some recent improvements that you may have noticed:

- More frequent communications with applicants about missing information
- Sending a welcome letter and Board FAQs with each new license issued
- A backlog of PD requests for special approval was caught up by year-end and a more readable list of approved activities is now posted on our website
- Our PD webpage now includes a table showing PD hours required for license renewal in December 2013

With just two part-time staff, and a growing number of licensees, we strive to meet your needs. We are planning major updates of our forms and website over the next few months.

You can fill out a survey at any time by going to <http://bspa.oregonsurveys.com/>.

Who Requires a Board License? A TSPC License?

Sandy Leybold, Executive Director, BSPA
Vickie Chamberlain, Executive Director, TSPC

The Board's practice act ([ORS Chapter 681](#)) clearly spells out who needs to hold a Board license. Most licensees and consumers would guess that the law prohibits someone from practicing speech-language pathology or audiology without a license, and indeed, the law does say this.

ORS 681.250(2) states:

*"No person shall **practice** speech-language pathology or audiology or **purport** to be a speech-language pathologist or audiologist in this state unless the person is licensed in accordance with the provisions of this chapter."*

Regarding SLPAs, ORS 681.360 states:

"A person may not perform the duties of a speech-language pathology assistant or use the title speech-language pathology assistant without a certificate to do so issued under this section."

What Does Practice Mean?

When looking at state law, one has to clearly understand each term used. What does it mean to "practice" speech-language pathology or audiology?

ORS 681.205(5) says:

"Practice speech-language pathology" means to apply the principles, methods and procedures of measurement, prediction, evaluation, testing, counseling, consultation and instruction that relate to the development and disorders of speech, voice, swallowing and related language and hearing disorders to prevent or modify the disorders or to assist individuals in cognition-language and communication skills";

Similarly, ORS 681.205(4) states:

""Practice audiology" means:

- To apply the principles, methods and procedures of measurement, prediction, evaluation, testing, counseling, consultation and instruction that relate to the development and disorders of hearing, vestibular functions and related language and speech disorders to prevent or modify the disorders or to assist individuals in auditory and related skills for communication.
- To fit or sell hearing aids."

And [OAR 335-095-0060](#) outlines the scope of practice for SLPAs, distinguishing them from SLPs and Educational Assistants.

What Does Purport Mean?

Did you notice the other important part of the licensing requirement? It says no one can "purport" to be an SLP or audiologist without holding a Board license or Board-approved license. The dictionary defines purport as *"appear to be, intend or claim" something, including something implied or inferred"*.

ORS 681 also lists specific titles that require licensure, including speech clinician, speech therapist, language therapist, speech-language pathology assistant, audiologist, and others. This is why no one (even a qualified SLP, SLPA or audiologist) may start work in Oregon holding any of the mentioned job titles **or** performing speech-language pathology or audiology without *first* holding a license issued by the state of Oregon.

A Few Exceptions Allowed

Certain exceptions exist (see [ORS 681.230](#)). Importantly, appropriately supervised students enrolled in a speech-language pathology or audiology program who identify themselves as students and are working for a reasonable stipend do not require licensure. A conditional license is available and required for SLPs in their clinical fellowship. Up until 2012, university employees were exempted. Certain government workers (Veterans' Affairs employees) may still practice under a federal exemption to state licensing laws.

What about TSPC Licensure for SLPs Working in Schools?

This is perhaps the most visible exception to the Board's licensing law.

ORS 681.230(4) states:

*"Without obtaining a license under this chapter, a teacher **licensed** by the Teacher Standards and Practices Commission and holding a communications disorders or speech impaired endorsement issued by the commission may practice speech-language pathology if the person:*

- Practices speech-language pathology solely in the course and scope of the person's duties as an employee of an education service district, a school district or a charter school; and*
- Complies with ORS 681.360 to 681.375 and rules adopted under ORS 681.360 to 681.375 when supervising speech-language pathology assistants."*

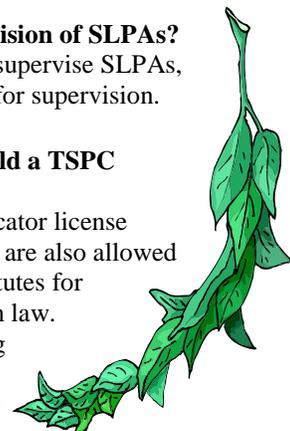
This **narrow exception** to Board licensure does **not** allow an SLP holding a TSPC license without the communications disorders or speech impairment endorsement to practice speech-language pathology **under any circumstances**. Additionally, a TSPC teaching license does **not** allow SLPs to practice speech-language pathology **if employed by a staffing agency**.

