



Board of Examiners
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Meeting Minutes September 30, 2011 Portland State Office Building Conference Room 445 Portland, Oregon

PRESENT: Evan "Butch" Evans, Audiologist, Chair
Lyndsay Duffus, Audiologist Member
Ralph Blanchard, Public
Elisa Williams, Public Member
Wendy Gunter, SLP Member (arrived 10:15 a.m.)

Sandy Leybold, Executive Director
Judith Anderson, Assistant Attorney
General (arrived 11:00 a.m.)

Excused Absence:
Mark Wax, Otolaryngologist Member
Jennie Price, SLP Member, Vice-
Chair

CALL TO ORDER

The meeting was called to order at 10:00 a.m. by Chair Evans, and roll call was taken.

REVIEW/APPROVE DRAFT MEETING MINUTES

The Board reviewed draft minutes for the June 10, 2011 meeting. Williams asked that "Other Funds agencies" be capitalized in the last sentence of page 1 so that it does not look like a typo, and that on the second sentence on page 3, "decided" be changed to "decide". Williams moved to approve the minutes as amended. Duffus seconded.

Aye: Evans, Duffus, Blanchard, Williams

Nay: none.

Motion passed by unanimous vote of those present.

PUBLIC COMMENTS

There were no members of the public in attendance and no public comments.

CHAIR REPORT

Evans stated that this was his first meeting as chair, and that he had little to report.

EXECUTIVE DIRECTOR REPORT

Leybold presented her report to the Board.

Legislative / Budget Updates: Leybold reported that the legislature approved \$403, 043 for the total 2011-13 budget, and did not approve any additional positions or additional FTE on the existing positions. Leybold reported that they did increase the limitation by \$29,855 in lieu of approving the individual packages. [Note: this amount was subsequently finalized at \$22,866]. The Board may use this limitation on supplies and services, not personnel.

Leybold continued that the Legislature did not approve the fee increase and requested that the Board report to the E-Board before the 2013 Session about its ending balance. Leybold also reported that the Legislature directed the Board to work with TSPC about background checks to avoid duplication.

Leybold asked the Board to grant her permission to meet with the appropriate personnel at DAS BAM before the 2013 Session to re-initiate the fee increase and accompanying Board goals for it. Blanchard stressed that the Board will need to present strong evidence to support the fee increase since it was turned down before. The Board discussed the legislative situation.

Williams moved to authorize Leybold to work on the staffing increases proposed last session, and the fee

increase. Blanchard seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter

Nay: none.

Motion passed by unanimous vote of those present.

The Board reviewed the final 2009-11 budget report showing expenditures by program. Leybold stated that the personal services totaled \$250,000, and the Services and Supplies totaled \$111,000. Leybold noted that the Board was slightly under budget for the 09-11 biennium.

IT Update: Leybold stated that the new database system will not be in production in time for renewals. Leybold stated that the new system is slated for next spring.

Semi-Independent Status Report / Recommendation for HRLBs: Leybold presented the Board with information about the semi-independent model for Board organization.

Evans asked if the Board would be charged higher rates from DOJ if semi-independent. Leybold replied semi-independence would not affect billing rates charged per hour by the DOJ. Evans asked if the semi-independent model would allow the Board to shop around for services; Leybold responded that the Board must use DOJ for legal services. Williams asked if it would change the Board's DOJ arrangement, Leybold replied that the arrangement would stay the same. Some boards have moved to a retainer rather than hourly fees with the DOJ, but this is not affected by semi-independence, and is not an arrangement that we would likely pursue at this time.

Gunter asked if semi-independence would increase the likelihood of consolidation into a "a super-Board" model. Leybold replied that she did not think there was any intrinsic relationship between semi-independence and being part of a conglomerated licensing agency.

Evans asked about the difference in staff time required for the semi-independent model. Leybold replied that the semi-independent boards published an analysis that asserts that they have saved money, and their processes are more streamlined than regular state agencies. Williams and Blanchard, as public members, both stated that they liked the idea of saving money, and greater involvement of the licensees with the budget process that the semi-independent model could provide.

Blanchard move to authorize Leybold to continue moving in the direction of semi-independent status. Williams seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter

Nay: none.

Motion passed by unanimous vote of those present.

