Ohio Board of Speech-Language Pathology and Audiology

Annual Report for FY 2002

July 1, 2001 through June 30, 2002
A Letter to the Governor

Dear Governor Taft:

It is my pleasure to submit, on behalf of the Ohio Board of Speech-Language Pathology and Audiology, this FY 2002 annual report. The report, filed in compliance with R.C. Section 4753.05(D), lists the official actions taken by the Board and recommends legislative amendments that would improve the practices of speech-language pathology and audiology in Ohio.

All of the Board’s activities in FY 2002 were geared toward the fulfillment of the Board’s mission of protecting the Ohio consumers of speech-language pathology and/or audiology services via the regulation of the practices of those professions in Ohio. In early FY 2002, the Board engaged in a search for a new Executive Director and in September 2001 appointed Sallie Debolt to the position. In March 2002, the Board adopted long-range strategic goals and action steps for achieving each goal. Throughout the year the Board adopted policies and procedures designed to ensure the protection of consumers, but which removed unnecessary obstacles for applicants and practitioners. The Board also met all other obligations imposed by R.C. Chapter 4753 by such activities as issuing licenses to qualified applicants, taking disciplinary actions as appropriate, and taking steps to improve communications with licensees and professional associations.

FY 2002 was a year of growth and resurgence for the Board. Thank you for your support of the Board’s efforts to administer and enforce Revised Code Chapter 4753.

Sincerely,

Sallie Debolt, J.D.
Executive Director
There is hereby created the board of speech-language pathology and audiology consisting of eight members of this state to be appointed by the governor with the advice and consent of the senate. *** Terms of office shall be for three years, ***

(R.C. Section 4753.03)

The Board serves Ohio’s consumers of speech-language pathology and/or audiology services by ensuring that Ohio practitioners meet minimum competency standards for admission into the practice, maintain competency throughout practice, and practice within ethical standards.

### BOARD MEMBERS DURING FY 2002

**Jane M. Kukula, Chairperson: Licensed Audiologist**

Euclid                               Term Expiration: September 26, 2004

**Cindy Satterfield, Vice-Chairperson: Licensed Speech-Language Pathologist**

Highland Heights                    Term Expiration: September 26, 2003

**Felicia A. Boubin: Licensed Audiologist**

Term Expiration: September 26, 2001

**J. Paul Good: Public Member**

North Lima                           Term Expiration: September 26, 2001

**Judith W. Harvey, Ph.D.: Public member**

Dublin                               Term Expiration: September 26, 2004

**M. Ann Glaser: Licensed Speech-Language Pathologist**

Maineville                           Term Expiration: September 26, 2003

**Carol Prahl Leslie, Ph.D.: Licensed Speech-Language Pathologist**

Cincinnati                           Term Expiration: September 26, 2004

**Patrick N. Mangino: Licensed Audiologist**

Westerville                         Term Expiration: September 26, 2004

**Ann Shotwell: Public member**

Cleveland                           Term Expiration: September 26, 2004

**Debra Abel: Licensed Audiologist**

Alliance                             Term Expiration: September 26, 2002

(Reappointed in FY 2003)

**Donald P. Coen: Licensed Audiologist**

(Resigned effective May 23, 2001)
The board of speech-language pathology and audiology shall hold at least one regular meeting a year, at which it shall elect a chairman and vice-chairman from among its members. *** (R.C. Section 4753.04)

The Board met eleven times during FY 2002. Ten of the meetings were held at the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, OH. The eleventh meeting was a retreat held March 5-6, 2002 at Deer Creek Resort, Mt. Sterling, Ohio.

An Open Forum for Public and Professional Associations was held at each meeting.

Significant decisions of the Board during FY 2002, included the following:

♦ Appointed Sallie Debolt as the Executive Director, replacing Judith Raabe, who retired.

