

# Ohio Board of Speech-Language Pathology and Audiology

Minutes December 6, 2007



## Ohio Board of Speech-Language Pathology and Audiology

77 South High Street, 16<sup>th</sup> Floor

Columbus, Ohio 43215

614-466-3145

**MINUTES**

**December 6, 2007**

The meeting was called to order at 9:30 A.M. by Chairperson, Davida Parsons, M.A. in the Board Room on the 31<sup>st</sup> Floor of the Riffe Center, 77 S. High St., Columbus, Ohio.

### **Members present:**

Davida Parsons, M.A., Speech-Language Pathology Board Member and Chairperson

Dawn Gleason, Au.D., Audiology Board Member and Vice Chairperson

Loretta Embry, M.A., Speech-Language Pathology Board Member

Valenta Ward-Gravely, Au.D. Audiology Board Member

Helene Levenfus, Au. D., Audiology Board Member

J. Paul Good, Public Board Member

Patricia Zurlinden, M.A., Speech-Language Pathology Board Member

**Also Present:** Michael J. Setty, Executive Director  
Diane Hoenig, Licensing Administrator  
Connie Stansberry, Investigator  
Yvonne Tertel, Assistant Attorney General

### **PUBLIC AND PROFESSIONAL ORGANIZATIONS' COMMENTS**

No Public comments were presented.

### **AGENDA**

The agenda was presented and reviewed.

**Motion#1** Ms. Zurlinden moved to accept the agenda. Dr. Ward-Gravely seconded the motion. The motion passed unanimously.

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## MINUTES

The minutes of the October 16, 2007 meeting were reviewed.

**Motion#2** Dr. Gleason moved to approve the minutes of the October 16, 2007 Board Meeting. Dr. Ward-Gravelly seconded the motion. The motion passed unanimously.

## CHAIRPERSON'S COMMENTS

Ms. Parsons welcomed the new Board Members and conveyed the appreciation of the entire Board for their dedication.

Ms. Parsons reflected on the very busy and productive year for the Board. The collaboration with the State professional organizations and the State Department of Education in the creation of a student permit license was unprecedented and will go a long way in addressing the shortage of speech-language pathologists in Ohio.

Ms. Parsons reported that she had met with the Governmental Affairs Coalition (GAC) to discuss legislative initiatives for the coming year. Among the issues of interest are the licensing of Fourth year Au.D. students, school based SLPs that missed the 2002 grandfathering, escrow (inactive) license, and eliminating the requirement of license certificate display. The Board will continue dialogue with the GAC concerning these issues.

## ASSISTANT ATTORNEY GENERAL'S REPORT

AAG Tertel reported that there was no current litigation with the Board.

Mr. Chieffo is reviewing documents on a major case that has been ongoing.

AAG Tertel discussed the framework and criteria for Executive Sessions. The Board subsequently eliminated the routine Executive Session for discussion of disciplinary cases.

AAG Tertel gave an overview of the 119 process.

AAG Tertel also noted the option of the Board to use affidavits instead of conducting Goldman Hearings.

## INVESTIGATIONS

Dr. Gleason presented the recommendations of the Review Group to the Board as follows:

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## **Case 2007-16**

Complaint alleged unethical practice of a speech-language pathologist in a nursing facility. The employer (initiator) felt the respondent was falsifying billing documents by noting a date on a billing document that was one day off the correct treatment date. The respondent was fired after second corrective action.

The Review group recommended dismissal and closing the case.

**Motion#3** Ms. Zurlinden moved to accept the Review Group recommendation and close Case 2007-16. Dr. Ward-Gravely seconded the motion. The motion passed uncontested. Dr. Gleason abstained.

## **Case 2007-21**

Complaint alleged unprofessional conduct by a speech-language pathologist. The initiator claims the respondent did not submit paperwork on time to Medicaid therefore they did not receive a new communication device for their daughter with cerebral palsy. Records show that the delay issues were between the school and Medicaid's vendor.

The Review Group recommended dismissal and closing the case.

**Motion#4** Dr. Ward-Gravely moved to accept the Review Group recommendation and close Case 2007-21. Ms. Embry seconded the motion. The motion passed uncontested. Dr. Gleason abstained.

