Ohio Board of Speech-Language Pathology and Audiology

77 South High Street, 16th Floor
Columbus, Ohio 43266
614-466-3145

July 1, 2002

Sharon L. Farkas
1533 Lindenhurst Drive
Centerville, OH 45459-3330

ADJUDICATION ORDER

On May 22, 2002, the Ohio Board of Speech-Language Pathology and Audiology (hereinafter "Board") made its determination in the matter of Sharon L. Farkas. The following Board members were present: Jane Kukula, Au.D., Audiology board member, Chairperson; Cindy Satterfield, Speech-Language Pathology board member, Vice-Chairperson; Ann Glaser, Speech-Language Pathology board member; Carol Leslie, Ph.D., Speech-Language Pathology board member; Pat Mangino, Audiology board member; Debra Abel, Au.D., Audiology board member, and Judith Harvey, Ph.D., public member.

The hearing in this matter was held before Hearing Examiner Ronda S. Shamansky on February 28, 2002. The Hearing Examiner issued the Report and Recommendation on March 18, 2002. By letter dated April 6, 2002, Ms. Farkas indicated that she did not wish to file objections to the Report and Recommendation.

At its April 22, 2002 meeting, the Board admitted Ms. Farkas' April 6, 2002 letter into the record, but deferred deliberation on the matter until the May 22, 2002 meeting. At the May 22, 2002 meeting all of the members affirmed that they had received, read, and considered the Report and Recommendation of the Hearing Examiner and all documents included in the record.

Upon consideration of the hearing record and Report and Recommendation, the Board took the following actions:

1. The Board modified the Findings of Fact to include the following:

   The law change requiring teachers to be licensed by the Ohio Board of Speech-Language Pathology and Audiology ("Board") in addition to being certified by the Ohio Department of Education did not cause a shortage of speech-language pathologists in the schools. The shortage existed prior to the law change, as reported in July 1999 by the Legislative Office of Education Oversight. See Attachment A.

The law change requiring teachers to be licensed by the Board will ensure that only qualified persons perform speech-language pathology and audiology services. Such incidents as a substitute music teacher performing these services will be ended by the law change.

In 1996, the General Assembly amended Chapter 4753 of the Ohio Revised Code to require that all speech-language pathologists and audiologists working in the schools be licensed by the Board as of January 1, 2002. As amended, Section 4753.08(D) of the Ohio Revised Code authorized a one year (January 1, 2001 until December 31, 2001) "grandfather" provision by which persons meeting certain qualifications could be licensed without meeting the education, professional experience, examination, and fee requirements other applicants must meet. The wording of the "grandfather" provision is broad, not narrow. The only exception is the temporary certificate.

The Notice of the law change was mailed and presented in person by the Board during the one-year period prior to January 1, 2001. A list of efforts made by the Board to disseminate information to the educational community about the licensure requirement is attached as Attachment B. It was the responsibility of the school districts to ensure that this information was distributed to the appropriate staff so that the requirements for licensure could be met. In addition, the Ohio Department of Education issued backdated teaching certificates, as noted in Attorney General Opinion No 99-0101. See Attachment C.

The Board finds it regrettable that Ms. Farkas, by her own testimony, made choices that were not in her best interest when at the time of her retirement she chose to drop her standard teaching certificate, which resulted in her only being able to qualify for a temporary substitute certificate. While the Board recognizes the value placed on the contributions Ms. Farkas made to the school by her supervisor and peers, the circumstances and the requirements for licensure do not permit taking the contributions into consideration.

2. The Board accepted the Conclusions of Law and the Recommendation of the Hearing Examiner.

Therefore, it is hereby ORDERED by the Ohio Board of Speech-Language Pathology and Audiology that the application of Sharon Farkas to be licensed as a speech-language pathologist be **denied**. This Adjudication Order shall become effective immediately upon receipt.

APPEAL RIGHTS

This Order may be appealed pursuant to Section 119.12, Ohio Revised Code, **by filing the original Notice of Appeal with the Ohio Board of Speech-Language Pathology**

and Audiology, 77 South High Street, 16th Floor, Columbus, Ohio 43215, and a **copy of said Notice of Appeal with the proper court of common pleas** as determined under Section 119.12, 0hio Revised Code. Such Notice of Appeal shall contain the Order appealed from and the grounds of said appeal. Such original Notice of Appeal must be filed at the Board office and the copy of said Notice of Appeal filed at the proper court of common pleas **within fifteen** (15) calendar days of the mailing date of this Order.

By Order of the Ohio Board of Speech-Language Pathology and Audiology

Sallie J. Debolt
SALLIE J. DEBOLT
Executive Director

CERTIFICATION

I hereby certify the forgoing is a true and accurate copy of the Adjudication Order of the Ohio Board of Speech-Language Pathology and Audiology that was entered on its Journal of the 22nd day of May, 2002 and that this copy was mailed to Sharon Farkas by certified mail number 7001 0360 0002 4136 2780 on this 1st day of July 2002.

Sallie J. Debolt
SALLIE J. DEBOLT
Executive Director

Cc: Barbara Petrella, Assistant Attorney General
Board Members