♦ Expanded the topics in its Procedures Manual to include Board Member Attendance, Board Member Pay, Board Goals, Application Exceptions, Annual Governor’s Report, Biennial Audit, and a plan for reviewing the procedures in tandem with the review of applicable Board rules.

♦ Modified procedures for action on Supervised Professional Experience Plans submitted later than thirty days after a change in employment or supervision to that of an “Automatic Adjustment of Beginning and Ending Dates” when the plan is submitted no more than thirty days late. The automatic adjustment offers the conditional license holder and the licensed supervisor the option of having the beginning and ending dates of the plan adjusted by the number of days it was submitted late with the taint of disciplinary action removed. If the conditional licensee and licensed supervisor reject the automatic adjustment, the R.C. Chapter 119 disciplinary process is implemented.

♦ Amended the standard procedure for instances when there is a change in employment or supervision so that a licensed aide is no longer able to practice in accordance with the practice plan on file with the Board. The amended procedure clarifies that the licensed aide should be notified that he/she can not practice until a new practice plan is approved by the Board.

♦ Joined with other state boards and commissions to pool resources to contract with the Department of Administrative Services for a computer support position dedicated to the members of the joint effort.
Set long-term goals in three key areas: the need for a stable, well trained, effectively oriented board and staff; communication; and ensuring the professional competency of licensees.

**Progress Toward the Board’s Long-Term Goals**

Staff turnover, other events, and licensee complaints about the Board office gave emphasis to the Board’s need for strategic planning to assess its success in meeting its statutory mission and to formulate a plan for increasing its effectiveness and efficiency. The Board conducted a strategic planning retreat in March 2002 at Deer Creek Resort. The resulting strategic plan identified three key issues and formulated the following implementation plan.

1. **The need for a stable, well trained, effectively oriented board and staff.** The eight members of the Board and the staff are committed to implementing the Board’s mission of protecting consumers. However, because the membership of the Board is designed by statute to change yearly it is important to educate new members on the duties of a board member, the practice act, R.C. Chapter 4753, professional licensing and regulation in general, and the role of a board member in the R.C. Chapter 119 administrative hearing and rule promulgation procedures. The high staff turnover also emphasized the need for institutional tools that will assist new staff in quickly learning their respective duties. Action steps and progress toward the action steps in FY 2002 are listed below:

   A. **Enhance and maintain institutional memory.** A log of Board decisions and the reasons for disciplinary decisions, log of the Board’s practice issue decisions, and a log of Board directives to staff were created.

   B. **Provide effective orientation to board and staff by creating effective educational tools.** A PowerPoint presentation for new Board members on licensure and regulation, the role of board members, and the disciplinary process and also a flowchart of the investigation process from receipt of complaint to administrative hearing are nearly completed.

   C. **Apply staff in the most effective manner.** Effective staff needs effective tools. Lateral files were purchased through State Salvage in June 2002, the former Board conference room was transformed into a file/storage room, and by the end of October 2002 the licensee files were transferred from over-stuffed cabinets and boxes into the “new” cabinets. Increased file space allows for the on-site storage of most files, reducing the storage company charge to store and then to deliver a file when it is needed. Staff members were also encouraged to seek creative solutions to age-old problems.

2. **Communication**
The Board’s goal is to be “user friendly” in the eyes of other agencies and associations, licensees, the public, and legislators. The plan is to create an image and reality that the Board provides useful, accurate, honest information while being flexible within the constraints of the law. The action steps extend to cover communications between the Board and staff.

A. **Enhancement of the Board’s website.** This long desired outcome began to inch toward completion when the contract between DAS and the Board and other small boards and commissions placed the technical services of Bruce Sinmaz at our disposal. In June 2002, within weeks of Bruce being on the job, the Board’s website provided a simplified on-line verification of licenses. On-line verification is handy for the consumers and credentialers and has significantly lowered the number of phone calls the staff must handle each day. Other enhancements include the posting of Board Committee meeting announcements and the availability of additional licensure information.