## **Case 2008-01**

Complaint alleged unlicensed practice by a speech-language pathologist for 17 days prior to receiving conditional speech-language pathology license. The first week was orientation; the respondent did not practice that week but did see patients for three of the seventeen days.

### **Violation:**

4753-3-07 (B)(2) A person performing speech-language pathology or audiology services in pursuit of the required supervised professional experience, as prescribed in section 4753.06 of the Revised Code, and as described in this rule must hold conditional licensure as prescribed in section 4753.071 of the Revised Code.

The Review Group recommended a Consent Agreement for three days suspension and for the licensee to notify employer of their disciplinary action.

**Motion#5** Ms. Zurlinden moved to issue a consent agreement for a three day suspension and for the licensee to notify employer of their disciplinary action. Dr. Levenfus seconded the motion. The motion passed uncontested. Dr. Gleason abstained.

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## Case 2008-03

Complaint alleged unlicensed practice as a speech-language pathologist by an autism consultant. The school hired the autism consultant to simply observe IEP meetings. Records indicated that unlicensed practice did not take place.

The Review Group recommended dismissal and closing case.

**Motion#6** Dr. Ward-Gravelly moved to accept the Review Group recommendation and close Case 2008-03. Ms. Zurlinden seconded the motion. The motion passed uncontested. Dr. Gleason abstained.

## Case 2008-04

Complaint alleged Unlicensed Practice by a speech-language pathologist. The respondent practiced for 437 days out of 913 calendar days after the conditional license expired by using an Ohio Department of Education teaching certificate. Once that certificate expired, the respondent resigned from the job. The respondent still lives in Ohio but is not working.

### Violation:

#### **4753.02 Unauthorized practice.**

No person shall practice, offer to practice, or aid and abet the practice of the profession of speech-language pathology or audiology, or use in connection with the person's name, or otherwise assume, use, or advertise any title or description tending to convey the impression that the person is a speech-language pathologist or audiologist unless the person is licensed or permitted under this chapter.

The Review Group recommended a Cease & Desist letter be issued and to close the case.

**Motion#7** Ms. Zurlinden moved to issue a Cease & Desist letter in Case 2008-04 and to close the case. Ms. Embry seconded the motion. The motion passed uncontested. Dr. Gleason abstained.

## Case 2008-07

Complainant alleged unprofessional conduct, fraud/falsifying documents and unethical Practice of an audiologist at an ear nose and throat clinic. The initiator worked for the audiologist for six years as a receptionist. The initiator was fired after receiving treatment from a competitor; and felt it was do to that. Documentation in the initiators medical chart, of the last appointment the initiator had scheduled with the respondent, was misinterpreted by the initiator therefore the initiator felt the respondent was purposely falsifying documents.

The Review Group recommended dismissal and close case.

**Motion#8** Ms. Zurlinden moved to close Case 2008-07. Ms. Embry seconded the motion. The motion passed uncontested. Dr. Gleason abstained.

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## **Case 2008-09**

Complaint alleged insufficient continuing education for 2006 Audit by a speech-language pathologist. The respondent claimed to be disabled as the reason for not completing or submitting proof of any continuing education hours. The respondent stated that they are not and had not been working and therefore thought that continuing education did not have to be completed.

### **Violation:**

#### **4753-3-08 Denial, suspension or revocation of license.**

(A) Fraud, deception, or misrepresentation in obtaining or attempting to obtain a license or renewal of a license

#### **4753-4-01 Continuing education.**

(A) A licensee shall earn twenty continuing education hours within the two-year period.

(D),(4) The failure to comply with an audit notification may, for purposes of disciplinary action pursuant to section 4753.10 of the Revised Code, be considered to be unprofessional conduct in the practice of speech-language pathology or audiology and/or misrepresentation in obtaining or attempting to obtain a license.

The Review Group recommended issuing a 119/Notice of Opportunity for Hearing and recommend suspension until the end of the renewal period 12/31/2008. To reapply the licensee must submit proof of continuing education with the renewal application.

**Motion#9** Dr. Ward-Gravely moved to issue a Notice of Opportunity for a Hearing and authorize Board staff to negotiate a consent agreement with the licensee in Case 2008-09 Dr. Levenfus seconded the motion. The motion passed uncontested. Dr. Gleason abstained.

