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## Meeting Minutes May 10, 2013 Portland State Office Building Conference Room 445 Portland, Oregon

**PRESENT:** Evan "Butch" Evans, Audiologist, Chair  
Wendy Gunter, SLP Member (arrived 10:10 am)  
Jennie Price, SLP, Vice-Chair  
Ralph Blanchard, Public Member  
Lyndsay Duffus, Audiologist Member  
Mark Wax, Otolaryngologist Member  
Elisa Williams, Public Member (arrived 9:30 am)

Sandy Leybold, Executive Director  
Judith Anderson, AAG (arrived 10:01am)

**EXCUSED:** None

### CALL TO ORDER

The meeting was called to order at 9:05 a.m. by Chair Evans, and roll call was taken. Present were Mark Wax, Lyndsay Duffus, Jennie Price, Ralph Blanchard, Evan Evans, and a quorum was established.

### REVIEW/APPROVE DRAFT MEETING MINUTES

The Board reviewed draft minutes for the February 22, 2013 meeting. Price moved to approve the minutes as presented. Wax seconded.

Aye: Blanchard, Duffus, Price, Wax, Evans

Nay: none

Motion passed by unanimous voice vote of those present.

### PUBLIC COMMENTS

Evans noted no members of the public were present to testify.

### EXECUTIVE DIRECTOR REPORT

#### *Secretary of State Audit*

The Secretary of State Audits Division has selected the Health Related Licensing Boards for audit. Leybold has been in contact with the SoS office regarding the audit scope and timeline which should be decided in the next few weeks.

#### *Legislative Session Update*

SB 302 and HB 3496 proposed consolidation of this Board with OHLA, but these are not expected to pass. A bill to create a task force to study the potential consolidation of boards and commissions is expected to pass. Another bill (SB 604A) would open up licensee databases to credentialing agencies but its status is unclear. Another bill (HB 2611) expected to pass would create requirements for professional development in cultural competency for all health professionals. Leybold does not expect the issue of semi-independence to progress in the current legislative session.

#### *2013-15 Budget*

Leybold has been in contact with the Legislative Fiscal Office (LFO) regarding the requested positions in BSPA's Governor's Balanced Budget. They have discussed options regarding the investigator position and it is unlikely to be approved this cycle. The LFO will be recommending increasing the Executive Director and Administrative

Assistant positions to 1.0 FTE but no FTE for the investigator. Leybold explained this will require contracting for a more expensive professional investigator as needed which will be paid out of the personal services budget. Leybold told the Board that the Board has a larger than expected ending fund balance projected for 2011-13, and this may necessitate revising the proposed fee schedule to lower the requested fee increases to maintain BSPA's reserves at an appropriate policy level.

The Board will be doing a self-evaluation and goal setting during the August Board meeting after questions around the legislative session are resolved.

#### *Financial Report*

Leybold presented financial results through March 2013. Revenue is ahead of budget by almost \$55,000 to date, and is projected to be \$75,000 over by the end of the biennium. Personal services are projected to come in slightly over budget due to the Executive Director working more than scheduled FTE. However, total expenditures are expected to be about \$21,000 under budget.

### **DELEGATION OF AUTHORITY TO EXECUTIVE DIRECTOR, CHAIR AND VICE-CHAIR; OFFICER DUTIES AND TERMS**

#### *Delegation of Authority*

Leybold explained the common practice among several health boards of delegating and clarifying certain powers of the Board to the Executive Director. Leybold presented a draft delegation of authority document which primarily lists functions that have always been done by Board staff, by job description or policy, but not a formal delegation of duties. She also drafted statements to clarify the roles and responsibilities delegated to the Board officers. Most of these duties are already in place by policy and precedent; however, Leybold suggested adding the Vice-Chair as someone delegated to co-sign certain documents in absence of the Chair.