B. **Continued outreach to colleges and associations for the presentation of licensure information to students and practitioners.** The staff gave presentations on the purpose of licensure and licensure in Ohio at three Ohio universities. In response to the strategic plan, the staff now proactively seeks to schedule the presentations instead of waiting for an invitation. The Board and staff also took part in “town meetings” at conferences held by the Ohio Speech-Language-Hearing-Association and the Ohio School Speech Language Pathology Educational Audiology Coalition.

C. **Continue soliciting “user” satisfaction by the use of surveys.** A survey for new licensees instituted in 2001 is included in the packet by which the original license certificate is sent and asks for input on the application process and responsiveness of staff. The responses to the on-going survey are generally positive and a summary of the response data is presented to the Board on a quarterly basis. The staff discusses all negative ratings and follows-up with the licensee, if possible.

3. **Ensuring Professional Competency of Licensees**

The Board is keenly aware that ensuring the competency of its licensed practitioners requires an increased knowledge of the laws, ethics, process, and professionalism. The Board has begun work on this goal, but realizes it may take at least a yearlong study by members and professionals to adequately address this issue. To reach this goal, the Board plans to:

   A. Consider the redesign of the most common form of initial licensure: the professional experience year.

   B. Design tools to measure and assess continued competency at the time of renewal and for different levels of experience.

   C. Present information about the current Code of Ethics at association conferences and/or as a continuing education course, including the major re-write of the administrative rule by which the Code of Ethics is established to make the letter and spirit of the Code of Ethics more understandable.
Practice Issues

The practices of speech-language pathology and audiology continue to change in response to health care staffing shortages, third party payer issues, and technological advances. The practice issues brought to the Board’s attention during FY 2002 frequently involved the question of whether a particular activity or use of a device was within the scope of practice, the number of audiology aides one licensed supervisor can effectively supervise, and whether a doctor’s prescription is required for the provision of a particular service.

One interesting question presented to the Board concerned the ethics of an English-only speaking speech-language pathologist providing services to a non-English speaking child.

FY 2002 also saw practice issues involving the school setting being presented to the Board for the first time.

Other Activities for the Purpose of Protecting Consumers:

- The Executive Director and Chairperson participated in writing of rules implementing the Universal Newborn and Infant Hearing Screening legislation.

- The Board created an Ad Hoc Committee on Audiology Issues to review a proposed national initiative that raised the strong possibility of harm to consumers via misleading information about the qualifications of various practitioners who fit and sell hearing aids. The Board invited audiology practitioners from around the state to participate on the committee.

Licensure Matters

On June 30, 2002, the Board’s licensees numbered as follows:

<table>
<thead>
<tr>
<th>Profession</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Speech-Language Pathologists</td>
<td>4,994</td>
</tr>
<tr>
<td>Audiologists</td>
<td>833</td>
</tr>
</tbody>
</table>
Conditional Speech-Language Pathologists 172  
Conditional Audiologists 35  
Speech-Language Pathology Aides 15  
Audiology Aides 84  
The above numbers reflect a 25.2 per cent increase over the FY 2001 numbers of licensees. *(Ohio’s Occupational Licensing and Regulatory Boards: Annual Report for Fiscal Year 2002, Legislative Service Commission, December 2, 2002 edition, p.18.)* The growth in licensees was due, at least in great part, to the licensing of speech-language pathologists and audiologists who practice in the schools or as employees of state government. Pursuant to R.C. Section 4753.08(D), during calendar year 2001 school or state practitioners were able to be licensed without regard to the standard educational and examination requirements when they met certain conditions.