## **Case 2008-10**

Complaint alleged insufficient continuing education for 2006 Audit by an audiologist. The respondent failed to provide the remaining 10 of the required 20 hours due to family issues.

### **Violation:**

#### **4753-3-08 Denial, suspension or revocation of license.**

(A) Fraud, deception, or misrepresentation in obtaining or attempting to obtain a license or renewal of a license

#### **4753-4-01 Continuing education.**

(A) A licensee shall earn twenty continuing education hours within the two-year period.

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(D),4) The failure to comply with an audit notification may, for purposes of disciplinary action pursuant to section 4753.10 of the Revised Code, be considered to be unprofessional conduct in the practice of speech-language pathology or audiology and/or misrepresentation in obtaining or attempting to obtain a license.

The Review Group recommended a Consent Agreement requiring 10 continuing education hours be completed 30 days from the approval date of the Consent Agreement by the board and provide proof of those hours.

**Motion#10** Dr. Levenfus moved to issue a Consent Agreement in Case 2008-10 requiring 10 continuing education hours be completed 60 days from the approval date of the Consent Agreement by the board and provide proof of those hours. Dr. Ward-Gravely seconded the motion. The motion passed uncontested. Dr. Gleason abstained.

## **Case 2008-11**

Complaint alleged insufficient continuing education for 2006 Audit by an audiologist. The respondent did sign for one of the three certified notices however did not respond to the board or comply with the audit.

## **Violations:**

### **4753-4-01 Continuing education.**

(A) A licensee shall earn twenty continuing education hours within the two-year period.

(D),4) The failure to comply with an audit notification may, for purposes of disciplinary action pursuant to section 4753.10 of the Revised Code, be considered to be unprofessional conduct in the practice of speech-language pathology or audiology and/or misrepresentation in obtaining or attempting to obtain a license.

### **4753-9-01 Code of Ethics.**

(B), (1), (c), (ii) (ii) Licensees shall cooperate with all lawful requests of the board within thirty calendar days.

The Review Group recommended issuing a 119/ Notice of Opportunity for Hearing and suspension until the end of the renewal period 12/31/2008. To reapply the licensee must submit proof of continuing education with the renewal application.

**Motion#11** Ms. Zurlinden moved to issue a Notice of Opportunity for a Hearing and authorize Board staff to negotiate a consent agreement with the licensee in Case 2008-11 Dr. Levenfus seconded the motion. The motion passed uncontested. Dr. Gleason abstained.

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## **2008-16**

Complaint alleged insufficient continuing education for 2006 Audit by an audiologist. Respondent issued a letter to the board stating that the remaining 14 hours of continuing education will not be completed until the end of 2007 due to family issues.

### **Violation:**

#### **4753-3-08 Denial, suspension or revocation of license.**

(A) Fraud, deception, or misrepresentation in obtaining or attempting to obtain a license or renewal of a license

#### **4753-4-01 Continuing education.**

(A) A licensee shall earn twenty continuing education hours within the two-year period.

(D),(4) The failure to comply with an audit notification may, for purposes of disciplinary action pursuant to section 4753.10 of the Revised Code, be considered to be unprofessional conduct in the practice of speech-language pathology or audiology and/or misrepresentation in obtaining or attempting to obtain a license.

The Review Group recommended a Consent Agreement requiring 14 hours of continuing education be completed 30 days from the approval date of the Consent Agreement by the board and provide proof of those hours.

**Motion#12** Ms. Zurlinden to authorize Board staff to issue a Consent Agreement requiring 14 hours of continuing education be completed 30 days from the approval date of the Consent Agreement by the board and provide proof of those hours in Case 2008-16. Dr. Levenfus seconded the motion. The motion passed uncontested. Dr. Gleason abstained.

Ms. Stansberry reported that seven cases were opened since the last Board Meeting five cases were closed. The total number of open cases is thirty. There are no open cases with county prosecutors.

### **EXECUTIVE DIRECTOR'S REPORT**

Board operating expenses are within budget. Final balances on personnel expenses for the first quarter have not been finalized.