REPORT ON OSHA'S RECOMMENDATION FOR CONSOLIDATED LICENSURE

Gunter reported to the Board regarding OSHA's recommendation for consolidated licensure. Last summer the OSHA Executive Board met to review the reports of its Professional Standards Review Committee and Professional Education Liaison Committee on consolidated licensure for SLPs in Oregon under the Board rather than both BSPA and TSPC. Gunter stated that OSHA is hoping to produce a model for consolidated licensure from discussion at its October conference.

Williams asked what the national trend is for consolidated licensure. Gunter replied that the trend is for consolidated or "universal" licensure. The Board expressed its support for this direction, and asked Gunter to report again on OSHA's work on the issue.

RULE-MAKING

Leybold directed the Board's attention to the changes to OAR 335 that were discussed at the June 10, 2011 meeting and published on June 15th in a Notice of Proposed Rulemaking. A hearing was held on July 20th; no one attended. One licensee comment was received supporting moving the professional development deadline to December 31st. Duffus moved final approval of these changes; Blanchard seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter
Nay: none.
Motion passed by unanimous vote of those present.

Leybold presented the Board with a list of the new lower fees. Leybold stated that if the Board wanted to raise the delinquent fee, they would need to plan on going back to the legislature for ratification. Blanchard moved to adopt a temporary rule to put the lower fees into OAR 335-060-0010, effective October 1, 2011. Duffus seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter
Nay: none.
Motion passed by unanimous vote of those present.

Williams moved to separate the delinquent fee and have it addressed by the legislature in the fall. Gunter seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter
Nay: none.
Motion passed by unanimous vote of those present.

ANNUAL PERFORMANCE PROGRESS REPORT (APPR)

The Board reviewed the 2010-2011 APPR. Leybold told the Board that an email prompt to fill out a customer service survey is sent to all licensees in October of each year. In addition, surveys are completed by licensees or members of the public sporadically throughout the year. The Board reviewed data from the 2010-11 customer service surveys.

Williams moved to accept the report. Duffus seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter
Nay: none.
Motion passed by unanimous vote of those present.

EXECUTIVE SESSION

The Board entered Executive Session at 11:25 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 2:37 p.m.

MOTIONS FROM EXECUTIVE SESSION

2009-13

Blanchard moved to amend the consent order as discussed in executive session. Williams seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter
Nay: none.
Motion passed by unanimous vote of those present

2010-54

Blanchard moved to adopt the Administrative Law Judge's order and to collect any legal fees possible. Duffus seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter
Nay: none.
Motion passed by unanimous vote of those present

2011-05

Duffus moved to issue a notice of proposed reprimand that includes a probationary period with certain requirements to be determined by the Board. Williams seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter

Nay: none.

Motion passed by unanimous vote of those present

2011-06

Williams moved that the Board approve the plan to meet probationary requirements. Blanchard seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter

Nay: none.

Motion passed by unanimous vote of those present

2011-7

Duffus moved close the case with no violation. Gunter seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter

Nay: none.

Motion passed by unanimous vote of those present

2011-13

Williams moved to deny with conditions that the Board set forth. Duffus seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter

Nay: none.

Motion passed by unanimous vote of those present

2011-14, and 2011-57 through 2011-93

Gunter moved to ratify the action on these cases. Blanchard seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter

Nay: none.

Motion passed by unanimous vote of those present

2011-15

Gunter moved to ratify the action on this case. Duffus seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter

Nay: none.

Motion passed by unanimous vote of those present

2011-50

Gunter moved to close with no action. Blanchard seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter

Nay: none.

Motion passed by unanimous vote of those present

2011-51

Duffus moved to have Leybold send the licensee a letter about going inactive. Gunter seconded.

Aye: Evans, Duffus, Blanchard, Williams, Gunter

Nay: none.

Motion passed by unanimous vote of those present

RATIFY LICENSES ISSUED JUNE 10, 2011 – SEPTEMBER 28, 2011

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

Aye: Evans, Duffus, Blanchard, Williams, Gunter

Nay: none.

Motion passed by unanimous vote of those present

ADJOURNMENT

The Board confirmed its next meeting dates: December 2, 2011, and February 10, 2012, and adjourned at 2:45 p.m.