The numbers of practitioners in the schools or state employment who were licensed in calendar year 2001 pursuant to this option are as follows:

**Speech-Language Pathologists 701**  
**Audiologists 7**

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**Rule Review**

*The board of speech-language pathology and audiology may make reasonable rules necessary for the administration of this chapter.*  (R.C. Section 4753.05)

During FY 2002, the Board reviewed four (4) rules, in accordance with R.C. Section 119.032. The Board also reviewed six (6) rules not under R.C. Section 119.032. The major focus of the rule review and resulting proposed amendments was to bring the provisions into line with current statutory requirements (such as changes to R.C. Section 119.03), to more clearly define requirements, and to place the provisions of each rule into a more easily read format.

The proposed rule amendments drew lively public participation at the May 22, 2002 public hearing. The Board scheduled a second day of public hearing for August 28, 2002, which was in FY 2003.

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**Compliance Activities**
The board shall investigate all alleged irregularities in the practices of speech-language pathology and audiology by persons licensed pursuant to this chapter and any violations of this chapter or rules adopted by the board. *** (R.C. Section 4753.05(E))

During FY 2002, a process for Board oversight of investigative activity was formalized, with the Board’s Vice-Chairperson serving as the Board member on the investigative review committee. Other members of the committee include the Board’s Assistant Attorney General, the Executive Director, and the Investigator. All other Board members but for the Vice-Chairperson are excluded from the details of complaints and investigations until the matter is presented to the Board in summary fashion for a decision on the committee’s recommendation to either close the case or take disciplinary action in compliance with R.C. Section 119.

The Board opened fifty-six (56) cases during FY 2002. However, the caseload for FY 2002 was not evenly distributed throughout the year. During the first two quarters the caseload was actually below the average of the previous nine years. However, the caseload soared during the third and fourth quarters.

The Board is unable to pinpoint a definite cause for the significant increase in case load, but believes that it resulted, at least in part, from more detailed record keeping and from the more “user friendly” services of the office. The statistics for FY 2002 are as follows:

<table>
<thead>
<tr>
<th>FY 2002 Enforcement Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases carried over from FY 2001</td>
</tr>
<tr>
<td>Cases opened in FY 2002</td>
</tr>
<tr>
<td>Cases closed in FY 2002</td>
</tr>
<tr>
<td>Cases carried over into FY 2003</td>
</tr>
<tr>
<td>Hearings conducted</td>
</tr>
<tr>
<td>Consent Agreements</td>
</tr>
</tbody>
</table>

Comparison to Nine Year Caseload Average
Average annual caseload from FY 1993 through FY 2001 ...24.6 cases
FY 2002 case load ..........................................................56.0 cases

Case load % increase for FY 2002.................................227% increase

Comparison to Two Year Caseload Average

Average annual caseload from FY 2000 through FY 2001 ...18.5 cases
FY 2002 case load ..........................................................56.0 cases
Case load % increase for FY 2002.................................302% increase
During the first half of FY 2002 the caseload was actually below average. Ninety-seven per cent (97%) of the caseload for FY 2002 occurred in second half of FY 2002.

FY 2002 Caseload Distribution

Case load for first 1/2 of FY 2002................................. 15
Case load second half of FY 2002.................................41

The general categories of cases during FY 2002 is as follows:

<table>
<thead>
<tr>
<th>GENERAL CATEGORIES OF COMPLAINTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>UNLICENSED PRACTICE</td>
<td>19</td>
</tr>
<tr>
<td>AIDING AND ABETTING</td>
<td>5</td>
</tr>
<tr>
<td>UNPROFESSIONAL CONDUCT</td>
<td>3</td>
</tr>
<tr>
<td>FALSIFICATION OF APPLICATION</td>
<td>1</td>
</tr>
<tr>
<td>SUSPENDED LICENSE FROM OTHER STATE</td>
<td>1</td>
</tr>
<tr>
<td>REQUIREMENTS NOT MET FOR APPLICATION</td>
<td>12</td>
</tr>
<tr>
<td>MISREPRESENTATION</td>
<td>3</td>
</tr>
<tr>
<td>APPLICANT LACKING CEU’S FOR RENEWAL</td>
<td>3</td>
</tr>
<tr>
<td>MORAL TURPITUDE/ARREST RECORD</td>
<td>1</td>
</tr>
<tr>
<td>UNETHICAL PRACTICE</td>
<td>1</td>
</tr>
<tr>
<td>FRAUD/FALSIFIYING DOCUMENTS</td>
<td>1</td>
</tr>
<tr>
<td>ADVERTISING ISSUES</td>
<td>4</td>
</tr>
<tr>
<td>LATE PLAN</td>
<td>2</td>
</tr>
<tr>
<td>ARREST RECORD</td>
<td>2</td>
</tr>
<tr>
<td>SCREENING / TESTING</td>
<td>1</td>
</tr>
</tbody>
</table>