Discussion of these documents included the issue of whether the correct term for the Chair's oversight of the budget documents should be "approved" or "certified". Consensus was to leave the word "approved". Wax raised a concern about the duties that are explicitly delegated to the Executive Director: if a detailed list is written, then could it be interpreted that anything not on the list is *not* delegated to the Executive Director? Leybold suggested that this is addressed in item 13 (Administrative Oversight), which states "the Executive Director is responsible for overseeing or providing all administrative operations of the Board....", and in item 12 (Budget and Financial Management), wherein "the Executive Director is delegated the responsibility for all agency financial matters", both in accordance with federal and state law and Board and statewide policies and procedures. Duffus supported the idea of a written delegation of authority in the event there was a new Executive Director. Williams suggested an overview of duties without making it so explicit that unwritten duties are questioned. Wax and Williams suggested getting a legal opinion on the delegated authority document.

Blanchard moved to refer to the delegation of authority to the Board's AAG for legal consultation. Williams seconded.

Aye: Duffus, Price, Williams, Blanchard, Gunter, Evans

Nay: None

Abstain: Wax

Motion passed by unanimous voice vote of those present.

#### *Board Offices & Terms*

Leybold also presented a draft document that would formalize the terms of office and selection process for the Vice-Chair and Chair. Statute allows the Board to set the terms of office and in the past the process has been informal. This issue came up during Leybold's review of the statutes regarding the Board's terms and authority. Wax expressed confidence in the current procedures for selecting officers, and consensus was to leave the process informal.

Leybold has developed a plan to stagger Board members' terms so that the Board meets statutory and operational requirements. Currently too many Board members cycle off in each of two years, and none in the third year. Duffus asked for a review of this plan. Leybold agreed to bring it to the next meeting.

## TEMPORARY RULES

The Board discussed proposed temporary rules to address several issues that staff have identified in implementing the May 1<sup>st</sup> rule changes:

- The Board office is seeing more cases of conditional SLP licensees needing to renew their conditional license to complete their CF. Due to job market issues and varying graduation cohorts, more SLPs are taking 15-18 months after graduation to complete their CF and become eligible for regular licensure. The rules cover this by specifically not requiring any PD to renew a conditional license. Also the PD rules prior to May 1<sup>st</sup> exempted PD for initial licensees completing their “clinical training” within 12 months of application. However, the May 1<sup>st</sup> version mistakenly changed this to “graduate program”. To bring the rule back to its original intent, OAR 335-060-0006(5)(a) must be amended to add back the completion of the CF or “supervised clinical experience”. This will allow conditional licensees to upgrade to a regular license without showing PD, as long as they have completed their CF within 12 months. Since audiologists complete their supervised clinical experience while in school, the wording can remain as “graduate program” under 335-060-0007(5)(a). For SLPAs, the current OAR 335-095-0030(5)(a) can remain as well, since it provides an exemption for 12 months after completing their clinical interaction, which is their final training. This makes all three license types consistent.
- Since the May 1<sup>st</sup> rule revisions eliminated Board consideration of late requests for special approval of professional development activities, it makes sense to eliminate OAR 335-060-0010(1)(D), which requires the Board to levy a delinquent fee for late requests.
- The May 1<sup>st</sup> revisions added “Failure to update contact information or provide supervisory changes within 30 days of the change” as one of the violations for which the Board may levy a delinquent fee, as OAR 335-060-0010(1)(d)(D). The Board has expressed interest in adding failure to report all required hours of SLPA supervision as another reason to levy delinquent fees, since this would parallel the treatment of PD audit violations. However, these provisions need to apply not just to applicants, but to all licensees. Thus OAR 335-060-0010(1) is recommended to be amended to say “All Applicants or Licensees”, and OAR 335-060-0010(1)(d)(E) is recommended as an addition: “Failure to report all required hours of SLPA supervision upon audit”.
- The May 1<sup>st</sup> version of OAR 335-070-0020(2) includes “self-assessment home study courses” as an accepted type of PD activity. Leybold noted this wording is confusing, and recommended changing it “self-study courses.”
- Leybold raised an issue regarding ASHA approved activities versus ASHA approved providers: if a course is ASHA-approved, then a licensee should know that both the topic and provider are ASHA approved. Gunter pointed out that if the course is approved by ASHA, the provider’s status is irrelevant. The recommended wording change is in OAR 335-070-0020(5)(a): adding “for programs that they provide or approve for audiologists, speech-language pathologists, or speech-language pathology assistants”.
- The May 1<sup>st</sup> rules only listed the American Red Cross as an acceptable provider of CPR courses. Leybold suggested adding the American Heart Association (AHA), and possibly other recognized organizations as acceptable providers of CPR courses. Wax agreed with the AHA, and Board consensus was no others needed to be added. So the agreed revision was that OAR 335-070-0020(5)(f) would say “(f) The American Red Cross or American Heart Association for courses on cardio-pulmonary resuscitation or basic life support; and”.
- The May 1<sup>st</sup> revisions eliminated the pro-rating of professional development requirements for the first renewal of initial licenses. This caused a conflict between what licensees have been informed is their PD requirement and what is required with the new rules. Leybold suggested reinstating the prorating for at least the current year. Pro-rating the PD requirements also parallels the Board’s movement towards effectively pro-rating the license fees for initial licensees through the new temporary/limited term license category that was authorized in statute.