What about TSPC-Licensed SLP Supervision of SLPAs?

The statute allows TSPC-licensed SLPs to supervise SLPAs, but it **requires** them to follow Board rules for supervision.

Must an SLP Working in the Schools Hold a TSPC License or a Board License--or Both?

State law requires educators to hold an educator license issued by TSPC. However, school districts are also allowed to hire Board-licensed SLPs under state statutes for related services and under special education law. [ORS 342.120](#) requires all persons providing "instruction" in the public schools to be licensed by TSPC. **(continued on page 5)**



Who Requires a Board License? A TSPC License? (Continued)

Additionally, ORS 342.120(6) exempts providers of “related services” to special-education identified children from TSPC licensure. However, it does **not** exempt these providers from other state licensure.

In other words, providers of related services (including SLP) to special education children must hold **either a Board-issued license or a TSPC-issued license.**

[OAR 584-036-0010\(2\)](#) states:

“School districts may provide related services for children identified as requiring special education services by employing a public agency, such as a community mental health program, or by employing professionals who are licensed within their own specialties by the State of Oregon. These personnel are not required to hold licensure from the Commission. See also ORS 343.221.”

And [ORS 343.221\(7\)](#) states that a school district:

“May contract for the provision of related services by a person in private practice **if** that person is registered, certified or licensed by the State of Oregon as qualified to provide a particular related service that requires registration, certification or licensing by the state.”

So an SLP can work legally with **only a TSPC license** (with a communications disorder or speech-impaired endorsement) if they are employed exclusively by an Oregon school district, ESD or charter school. And an SLP holding **only a Board license** can work in the schools legally as long as they are working within the scope of their professional SLP license. In these situations, **either** license is OK.

If a school employs an SLP to perform additional duties that are within the scope of practice for an educator (such as teaching a special education class), then the school could require that SLP to hold a TSPC license. In this situation, an SLP might choose to hold **both** a Board license and a TSPC license, or only a TSPC license.

If you have any questions about whether you or someone you work with professionally requires a Board license, please contact Sandy Leybold at 971-673-0087. For questions about TSPC licensure, call Vickie Chamberlain at 503-378-6813.



*Help us save paper! & postage!
As of May 1, 2013, the Board
requires licensees to submit a
current email address for all
Board correspondence. Email us
your address at
speechaud.board@state.or.us.*



RECENT BOARD ACTIONS

3/5/13

Laraway, Lesley A. Non-Licensee

Outcome: Final Order by Default: \$3,000 Civil Penalty
Violation: A Final Order by Default was issued on March 5, 2013, imposing a civil penalty of \$3,000. Laraway practiced as an SLP without a valid license for approximately two years, in violation of ORS 681.250(2). Sometime between April 2010 and June 2010, Laraway submitted an application for SLP licensure that was incomplete, in violation of ORS 681.270(2), ORS 681.325(5), and OAR 335-060-0020(1), and failed to follow up on the status of her application, in violation of OAR 335-060-0020(2).

3/5/13

Wampler, Lori A. Speech-Language Pathologist # 13322

Outcome: Final Order by Default: \$250 Civil Penalty
Violation: A Final Order by Default was issued on March 5, 2013, imposing a civil penalty of \$250. 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 provided direct client services as a speech-language pathologist for four days and represented herself as an SLP in Oregon without a valid license for seven 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). Licensee failed to notify Board of her current contact information, in violation of OAR 335-005-0020(8).

1/15/13

Nugent, Carol L. Speech-Language Pathologist # 10271

Outcome: Consent Order: Probation
Violation: A Consent Order was issued 1/15/13, placing Licensee on probation until December 31, 2013, for violations of OAR 335-005-0015(2)--Licensees must perform all services competently; OAR 335-005-0015(16)--Individuals shall maintain clinical records as required by the Board's rules; OAR 335-010-0070(2), (3) and (5)--Records must contain accurate, complete, and legible detailed documentation of assessments and interventions; and OAR 335-005-0015(3)--Licensees must use all appropriate resources in providing care, including referral when appropriate. Licensee can request to lift the probation after satisfactorily completing requirements specified for dysphagia coursework and peer mentor observation and review of licensee's assessment and treatment of eight dysphagia patients.