The state is anticipating a budget shortfall in the FY 2008-2009 period. This is due to decreased tax revenue and increased Medicaid expenses. It should have no impact on the Board's budget, but during times of budget shortfalls, the legislature is quick to seek additional dollars from the regulatory boards' 4K9 Fund. This Board's funds were last "raided" in 2004. This Board had a balance of \$1,100,688 on July 1, 2007. This amount exceeds two years of operating expenses and is a

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comfortable balance to maintain. No impact is expected at this time on maintaining the \$100 renewal fee for 2009-2010 renewal period which will begin next July.

The Board will be installing encryption devices on all personal and laptop computers. It is anticipated that this will be mandated by the state shortly. There will be no cost to the board for this encryption. No confidential information is permitted on the Board's laptop computers.

Board members were reminded that they will be receiving a notice from the Ethics Commission in February to submit Financial disclosure forms for 2007. Board Members will be receiving individual payroll and expense compensation reports from the Board office in early February. The cost of the reports are charged to the Board.

The Board is still awaiting the appointment of a Public Board Member.

The Rule revisions for 2007 passed the Joint Committee on Agency Rule Review (JCARR) on November 13, 2007. The Rules were final filed on November 30 at the end of JCARR's jurisdiction. The revised rules and laws have been placed on the Board's website.

The Universal Newborn Hearing Screening (UNHS) has developed goals for the next two and a half years to increase screening and provide better follow up on newborns.

The Board will be giving a presentation at the OSLHA Conference from 8:15 to 9:45 on Friday March 7, 2008 at the Easton Hilton. Ms. Parsons, Ms. Embry, and Dr. Ward-Gravely will participate in the presentation.

Mr. Setty was reimbursed for \$227.83 for the OSSPEAC Conference expenses.

Mr. Setty was off on November 23, 2007

## LICENSURE

**Motion#14 Dr.** Gleason moved to ratify the Speech-Language Pathology licenses granted by the Executive Director on November 1, 15, and December 3, 2007. Ms. Zurlinden seconded the motion. The motion passed unanimously.

### November 1, 2007

Renee Ogle	Gottliebson	SP8943
Aly Maria	Rivero	SP8944
Rebecca Ann	Schrand	SP8945
Wendy Faye	Smith	SP8946
Allison D.	Graham	SP8947

### November 15, 2007

Patricia Ellen	Bengel	SP8948
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LaQuita Denean	Schwartz	SP8949
Shannon Lynne	Schlagbaum	SP8950
Jennifer Lynn	Miller	SP8951
Sarah R.	Montgomery	SP5808 Relicensure
Jennifer L.	Wheeler	SP6332 Relicensure

## **December 3, 2007**

Jodi Lynn	Norris	SP8952
Julie Kay	Ford	SP8953
Pamela G	Harris	SP3271 Relicensure
Lisa Marie	Sutter	SP8954
Camille Ann	Hunter	SP8955
Kripa	Krishnan	SP8956

**Motion#15** Dr. Gleason moved to ratify the Conditional Speech-Language Pathology licenses granted by the Executive Director on November 1, 15, and December 3, 2007.

Ms. Embry seconded the motion. The motion passed unanimously.

## **November 1, 2007**

Elizabeth Ann	Metz	COND 2008086
Vander	Fields Jr.	COND 2008087
Kathryn E.	Murphy	COND 2008088
Zara Elizabeth	Gennert	COND 2008089
Jessica Lynn	Walton	COND 2008090

## **November 15, 2007**

Ashley R.	Perkins	COND 2008091
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## **December 3, 2007**

Candace Dee	Shaner	COND 2008092
Kristen Michelle	Hayes	COND 2008093
Jacquelyn Erin	Strauss	COND 2008094

**Motion#16** Dr. Gleason moved to ratify the Audiology license granted by the Executive Director on December 3, 2007. Dr. Ward-Gravely seconded the motion. The motion passed unanimously.

## **December 3, 2007**

Lee Z.	Snyder	A01633
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## Aide Licensure

Speech Pathology Aide 120607-1

**Motion#17** Ms. Zurlinden moved to return the Speech Aide application of 120607-1 for more detailed information. Dr. Gleason seconded the motion. The motion passed unanimously.