Note: Categories reflect total violations, some cases may have multiple violations
Conferences Attended

The Board believes that it is important for the members and staff to attend conferences held by national associations in order to keep abreast of trends in the professions and to learn from licensing boards in other states. During FY 2002, the following national conferences were attended:

National Council of Examiners for Speech-Language Pathology and Audiology, Pittsburgh, PA.
Cindy Satterfield, Vice-Chair

Council on Licensure, Enforcement, and Regulation: San Antonio, TX
Sallie Debolt, Executive Director

Personnel Matters

_The board may employ an executive director, who shall serve at the board’s pleasure, ***. The board may hire such other employees and consultants as it finds necessary._ (R.C. Section 4753.04)

The Board employs a four member staff consisting of an Executive Director, Licensing Administrator, Administrative Assistant, and Investigator.

During FY 2002, the following significant personnel matters occurred:

- Judith Raabe resigned as Executive Director after seventeen (17) years of service, effective May 31, 2001.
- The Board named Sallie Debolt, J.D., Executive Director beginning in September 2001.
- Judith Raabe, former Executive Director, filed an action against the Board in the Court of Claims seeking pay for raises approved by the Board in past years and requested in pertinent budget requests, but for which funds were not included in the State budget.
- Doug A. Hart was hired as Investigator and started in December 2001. He replaced the previous investigator, who resigned.
- Two members of the staff accounted for three six-week disability leaves.
- The Executive Director and Licensing Administrator positions were officially designated as overtime exempt.
- The Board officially adopted personnel policies.
BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY STAFF

July 1, 2001 to June 30, 2002

Executive Director   Judith Raabe, MPA (Retired effective May 31, 2001)
                    Sallie J. Debolt, J.D. (Effective September 24, 2001)
Interim Executive Director  Patricia Turner
Licensing Administrator  Patricia Turner
Administrative Assistant  Deborah Howard
Investigator    Amy Beeler (Through October --, 2001)
                    Doug A. Hart (Effective December 31, 2001)

Fiscal Matters

The Board is a self-sustaining agency funded by licensure fees. The revenue fluctuates because all licensees renew on a biennial basis in December of even numbered years. The Board’s appropriations are based upon two-year income projections. FY 2002 was not a renewal year.

During the calendar year 2001, the Board licensed without fee 708 practitioners who were previously exempt from licensure because they are employed in the schools or by the State of Ohio.

State Fiscal Year 2002 Revenue and Expenditures

Revenues:           $80,235
Expenditures:       $309,715

Despite the disparity between revenue and expenditures during FY 2002, the Board’s two-year net for the FY 2001-2002 biennium was $197,809. (Ohio’s Occupational Licensing Regulatory Boards, ibid., page 21.)
Recommendations for the Improvement of the Professions

The board shall submit to the governor each year a report of all its official actions during the preceding year together with any recommendations and findings with regard to the improvement of the professions of audiology and speech-language pathology. (R.C. Section 4753.05(D)).