Wax moved approval of the proposed temporary rules as discussed. Duffus seconded the motion.

Aye: Wax, Duffus, Price, Williams, Blanchard, Gunter, Evans

Nay: none

Motion passed by unanimous voice vote of those present.

## **EXECUTIVE SESSION**

The Board entered Executive Session at 10:52 a.m. to consider information obtained as part of investigations of licensee or applicant conduct as provided in ORS 192.660(2)(k), consider information or records that are exempt by law from public inspection as provided in ORS 192.660(2)(f), and to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed as provided in ORS 192.660(2)(h).

The Board returned to public session at 1:55 p.m.

## **MOTIONS FOLLOWING EXECUTIVE SESSION**

### **2011-05**

Price moved to lift the probation as licensee has fulfilled the conditions of the consent order. Blanchard seconded.

Aye: Wax, Duffus, Price, Williams, Blanchard, Gunter, Evans

Nay: none

Motion passed by unanimous vote of those present.

### **2011-95**

Price moved to issue a reprimand due to unprofessional conduct. Williams seconded.

Aye: Wax, Duffus, Price, Williams, Blanchard, Gunter, Evans

Nay: none

Motion passed by unanimous vote of those present.

### **2010-03**

Price moved to reprimand and place on probation for two years subject to criteria determined by a small committee of the Board. Duffus seconded.

Aye: Wax, Duffus, Price, Williams, Blanchard, Gunter, Evans

Nay: none

Motion passed by unanimous vote of those present.

*{Note: this motion was rescinded at the May 29, 2013 Board meeting.}*

Williams moved to ratify the closure administratively of **2012-70, 2012-77, 2013-06, 2012-18, 2012-21**. Blanchard seconded.

Aye: Wax, Duffus, Price, Williams, Blanchard, Gunter, Evans

Nay: none

Motion passed by unanimous vote of those present.

### **SLPA Supervision Audit Summary –**

Price moved to direct the Board office to write letters to inform audit participants of any errors and inform them of the recent addition of a fee for incorrect audit submissions and late supervision change submissions. Duffus seconded.

Aye: Wax, Duffus, Price, Williams, Blanchard, Gunter, Evans

Nay: none

Motion passed by unanimous vote of those present.

### **RATIFY LICENSES ISSUED February 21, 2013 – May 8th, 2013**

Duffus moved to ratify the issue of these licenses. Price seconded.

Aye: Wax, Duffus, Price, Williams, Blanchard, Gunter, Evans

Nay: none

Motion passed by unanimous vote of those present.

**NEXT MEETING DATES/ADJOURNMENT**

The next regular meetings are scheduled for August 23<sup>rd</sup> and November 8<sup>th</sup>.

Leybold announced that this is Elisa Williams' last scheduled Board meeting, since her term ends on June 30, 2013. Leybold, Chair Evans and other Board members thanked her for her long and valuable Board service. Leybold noted that Betsy Chase has been appointed as a new public Board member to succeed Williams as of July 1<sup>st</sup>. Formal recognition of Williams' service will take place at a future meeting.

Evans asked Williams to move for adjournment as a ceremonial last act, which she did. The motion was seconded by Duffus and carried by unanimous voice vote. The meeting adjourned at 2:00 p.m.