Audiology Aide 120607-2

**Motion#18** Dr. Ward-Gravely moved to approve the Audiology Aide application of Donald Morehouse. Dr. Gleason seconded the motion. The motion passed unanimously.

## Licensure Issues

Ms. Hoenig reported that final renewal notices were sent to licensees that had not renewed for 2007-2008. After December 31, 2007 these individuals must reapply for licensure.

## COMMITTEE REPORTS

No reports were presented.

## CORRESPONDENCE

Farah Kaval asked if applying an aerosol topical anesthetic during a procedure was covered under the scope of practice for an SLP.

Activities supporting a procedure would be covered under the speech pathology scope of practice provided that the licensee has been trained in the procedure.

Sheryl Back requested clarification on for SLP Aids in telepractice setting. Teaching aides were being trained to assist in telepractice settings with school districts in Northern Ohio.

The Board reviewed the position descriptions for the school aids in the Northern Ohio setting and did not find any activity that required licensure as an aide. Mr. Setty will inform Ms. Back of this.

Melanie Stevens asked if deflating the cuff on a tracheostomy tube and suctioning (oral and deep) for patients with tracheostomy tubes was covered under the scope of practice for an SLP.

Activities supporting a procedure would be covered under the speech pathology scope of practice provided that the licensee has been trained in the procedure

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## **BOARD BUSINESS**

### **Election of Board Chairperson for 2008**

**Motion#19** Ms. Zurlinden nominated Ms. Parsons for Chairperson of the Board. Mr. Good moved to close the nominations. Dr. Levenfus seconded the motion. The motion passed uncontested. Ms. Parsons abstained.

### **Election of Board Vice Chair for 2008**

**Motion#20** Dr. Ward-Gravely nominated Dr. Gleason for Vice Chairperson of the Board. Mr. Good moved to close the nominations. Ms. Zurlinden seconded the motion. The motion passed unanimously.

### **Appointment of Committees**

Ms. Parsons appointed the following to serve on Board Committees in 2008

#### **Rules Committee**

Ms. Zurlinden, Chairperson  
Dr. Ward-Gravely  
Dr. Gleason  
Dr. Levenfus  
Ms. Embry

#### **Professional Competency Committee:**

Dr. Ward-Gravely, Chairperson  
Dr. Gleason  
Ms. Embry

#### **Policy and Procedure Committee**

Dr. Ward-Gravely, Chairperson  
Ms. Zurlinden  
Mr. Good

#### **Investigations Review Group Chair**

Dr. Gleason  
Ms. Embry (Speech-language pathology consultant)

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## **Review Committee January - June 2008**

Ms. Zurlinden  
Dr. Ward-Gravelly

Ms. Embry and Dr. Levenfus will orient during this time.

## **Review Committee July - December 2008**

Ms. Embry  
Dr. Levenfus

## **D. Meeting Dates for 2008**

January 25 (Board Orientation January 24)

February 29 Board Strategic Planning

March 18

May 14

June 26

September 11

October 7

December 5

## **New Board Member Orientation**

Orientation of new Board members will take place on Thursday January 24 from 11:00 AM to 3:00 PM.

## **Board Recommendations for Reappointment of Members**

Ms. Parsons requested that the Policy and Procedure committee recommend a policy on recommendations to the Governor on appointments and reappointments to the Board.

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## Executive Session

**Motion#13** Dr. Ward-Gravely moved to enter Executive Session for the discussion of Personnel matters. Dr. Gleason seconded the motion. The motion passed by roll call vote as follows: Dr. Levenfus: yes; Ms. Embry: yes; Mr. Good: yes; Ms. Parsons: yes Dr. Ward-Gravely: yes Ms. Zurlinden: yes; Dr. Gleason: yes.

*The Board went into executive session at 2:30 P.M. with AAG Tertel and Mr. Setty in attendance.*

*Mr. Setty left the executive session at 2:40 P.M.*

*The Board returned to Public Session at 3:16 P.M.*

## MEMBER COMMENTS

No comments were presented.

## ADJOURNMENT

The meeting was adjourned at 3:18 P.M.

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Davida Parsons, M.A. Chairperson

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Dawn Gleason, Vice Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date