The eight members of the Board of Speech-Language Pathology and Audiology recommend that the following amendments to R.C. Chapter 4753 be enacted to improve the professions of audiology and speech-language pathology in Ohio:

1. **Amend R.C. Section 4753.99 to increase the penalty for practice without a license from a minor misdemeanor to a higher degree of penalty**

   Currently a conviction for practicing audiology or speech-language pathology without a license is a minor misdemeanor. There is no increase in penalty for subsequent convictions. The professions will be improved to the greatest degree if the penalty is increased to a first-degree misdemeanor.

   The language of R.C. Section 4753.99 has not been amended since the initial enactment of R.C. Chapter 4753 in 1975. Since that time the practices of audiology and speech-language pathology have expanded to include services which could have more serious consequences if performed improperly. Therefore, today’s consumers are at greater risk when audiology and/or speech-language pathology services are provided by unlicensed persons. Examples of modern-day services that put consumers at risk from the unlicensed person include the following:

   - The practice of speech-language pathology now involves procedures such as swallowing evaluation which, if performed improperly, can lead to incorrect recommendations. Incorrect recommendations can be potentially life threatening.

   - The practice of audiology includes more invasive techniques such as the taking of deep ear impressions. Serious harm can be caused if the deep ear impression is performed incorrectly.

   The provision of more technical and invasive services by audiologists and speech-language pathologists emphasizes the need for appropriate education
and training to enter the profession and for continued competence standards for veteran practitioners. An increase in the penalty for unlicensed practice is more in keeping with the potential degree of harm to consumers.

An increase in the penalty for unlicensed practice will also serve as a greater deterrent to unlicensed practice. Many municipal prosecutors have no interest in prosecuting a minor misdemeanor action. In fact, in 1999 this Board had to turn to mayor’s court to prosecute a person who practiced unlicensed for two years under two different forged licenses. The person received a $150 fine.

In summary, the professions of audiology and speech-language pathology will be improved if the penalty for unlicensed practice is increased from a minor misdemeanor. The true beneficiary of the higher penalty, however, will be the consumer of speech-language pathology and/or audiology services.

2. **Delete obsolete language from R.C. Section 4753.09**

R.C. Section 4753.09 sets forth the terms and conditions for renewal of licenses. As currently written it poses a significant future hardship for school based practitioners.

The provisions of R.C. Section 4753.09 have not been substantively amended since it was originally enacted in 1975. The language reflects that at the time R.C. Chapter 4753 was enacted there were numerous practitioners who could not meet the examination and educational requirements for licensure contained in the new practice act. As is common when mandatory licensure is enacted, the legislation contained temporary provisions that waived education and examination requirements for existing practitioners who met certain criteria. The provisions of R.C. Section 4753.09, however, required that those licensees who obtained their licenses pursuant to the waiver of educational and examination requirements must meet the educational and examination requirements no later than six years after licensure was granted.

The provisions of the section, however, should also be applied to the school based practitioners who were formerly exempt from licensure but who are no longer exempt as of January 1, 2002. The provisions of R.C. Section 4753.08(D) waived the examination and educational requirements for licensure for school based practitioners who met specific requirements. It is arguable that the pertinent language of R.C. Section 4753.09 requires those school based practitioners licensed by the waiver to meet the educational and examination requirements for renewal in 2008. The Board believes that the intention of R.C. Section 4753.08(D) was to license school based practitioners by waiver without requiring the new licensee to meet examination and educational requirements in the future.
3. **Amend R.C. Section 4753.14 to delete the limitation on an audiologist’s ability to administer tests of vestibular function**

The current language, which requires that the patient be referred to the audiologist by an Ohio licensed physician prior to the administration of tests of vestibular function, forces Ohio audiologists to either violate the law or forgo practice opportunities for which they could be reimbursed under Medicare regulations. The administration of tests of vestibular function is clearly within the scope of practice of audiology as defined in R.C. Section 4753.01(G). The Board believes that licensed audiologists have the education, skills, and abilities to perform the service safely without a physician’s reference.